

Wireless Roundup (October 2020)

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Upcoming Filing and Comment Deadlines

FCC Seeks Comment on Emergency Access to Wi-Fi Access Points:

Comments are due October 1 on the Federal Communications Commission's (FCC or Commission) Public Notice seeking comment on the technical feasibility of providing emergency public access to service provider-owned Wi-Fi access points to allow 9-1-1 calling. Section 301 of RAY BAUM'S Act (a summary is available [here](#)) requires the Commission to submit a study to Congress on the public safety benefits and technical feasibility of making such access points available to the public by March 23, 2021. Reply comments are due October 16.

FCC Solicits Input on Technical Solutions to Resolve Contraband Wireless Device Usage in Correctional Facilities: The Commission solicits comment to refresh the record on developing technical solutions to combat contraband wireless device use in correctional facilities via Public Notice. Specifically, the FCC requests comment on both the successes and persistent challenges in implementing technical solutions, including those potential solutions currently under

Practice Areas

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

development. Reply comments are due October 1.

FCC Requests Comment on Sixteenth Broadband Deployment Report: Reply comments are due October 5 on the Commission's Sixteenth Broadband Deployment Report Notice of Inquiry. Specifically, the Sixteenth NOI represents the FCC's annual inquiry into whether advanced telecommunications capabilities are being deployed to all Americans in a "reasonable and timely fashion" as required by Section 706(b) of the Telecommunications Act of 1996. If the FCC determines that broadband is not being deployed nationwide in a reasonable and timely fashion, then the agency must take immediate action to accelerate deployment.

NIST Seeks Comment on IoT Device Network-Layer Onboarding and Lifecycle Management: The National Institute of Standards and Technology (NIST) requests comment on its paper titled, *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management*. The paper explains an array of network onboarding characteristics and proposes a set of security characteristics for network-layer onboarding. Comments are due October 8.

FCC Seeks Comment on a Petition for Reconsideration Regarding RF Exposure Limits: The Commission seeks comment on a Public Notice soliciting input on a Petition for Reconsideration filed by the National Spectrum Manager's Association (petition available [here](#)). The National Spectrum Manager's Association filed the petition in response to the Commission's 2019 Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order which took four actions related to the National Environmental Policy Act's review requirements for health and safety of radiofrequency (RF) emissions from radio transmitters. Replies to an opposition are due October 9.

NIST Requests Input on the Principles of Explainable AI Draft Document: Comments are due October 15 on NIST's Draft NISTR 8312, titled *Four Principles of Explainable Artificial Intelligence*. NIST's principles, which it claims are "heavily influenced" by the interaction of artificial intelligence (AI) with humans receiving information from technology, are "intended to capture a broad set of motivations, applications, and perspectives."

DOD, GSA, and NASA Seek Comment on FAR Rules:

- Comments are due October 16 on the U.S. Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) Public Notice requesting input on an extension of information collection 9000-0201 concerning representations and reporting associated with implementation of Federal Acquisition Regulation (FAR) rule 2019-009. The information collection pertaining to FAR rule 2019-009 concerns a prohibition on contracting with entities that use certain telecommunications and video surveillance equipment or services.
- Comments are due October 26 on the DOD, GSA, and NASA Second Interim Rule amending the FAR to require an offeror to represent annually, after conducting a reasonable inquiry, whether it uses covered telecommunications equipment or services under Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (NDAA) (a summary can be found [here](#)). Covered telecommunications equipment or services include those produced by Huawei Technologies Company

or ZTE Corporation.

NIST Requests Input on Practice Guide for Securing Small Business and Home IoT Devices: NIST requests comments on NIST SP 1800-15 titled, *Securing Small-Business and Home Internet of Things (IoT) Devices: Mitigating Network-Based Attacks Using Manufacturer Usage Description (MUD)*. NIST's special publication recommends the use of the Internet Engineering Task Force's MUD RFC 8250 and other procedures to protect IoT devices on both home and small-business networks. Comments are due October 16.

