

## Wireless Roundup (September 2023)

August 31, 2023

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### Practice Areas

Telecom, Media & Technology  
Wireless

### Key Wireless Deadlines

**FCC Seeks Comment on Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems:** In this proposed rule, the Federal Communications Commission (FCC or Commission) requests comment on revisions to its rules governing spectrum sharing among a new generation of broadband satellite constellations to promote market entry, regulatory certainty, and spectrum efficiency. Specifically, the Commission asks which metrics it should use to define the protection afforded to a non-geostationary satellite orbit, fixed-satellite service (NGSO FSS) system, authorized through an earlier processing round, from an NGSO FSS system authorized through a later processing round, including the implementation of a degraded throughput methodology. Reply comments are due September 5.

**FCC Invites Comment on Expanding Use of the 12.7 GHz-13.25 GHz Band:** In this Notice of Proposed Rulemaking (NPRM), the FCC seeks comment on proposals to transition some or all of the 550 megahertz in the 12.7-13.25 GHz (12.7 GHz) band to mobile broadband and other expanded use, and on alternative changes to the Commission's rules that could promote use of the band on a shared basis. The NPRM follows the *12.7 GHz Notice of Inquiry (12.7 GHz NOI)*, released on October 28, 2022, which asked whether the band is suitable for mobile broadband or other expanded use. The

Commission found that a significant number of parties argued that the band should be used for exclusive, fixed or mobile, flexible high-powered use in response to the *12.7 GHz NOI*. Reply comments are due September 8.

**FCC Seeks Comment on Expanding Use of the 12.2 GHz-12.7 GHz Band:** In this proposed rule, the FCC asks how it could facilitate more robust terrestrial operations in the 12.2–12.7 GHz (12.2 GHz) band, including one-way, point-to-point or point-to-multipoint fixed links at higher powers than current Multichannel Video Distribution and Data Service (MVDDS) rules permit; two-way, point-to-point fixed links at standard part 101 power limits; two-way, point-to-multipoint links; indoor only underlay on a licensed by rule basis; unlicensed use; and expanded use through technology-based sharing using Automated Frequency Coordination. Though the Commission has declined to add a mobile allocation or adopt service rules for expanded terrestrial, high-powered, two-way mobile operations in the 12.2 GHz band, the Commission seeks comment on how it could facilitate more robust terrestrial operations in the band while maintaining the existing regulatory framework. Reply comments are due September 8.

**FCC Invites Comment on Seventh R&O, Eighth FNPRM, and Third NOI Expanding Robocall Obligations:** The FCC seeks comment on its Report and Order (R&O), Further Notice of Proposed Rulemaking (FNPRM), and Notice of Inquiry (NOI) which, among other things, expands robocall obligations for voice service providers to ensure greater protection for consumers. The final rule becomes effective on January 8, 2024, with portions delayed until an Office of Management and Budget (OMB) information collection process is complete. Reply comments are due September 8.

## Upcoming Meetings and Events

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- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for September 21. Meeting details and agenda, once available, can be found [here](#). More information about the anticipated topics for the meeting are available in Chairwoman Rosenworcel’s Note from the FCC.

## Cyber Corner

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- **FCC Invites Comment on its IoT Cybersecurity Labeling Program:** In this proposed rule, the Commission seeks comment on its proposed voluntary cybersecurity labeling program that would provide information to consumers on the relative security of an IoT device or product. The Commission proposes to limit the program eligibility to IoT devices that intentionally emit radio frequency (RF) energy but asks whether the Commission should also include other devices such as products that connect to Wi-Fi as an intermediary. The NPRM also asks for input on oversight and management via its proposal to create Cybersecurity Labeling Authorization Bodies, the development of criteria and standards stemming from the National Institute of Standards and Technology’s (NIST) proposal, and program administration issues. Comments are due September 25 and reply comments are due October 10. Read Wiley’s summary and analysis of the NPRM [here](#).

- **Treasury ANPRM Regulating U.S. Investment in Chinese Technology Companies:** On August 9, 2023, the Biden Administration released an Executive Order (EO) that, when implemented, will regulate U.S. investments in certain Chinese companies engaged in activities related to semiconductors and microelectronics, quantum information technologies, and artificial intelligence. The Treasury Department has issued an Advance Notice of Proposed Rulemaking (ANPRM) soliciting input from the public on implementation of the EO and the anticipated scope of the program before it goes into effect. Comments on the ANPRM are due September 28.
- **NIST Workshop on Draft Cybersecurity Framework 2.0 Draft:** NIST will be holding a workshop on September 19-20 to discuss its full Draft Cybersecurity Framework (CSF) 2.0, which was released on August 8. Comments on the Draft CSF 2.0 are due November 4. The agenda and registration details for the workshop can be found [here](#).

## **Did You Know?**

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**September 14:** Duane C. Pozza and Kathleen E. Scott will be speaking at the ACC NCR: Keeping Pace with AI Developments as the Legal and Technological Landscape Quickly Evolves event.

**September 26-28:** Sara M. Baxenberg, Megan L. Brown, Edgar Class, Scott D. Delacourt, Jennifer D. Hindin, Kevin G. Rupy, Kathleen E. Scott, Meredith G. Singer, Joshua S. Turner, Scott Bouboulis, and Stephen J. Conley will be attending the MWC Conference in Las Vegas, NV.

**August 21:** Amb. David A. Gross moderated a panel at the Technology Policy Institute's 2023 Aspen Forum.

Wiley created a Sanctions and Export Controls Resource Center, which hosts our latest insights related to sanctions, export controls, digital currency, cybersecurity and privacy, and other issues surrounding Russia's invasion of Ukraine.

Check out our **Consumer Protection Download Newsletter**, the latest edition is available [here](#).

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FCC Provides Guidance on International Section 214 Information Collection

Biden Administration Issues Executive Order and Proposals Targeting Outbound Investment in China

FCC Kicks Off Voluntary IoT Security Label Program With Big NPRM

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