

ALERT

Standard Team Telecom Questions Take Effect, Completing FCC's Modernization Effort

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On Friday, August 23, the Federal Communications Commission (FCC or Commission) issued a Public Notice announcing that its rules regarding standardized national security and law enforcement questions (Standard Questions) for parties whose applications will be referred to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee) took effect the same day. The Commission originally adopted the Standard Questions in an October 2021 Second Report and Order, but their effectiveness had been delayed pending approval by the Office of Management and Budget under the Paperwork Reduction Act. Friday's announcement marks the completion of the final step in the Commission's efforts to improve the timeliness and transparency of the Committee – the inter-agency working group commonly referred to as "Team Telecom."

As we previously explained, the Standard Questions have a broad impact on investors and regulated entities. Among other things, applicants are now required to answer the Standard Questions and submit responses to the Standard Questions to the Committee prior to or at the same time they file certain petitions or applications with the FCC. This represents a significant change from the current procedure, under which applicants need not respond to national security and law enforcement questions until after they submit their filings with the FCC, the FCC refers the filing to Team Telecom, and Team Telecom provides the applicants with tailored questions.

Standard Questions

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Communications Enforcement & Compliance
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The Standard Questions, which are now available on the FCC's website, consist of six separate questionnaires based on subject matter, along with a supplement for the submission of personally identifiable information (PII). As we discussed in greater detail here, the Standard Questions request five general categories of information from applicants: (1) information about corporate structure and shareholders; (2) relationships with foreign entities; (3) the applicant's financial condition and circumstances; (4) compliance with applicable laws and regulations; and (5) information about business and operations, including the services to be provided and network infrastructure of the applicant. Applicants will file responses to the Standard Questions through a file-sharing link to be provided by the Committee.

Revised Committee Application and Review Process

The new Committee application and review process will also require applicants and petitioners to make certain certifications regarding national security and law enforcement, and to "designate a point of contact who is located in the United States and is a U.S. citizen or lawful U.S. permanent resident, for the execution of lawful requests and as an agent for legal service of process." Moreover, the Public Notice explains that an applicant whose application and/or petition is referred to the Committee must provide its responses to the corresponding set of Standard Questions directly to the Committee either prior to or simultaneously with its application and/or petition to the FCC. The applicant must also provide a copy of its application and/or petition to the Committee within three business days after the applicant submits it to the FCC. The FCC published a breakdown of the new Committee review process on its website [here](#).

Wiley's Telecom, Media & Technology and National Security practices have been deeply engaged in the efforts to reform the Team Telecom review process, as well as reforms to CFIUS, and have significant experience assisting parties in responding to Team Telecom questions and navigating Team Telecom reviews. If you have questions about the Standard Questions or new processes, please contact one of the authors of this alert.