FCC Solicits Comment on Changes to the Wireless Priority Service Rules: Comments are due October 19 on a Notice of Proposed Rulemaking seeking comment on the Commission's proposed modifications to its rules governing priority service programs. Among other things, the NPRM proposes to (1) allow priority treatment of voice, data, and video services for public safety personnel and (2) remove requirements that may hinder the use of Internet protocol (IP)-based technologies. Reply comments are due November 17.

DOD Solicits Comment on Dynamic Spectrum Sharing: Comments are due October 19 on the DOD's Request for Information regarding dynamic spectrum sharing practices. DOD's RFI asks several questions of commenters, including how the agency could own and operate 5G networks for domestic operations and whether there are issues with DOD owning and operating independent 5G networks for operations. Additionally, DOD asks whether there are any national security concerns or issues with DOD sharing 5G spectrum with commercial operators.

BIS Seeks Comment on Whether Certain Technologies are "Foundational:" The U.S. Department of Commerce Bureau of Industry and Security (BIS) seeks feedback through an Advance Notice of Proposed Rulemaking on whether certain technologies are "foundational" under the Export Control Reform Act (a summary of the item is available here). Comments are due October 26.

NIST Seeks Comment Recommendations for Securing Technologies Used for Telework: NIST seeks feedback on Special Publication (SP) 800-46 (rev. 2) titled, *Guide to Enterprise Telework, Remote Access, and Bring Your Own Device (BYOD) Security*. NIST's guide poses recommendations for safeguarding telework and remote access equipment. NIST is particularly interested in comments that address the agency's planned objectives for updating SP 800-46. Comments are due October 30.

Upcoming Effective Dates

FCC Announces Effective Date of Amendments to the Commission's Lifeline Rules: The Office of Management and Budget (OMB) has approved, for a period of three years, the new information collection requirements contained in 47 C.F.R. §§ 54.404(b)(12) and 54.410(f). Section 54.404(b)(12) prohibits ETCs from claiming subscribers that are identified as deceased for Lifeline reimbursement, absent proof of life from the subscriber. Section 54.410(f) requires ETCs to collect eligibility documentation from the subscriber at the time of recertification in certain cases. The FCC adopted both requirements in its Lifeline and Link Up Reform and Modernization Fifth Report and Order.

FCC Approves Rules to Encourage Blocking of Illegal and Unwanted Robocalls: The Order goes into effect on October 14. The Commission adopts two safe harbors from liability for unintended or inadvertent blocking of wanted calls. Furthermore, the Order requires that blocking providers furnish a single point of contact to resolve unintended or inadvertent blocking, and emphasizes that, when blocking, they should make all reasonable efforts to ensure that critical calls, such as those from Public Safety Answering Points (PSAPs), are not blocked and that they should never block calls to 9-1-1.

FCC Designates '988' as 3-Digit Number for National Suicide Prevention Hotline: The Order goes into effect on October 16. The Commission designates '988' as the 3-digit number to reach the National Suicide Prevention Lifeline, a national suicide prevention and mental health crisis hotline established by the federal government. The Order requires all telecommunications carriers, interconnected voice over Internet protocol (VoIP) providers, and one-way VoIP providers to make any network changes necessary to ensure that users can dial 9-8-8 to reach the Lifeline by July 16, 2022.

Upcoming Meetings and Events

NSTAC Meeting: The National Security Telecommunications Advisory Committee (NSTAC) will meet on October 6 via conference call, which will be open to the public. More information is available [here](#).

CISA Cyber Summit, Defending Our Democracy: The Cybersecurity and Infrastructure Security Agency (CISA) will host the final workshop in the Cybersecurity Summit series, Defending Our Democracy, on October 7. More information and registration are available [here](#).

Recognition of the 10th Anniversary of CVAA: The FCC will recognize the 10th anniversary of the 21st Century Communications and Video Accessibility Act (CVAA) in a virtual event on October 8. An agenda and more information are available [here](#).

DAC Meeting: The FCC's Disability Advisory Committee (DAC) will meet on October 14 via web conference. More information can be found [here](#).

