

Wireless Roundup (May 2020)

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Upcoming Filing and Comment Deadlines

FCC Solicits Feedback on C-band Auction Bidding Procedures:

Comments are due May 1 on the Federal Communications Commission's (FCC or Commission) Public Notice soliciting feedback on proposed application and bidding procedures for the auction of flexible-use overlay licenses for the 3.7-3.98 GHz band (C-band). This proceeding, titled Auction 107, features 280 megahertz of spectrum for wireless services. Bidding is scheduled to begin December 8, 2020. Reply comments are due May 15.

FCC Requests Membership Nominations for Hospital Robocall

Protection Group: The Commission requests membership nominations for the Hospital Robocall Protection Group via Public Notice. The purpose of the Hospital Robocall Protection Group is to issue a set of best practices for how voice service providers, state governments, and the federal government can combat illegal robocalls made to hospitals. The best practices will also include methods by which hospitals can better safeguard themselves from such calls. Membership nominations are due May 1.

CMMC-AB Seeks Input on Continuous Monitoring: The Cybersecurity Maturity Model Certification (CMMC) Accreditation Body (AB) issued a Request for Proposals on continuous monitoring partnerships. Specifically, the CMMC-AB and the Department of Defense (DoD) seek submissions from potential private continuous monitoring partners to assist in resolving cybersecurity threats in DoD's supply chain. Proposals are due May 1 and selections are expected to be made by May 8.

FCC Asks for Comment on Proposed Changes to TV White Space Rules: Comments are due May 4 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. Reply comments are due June 2.

National Spectrum Consortium Seeks 5G Prototype Proposals: DoD prototype proposal submissions are due May 8, May 11, May 14, and May 29 per the National Spectrum Consortium solicitations page. Specifically, the Requests for Prototype Proposals (RPPs) focus on smart warehouses, augmented reality/virtual reality, and dynamic spectrum sharing in 5G environments.

NIST Requests Comment on Zero Trust Architecture Draft Project Description: Comments are due May 14 (extended from April 14) on the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-207. This draft project description envisions a standards-based deployment of a zero-trust architecture. A zero trust approach to cybersecurity removes trust assumptions from all users and networks and identifies all users as potential threats until they can be authenticated.

FCC Requests Input on RF Emission Exposure Limits for Wireless Technologies: The FCC is requesting input via a Notice of Proposed Rulemaking on whether to add radiofrequency (RF) emission exposure limits for future wireless technology uses. Comments are due May 15 and reply comments are due June 15.

FCC Solicits Feedback on Implementation of STIR/SHAKEN: Comments are due May 15 on the Commission's Further Notice of Proposed Rulemaking which asks whether to extend the STIR/SHAKEN implementation mandate (a summary of the current mandate is [here](#)) to intermediate providers. Reply comments are due May 29.

FCC Seeks to Refresh the Record on Remand of Open Internet Rules: The FCC seeks comments to refresh the record through a Public Notice on three issues related to the Commission's *2018 Restoring Internet Freedom Order* (a summary of the rule can be found [here](#)) – public safety, pole attachments, and the Lifeline Program. The D.C. Circuit remanded these issues back to the FCC for further proceedings in *Mozilla Corp. v. FCC* in October 2019 (a recap of that decision is available [here](#)). Reply comments are due May 20 (extended from April 29).

FCC Requests Supply Chain Information from ETCs: Submissions are due May 22 (extended from April 22) on an FCC Public Notice seeking information about the extent to which Eligible Telecommunications Carriers (ETCs) have potentially prohibited equipment or services provided by Huawei and ZTE in their networks (a summary of the information collection can be found [here](#)). ETCs that have potentially prohibited equipment

must submit estimates regarding the cost of removing and replacing such equipment. The FCC launched a portal for submissions that contains filing instructions for ETCs.

DoD Seeks Comment on Extending Reporting Requirements for Information Technology Contractors: DoD is seeking comment on extending reporting requirements for contractors under federal acquisition rules related to the purchase of information technology services and products. Mandatory reporting requirements for contractors include measures taken to protect against counterfeit product components that may pose cybersecurity vulnerabilities. Comments are due May 22.

FCC Solicits Membership Nominations for CSRIC: Membership nomination submissions are due May 25 for the Communications Security, Reliability, and Interoperability Council (CSRIC) and its five working groups. CSRIC members representing “the interests of the public and consumers” are required pursuant to the Secure and Trusted Networks Communications Act of 2019 (a summary of that legislation is [here](#)).

