

Wireless Roundup (November 2021)

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Key Wireless Deadlines

FCC Requests Comment on IoT Spectrum Requirements: The Federal Communications Commission (FCC or Commission) seeks comment on a Notice of Inquiry on issues related to spectrum for the Internet of Things (IoT), as required by the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Among other things, the Commission seeks comment on: (1) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support IoT; (2) what regulatory barriers exist to providing necessary spectrum to support IoT uses; and (3) what the role of unlicensed and licensed spectrum is and will be in the growth of IoT. Comments are due by November 1 and reply comments are due by November 16.

BIS Seeks Comment on ICT Supply Chain Risks: The Department of Commerce's Bureau of Industry and Security (BIS) requests comment on risks in the Information Communications Technology (ICT) supply chain to inform the Secretary of Commerce and Secretary of Homeland Security's report to the President on supply chains for critical sectors and subsectors of the ICT industrial base, as required by the February 24, 2021 Executive Order on America's Supply Chains. Comments are due by November 4.

FCC Requests Comment on Regulatory Fee Categories: The Commission seeks reply comments by November 5 on a Report and Order and Notice of Proposed Rulemaking (NPRM) concerning the adoption of new regulatory fee categories and on ways to improve its regulatory fee process. Among other things, the Commission seeks comment on: (1) a proposal from the National Association of Broadcasters to require that unlicensed spectrum users, especially large technology companies, pay regulatory fees; (2) a potential methodology for assessing regulatory fees on unlicensed spectrum users; and (3) how a new fee category is consistent with Section 9 of the Communications Act of 1934, as amended, which requires the FCC to base regulatory fees on the number of full-time equivalents (FTE) devoted to the oversight and/or regulation of the industry. The initial comment period closed on October 21.

FCC Seeks Comment on STIR/SHAKEN Implementation Extensions: The Commission requests comment via Public Notice on its STIR/SHAKEN implementation extensions in which it granted a two-year extension for small voice service providers, a one-year extension for services scheduled for Section 214 discontinuance, and an extension for voice service providers that cannot obtain the Service Provider Code (SPC) token necessary to participate in STIR/SHAKEN that will last until these providers are capable of obtaining the SPC token. Comments are due by November 12 and reply comments are due by November 26.

FCC Requests Comment on Addressing SIM Swapping and Port-Out Fraud: The Commission seeks comment on an NPRM in which it proposes to amend its Customer Proprietary Network Information and Local Number Portability rules with the intention of preventing subscriber identity module (SIM) swapping scams and port-out fraud. Specifically, the Commission proposes to require carriers to adopt certain methods of authenticating a customer before redirecting a customer's phone number to a new device and to require providers to immediately notify customers whenever a SIM change or port request is made on customers' accounts. The Commission also seeks comment on other ways to protect customers from SIM swapping and port-out fraud. Comments are due by November 15.

FCC Seeks Comment on Direct Access to Telephone Numbers by Interconnected VoIP Providers: The FCC requests reply comments by November 15 on a Further Notice of Proposed Rulemaking (FNPRM) to revise its rules regarding direct access to telephone numbers by interconnected Voice over Internet Protocol (VoIP) providers, consistent with congressional direction in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. Among other things, the FCC proposes to require additional certifications as part of the direct access application process, clarify that applicants must disclose foreign ownership information, and clarify that holders of a Commission direct access authorization must update the Commission and applicable states within 30 days of any change to the ownership information previously submitted to the Commission. The initial comment period closed on October 14.

FCC Requests Comment on Changes to EAS and WEA: The FCC seeks reply comments by November 18 on a Report and Order and FNPRM intended to enhance the efficiency of the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) by implementing Section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (2021 NDAA). The 2021 NDAA requires the FCC to consult with the Administrator of the Federal Emergency Management Agency (FEMA) in order to fulfill the Commission's responsibilities under the 2021 NDAA related to EAS and WEA. In this FNPRM, the FCC seeks input on

comments filed by FEMA in this proceeding that, among other things, recommended that the FCC: (1) delete the term “National Information Center” in its rules; (2) change the EAS originator code for the “Primary Entry Point System” from “PEP” to “NAT,” which would stand for “National Authority”; and (3) consider methods to update the EAS to support “persistent” display and notification of EAS messages that require immediate public protective actions to mitigate loss of life. The initial comment period closed on October 19.