ISPAB Meeting: The Information Security and Privacy Advisory Board (ISPAB) will meet on October 14-15. Registration is required and closes on October 12. More information can be found [here](#).

Multistakeholder Process on Promoting Software Component Transparency Meeting: The National Telecommunications and Information Administration (NTIA) will hold a virtual meeting of a multistakeholder process on promoting software component transparency on October 22. More information is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for October 27. The agenda, once published, will be available [here](#).

New Items on Circulation

The following item of interest went on circulation before the full Commission in the past month and remains pending as of publication of this Wireless Roundup.

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Notice of Proposed Rulemaking, CG Docket No. 02-278 (circulated Sept. 11 by the Consumer and Governmental Affairs Bureau)

Coming Up Next...

Comments are due November 2 on the Federal Acquisition Security Council's (FASC) Interim Final Rule and Request for Comments on the laws governing the operation of the FASC, the sharing of supply chain risk information, and the exercise of its authorities to recommend issuance of removal and exclusion orders to address supply chain security risks.

The next Open Commission Meeting is scheduled for November 18. The meeting agenda, once posted, will be available [here](#).

Comments are due November 23 on the Federal Energy Regulatory Commission's Notice of Inquiry seeking comment on the use of telecommunications equipment and services provided by entities covered by Section 889 of the 2019 NDAA, as they relate to bulk electric system operations.

Did You Know?

Partner Jennifer Hindin was named 2020 "Washington, D.C. Trailblazer" by The National Law Journal. [Learn more here.](#)

Partners Megan Brown and Josh Turner and associate Sara Baxenberg filed reply comments to NTIA's Petition for Rulemaking involving Section 230 on behalf of CTA. [Learn more here.](#)

October 7: Associate Sara Baxenberg will speak on "Putting Together the Pieces: Shaping Public Perception" during the Virtual AUVSI XPONENTIAL Conference. [Learn more here.](#)

October 8: Partner Anna Gomez will moderate "The What, Where, and How on Spectrum for UAS" session during the Virtual AUVSI XPONENTIAL Conference. [Learn more here.](#)

October 9: Partner Josh Turner will moderate the "Safety, Federalism, and Property Rights" session during the Virtual AUVSI XPONENTIAL Conference. [Learn more here.](#)

October 14: Consulting Counsel Jackie Ruff will speak on the "IIC US Chapter Webinar: American Life in the Midst of Crisis: How People Are Using Technology as Their Lives Are Upended." [Learn more here.](#)

October 14: Partner Anna Gomez will speak on "The Digital Divide in the Era of COVID-19" webinar.

October 20: Of Counsel Kate Dickerson will moderate the "What are the Odds? Sports Betting In Advertising and Content" FCBA webinar. Learn more here.

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

Commerce Department Identifies Prohibited WeChat, TikTok Transactions

Latest FCC Move Against Robocalls Would Increase Caller ID Authentication, Other Requirements

FCC Moves Ahead with Modernizing Foreign Ownership Reviews by Team Telecom

FCC Proposes Spectrum Sharing with Commercial Wireless Providers in the 3.45-3.55 GHz Band

White House Issues Space Policy Directive on Cybersecurity

Federal Privacy Law Efforts Move Forward in Congress

FCC Hosts 5G Open Radio Access Networks Forum

Can AI Explain Itself? NIST Outlines Potential Approach to AI Explainability Standards

California Legislature Sends Bill Creating a "Mini-CFPB" to Governor's Desk

AI Technology Is in the Crosshairs of National Security Restrictions

Stakeholders Weigh In as the FTC Tackles Data Portability at Upcoming Workshop

Bipartisan Legislation Promises Scrutiny of Tech: IoT, AI, UAVs, Blockchain, and More

230 Petition Commenters Question FCC Authority, Argue NTIA Proposal Unconstitutional, Bad for Tech

Privacy in Focus (September 2020)

Wiley Consumer Protection Download (September 14, 2020)

Wiley Consumer Protection Download (September 28, 2020)

Roundup Disclaimer: Information in the Wireless Roundup is current as of October 1, 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.