FCC Requests Input for the 2020 Communications Marketplace Report: Reply comments are due May 28 (extended from May 13) on the FCC’s Public Notice seeking input on its second Communications Marketplace Report. The Communications Marketplace Report is a biennial report on the state of competition in the U.S. communications market. Under Title IV of RAY BAUM’S Act of 2018 (a summary of Title IV can be found [here](#)), Congress requires the Commission to publish this report in the final quarter of each even-numbered year.

FCC Seeks Membership Nominations for the WRC Advisory Committee: The Commission is seeking membership nominations for the World Radiocommunication Conference (WRC) Advisory Committee via Public Notice. The WRC Advisory Committee is tasked with providing advice, technical support, and recommended policy proposals for the WRC-23 agenda. Nominations are due May 29.

NIST Solicits Comment on Draft Security and Privacy Controls for Federal Systems and Organizations: Comments are due May 29 on NIST SP 800-53, Rev. 5. Among other things, Revision 5 of the draft publication includes the creation of security and privacy controls that are outcome-based, the integration of privacy controls into the security control catalog, and the implementation of two new control families for privacy and supply chain risk management.

FCC Seeks Comment on the Implementation of the Secure and Trusted Communications Networks Act: On April 13, the FCC issued a Public Notice (PN) seeking comments on the application of Section 4 of the Secure and Trusted Communications Networks Act of 2019 to the rulemaking on national security threats in the supply chain. Specifically, the FCC seeks comment on the reimbursement program and how to develop a list of suggested replacements of both physical and virtual communications equipment. Comments on the PN will be due 15 days after the item is published in the Federal Register and reply comments will be due 30 days after publication.

FCC Seeks to Refresh the Team Telecom Record: On April 27, the International Bureau released a Public Notice seeking to refresh the record in its long-pending proceeding to reform its approach to Team Telecom. The FCC incorporated the April Executive Order (EO) formalizing Team Telecom and the impact of the EO on the FCC’s previous proposals to improve timeliness and transparency of reviews. The comment and reply

comment deadlines will be established following publication of the Public Notice in the Federal Register.

Upcoming Effective Dates

FCC Adopts \$200 Million COVID-19 Telehealth Program. The Report and Order goes into effect on May 11. The Report and Order adopts a COVID-19 Telehealth Program, funded through the CARES Act, to provide funding to eligible health care providers to purchase telecommunications services, information services, and devices necessary to enable the provision of telehealth services. The Report and Order also adopts final rules for the Connected Care Pilot Program, which will provide up to \$100 million of Universal Service Fund support to select pilot projects to help health care providers improve health outcomes and reduce health care costs. The Pilot Program will not become effective until approved by the Office of Management and Budget (OMB).

FCC Adopts Consortium Registration Process for Tracing Unlawful Robocalls. The Report and Order goes into effect on May 20. The Report and Order adopts rules, as required by the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), to establish a registration process for a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls.

FCC Mandates STIR/SHAKEN Caller ID Authentication Framework. The Report and Order goes into effect on May 21. The Report and Order requires all originating and terminating voice service providers to implement STIR/SHAKEN in the Internet Protocol (IP) portions of their networks by June 30, 2021, a deadline that is consistent with Congress's direction in the TRACED Act.

FCC Amends RF Exposure Safety Standards. The Second Report 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).

Upcoming Meetings and Events

North American Numbering Council Meeting: On May 5, the North American Numbering Council will meet via conference call, which will be available to the public. More information is available [here](#).

State Department's International Telecommunication Advisory Committee (ITAC) Meeting: The ITAC will meet via public conference call on May 5 to discuss the results of recent meetings on international telecommunication policy and preview upcoming activities, including the World Telecommunication Standardization Assembly (WTSA-20) occurring in the fourth quarter of 2020. More information is available [here](#).

National Security Telecommunications Advisory Committee (NSTAC) Meeting: The President's NSTAC will meet via conference call on May 13. The agenda for the meeting is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for May 13. More details are available [here](#). The agenda includes:

- Transitioning the 900 MHz Band to Enable Broadband Deployment, Report and Order
- Facilitating Deployment of Satellite Earth Stations in Motion, Second Report and Order and Report and Order
- Revising Broadcaster Rules on Public Notice of Filing Applications, Report and Order
- Modernizing Regulatory Fee Rules to Level the Playing Field, Initiating FY20 Process, Report and Order and Notice of Proposed Rulemaking

Postponed: 2020 Advancing Cybersecurity Risk Management Conference: Originally scheduled for May 27-28, the Advancing Cybersecurity Risk Management Conference has been postponed due to COVID-19. 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.