FCC Seeks Comment on Foreign-Originated Illegal Robocalls: The FCC requests comment on a Fifth and Fourth FNPRM intended to address the problem presented by foreign-based robocallers by requiring gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers. The Commission also proposes to implement: (1) additional robocall mitigation requirements; (2) revisions to the information that filers must submit to the Robocall Mitigation Database; and (3) clarifications of the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points and other emergency services providers. Comments are due by November 26.

FCC Requests Initial Proposals on Authorizing the 6 GHz Band for AFC Systems: The FCC seeks initial proposals via Public Notice from parties interested in becoming Automated Frequency Coordination (AFC) system operators as part of the Commission’s initial evaluation process for authorizing standard power unlicensed operations in the 6 GHz band in accordance with the Commission’s 2020 6 GHz Report and Order. Under the Commission’s 6 GHz rules, standard-power devices are required to check an AFC system prior to operating to avoid causing harmful interference to incumbent operations. Initial proposals are due by November 30.

Upcoming Meetings and Events

NSTAC Meeting: The next meeting of the National Security Telecommunications Advisory Committee (NSTAC) will be held on November 2. The meeting agenda is available [here](#).

CEDC Meeting: The first meeting of the rechartered Communications Equity and Diversity Council (CEDC) will be held on November 3. Additional information, including on how to view the meeting, is available [here](#).

Precision Ag Connectivity Task Force Meeting: The next meeting of the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force) will be held on November 10. Additional information is available [here](#).

FirstNet Authority Combined Board and Committee Meeting: The First Responder Network (FirstNet) Authority will convene an open public meeting of its Board and Board Committees on November 17. Additional information can be accessed [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for November 18. When available, the agenda will be posted [here](#).

Did You Know?

Wiley would like to congratulate TMT Partner Anna M. Gomez for being named Chair *Emeritus* of the FCC's Communications Equity and Diversity Council by FCC Acting Chairwoman Jessica Rosenworcel. Read more here.

Wiley has expanded the firm's Cybersecurity and TMT Practices with former FBI Senior National Security & Cyber Counsel Jacqueline 'Lyn' Brown. Read more about Lyn's arrival here.

Wiley filed an *amicus* brief in support of the Federal Aviation Administration's Drone Remote ID Rule at the D.C. Circuit. Read more here.

November 10: Wiley Partners Megan L. Brown, Jerita L. DeBraux Salley, Lori E. Scheetz, and Of Counsel Daniel P. Brooks, are hosting the last installment of the 2021 National Security Series: National Security Issues in M&A Due Diligence. RSVP Here.

November 17: Of Counsel Joan Stewart will be speaking at the PMI21 Manufacturing Success Conference. The presentation is titled "Shifting U.S. Privacy Regulation: New State Laws Complicate Compliance Efforts." Learn more about the event here.

Check Out Our Consumer Protection and Privacy Newsletters

The latest edition of the *Wiley Consumer Protection Download* is available here.

You can read Wiley's October 2021 *Privacy in Focus* here.

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FCC Proposes New Robocall Mitigation Regulations on Gateway Providers

FCC Finalizes Standard Questions for Applicants as Last Step in Team Telecom Modernization

Treasury Department Releases Guidance for the Coronavirus Capital Projects Fund

Unsealed Indictment Connected to Record Breaking Telecom Case Reconfirms DOJ's Commitment to Individual Accountability

Commerce Department Issues Long-Awaited Rule on Cybersecurity, Hacking Tools

California Set to Begin Potentially Far-Reaching Rulemaking on Privacy

Roundup Disclaimer: Information in the Wireless Roundup is current as of October 28, 2021. 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.