- Petitions for Modification of the Satellite Television Markets of WSB-TV, WGCL, WAGA, and WXIA-TV, Atlanta, Georgia (circulated April 14 by the Media Bureau)
- Creation of Interstitial 12.5 Kilohertz Channels in the 800 MHz Band Between 809-817/854-862 MHz. (circulated April 10 by the Public Safety and Homeland Security Bureau (PSHSB))
- Improving Public Safety Communications in the 800 MHz Band (circulated April 10 by the PSHSB)
- Implementation of Section 1003 of the Television Viewer Protection Act of 2019 (circulated April 9 by the Media Bureau)

Coming Up Next...

Reply comments are due June 1 on the Promoting Public Safety Through Information Sharing Second FNPRM.

Reply comments on the TV White Spaces NPRM are due June 2.

The next Open Commission Meeting is scheduled for June 9. The meeting agenda, once posted, will be available [here](#).

Did You Know?

Wiley Launched a Multidisciplinary Coronavirus Task Force and Resource Center to Help Clients with Emerging Issues. [Click here to learn more.](#)

Podcast: Partners Amb. David Gross and Kathy Kirby discussed the major initiatives that the FCC has prioritized for the American people during COVID-19 and beyond with FCC Commissioner Michael O’Rielly. [Listen here.](#)

Webinar: Shawn Chang, Duane Pozza, and Michelle Baker hosted a webinar on a webinar on Telemedicine Priorities & Funding Opportunities in a COVID-19 World. [Watch here.](#)

Partner Josh Turner and associate Sara Baxenberg published “Telecom’s Role In Virus Response Raises Policy Challenges” in *Law360*. [Read it here.](#)

Partners Megan Brown and Matt Gardner and associate Kat Scott published “Ten Stopgap Tips for Privacy and Security Risk Management in a Pandemic” in *CircleID*. [Read it here.](#)

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

[FCC Is Refreshing the Team Telecom Record Amidst Increased National Security Activity](#)

[FCC Continues National Security Efforts Targeting Certain Chinese Companies](#)

[FCC Provides Further Guidance Regarding Political File Rules](#)

[DHS Issues a Second Update to Its Guidance on Essential Critical Operations and Workers During COVID-19](#)

[Commission Grants Waiver for Certain Wireless License Construction Requirements in Light of COVID-19 Disruptions](#)

[Broadcasters’ Guide to Federal COVID-19 Loan Programs](#)

[VoIP Providers Facing “Coordinated Effort” on Illegal Robocalls by Federal Agencies: To Avoid Enforcement Scrutiny, VoIP Providers Should Assess Current Practices and Procedures](#)

[FCC Grants Temporary Waiver Allowing TV Broadcasters to Air Live and Taped Community Programs During Children’s Programming Slots](#)

[FCC Waives Requirement to Broadcast Pre-Filing Announcements for June 1 Renewals](#)

[FCC Launches \\$200 Million COVID-19 Telehealth Program; \\$100 Million Connected Care Program](#)

President Creates Regime for Federal Review of Foreign Telecom Transactions

FCC Proposes Changes to DTS Rules to Facilitate ATSC 3.0 Deployment

COVID-19 Internet Scams Are On the Rise, But Intellectual Property Rights Provide a Tool to Fight Back

FCC Requests Comment on Determining the “Significantly Viewed” Status of Television Broadcast Stations

FCC Temporarily Waives Sponsorship Identification Requirements for Certain COVID-19 PSAs

U.S. Supreme Court to Consider Whether Violating Terms of Service Is Computer Hacking

Tech Talks Pandemic, Episode Two: CTA’s Jamie Boone on the Tech Community’s Innovative Responses to COVID-19

Tech Talks Pandemic, Episode One: Congresswoman DelBene on COVID and Tech

Attorney General Releases Counter-Drone Guidance For Select Federal Security Agencies

FTC Flags Key Issues Agency is Watching in Artificial Intelligence

Ninth Circuit Gives The Green Light to Novel Privacy Claims

You Can Say Anything Online—But 5G Conspiracy Theories Are Better Off Dead

Congress To Closely Examine Privacy During COVID-19 Pandemic

State AGs Take on Tech, Despite the Pandemic

FTC to Examine Data Portability Pros and Cons

Privacy in Focus (April 2020)

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.