

From: [Brendan Carr](#)
To: [Brendan Carr](#)
Subject: FW: Updated Bureau Briefing Sheets
Date: Thursday, March 20, 2025 1:52:00 PM
Attachments: [WTB Briefing Sheets March 2025 FINAL.pdf](#)
[WCB Briefing Sheets March 2025 FINAL.pdf](#)
[SB Briefing Sheets March 2025 FINAL.pdf](#)
[PSHSB Briefing Sheets March 2025 FINAL.pdf](#)
[OIA Briefing Sheets March 2025 FINAL.pdf](#)
[OGC Briefing Sheets March 2025 FINAL.pdf](#)
[OET Briefing Sheets March 2025 FINAL.pdf](#)
[OEA Briefing Sheets March 2025 FINAL.pdf](#)
[MB Combined Briefing Sheets March 2025 FINAL.pdf](#)
[EB Briefing Sheets - March 2025 FINAL.pdf](#)
[CGB Briefing Sheets March 2025 FINAL.pdf](#)

From: Joy Medley <Joy.Medley@fcc.gov>
Sent: Thursday, March 20, 2025 1:14 PM
To: Joy Medley <Joy.Medley@fcc.gov>
Subject: Updated Bureau Briefing Sheets

Hello, all –

I hope everyone is doing well. Attached are updated briefing sheets provided by each bureau as of March 14, 2025. If you have any questions, please let me know.

Thank you,

Joy Medley
Office of Legislative Affairs
Federal Communications Commission

**Consumer and Governmental Affairs
Bureau
Briefing Sheets
March 2025
Table of Contents**

	PAGE
CGB HOT TOPICS	
Consumer Broadband Labels	1
Artificial Intelligence	3
Call and Text Blocking	4
Traceback and Other Obligations	7
TCPA Interpretations	8
Telecommunications Relay Services (TRS)	9
Affordable Connectivity Program	15
Secondary Markets	16
Broadband Data Collection	17
Robocalls and Spoofing Consumer Outreach Efforts	19
CGB REGULAR TOPICS	
TCPA/Robocall Rules	20
CAN-SPAM Rules	22
Call Blocking	23
Caller ID Rules	27
Reassigned Numbers	28
PSAP Do Not Call Registry	30
Truth-in-Billing	31
Slamming	32
Real-Time Text (RTT)	33
Twenty First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. 111-260, as amended by Pub. L. 111-265 (technical amendments)	34
Audio Description	36
Captioning	37
Accessible Emergency Alerts	39
Access to Emergency Information on Television	43
Hearing Aid Compatibility (HAC)	44
User Interfaces (TV and Set-Top Boxes Controls, Menus and Program Guides)	45
IGA Outreach and Coordination Activities	47
Office of Native Affairs and Policy	49
Ex Parte Reform Notice of Proposed Rulemaking (GN Docket No. 20-221)	52
USF/ICC Transformation Order (WC Docket No. 10-90 et al)	53
Tribal Libraries Report and Order	54
2.5 GHz Rural Tribal Priority Window	55
Wireless Infrastructure Deployment (WT Docket No. 17-79)	56
Consultation with Tribal Nations and Native Communities	57
Commission Policy Initiatives Affecting Tribal Lands	58

Consumer Affairs and Outreach Division	60
Web Print and Publishing Division	62
Consumer Inquiries and Complaints Division	64
504 Compliance Team	65
Consumer Advisory Committee	66
Disability Advisory Committee	67
Hospital Robocall Protection Group	68
Intergovernmental Advisory Committee	69
Native Nations Communications Task Force	72

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Broadband Consumer Labels**

On November 14, 2022, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (FCC 22-86) to implement certain provisions of the 2021 Infrastructure Investment and Jobs Act (Infrastructure Act). The Infrastructure Act directs the Commission “to promulgate regulations to require the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to consumers information regarding broadband Internet access service plans.” The law also directs the Commission to conduct a series of public hearings to assess: 1) how consumers evaluate broadband service plans; and 2) whether existing broadband disclosures to consumers are sufficient. The Infrastructure Act required the Commission to complete its rulemaking within one year (by November 14, 2022).

The Report and Order adopted new rules that will require broadband providers to display easy-to-understand labels to allow consumers to comparison shop for broadband services. Broadband providers must display, at the point of sale, labels that show prices, including introductory rates, as well as speeds, data allowances, network management practices, and other critical broadband service information. This is based on voluntary labels the Commission approved in a 2016 Public Notice that could be used as a “safe harbor” to satisfy the Commission’s 2015 broadband transparency requirements. The Further Notice of Proposed Rulemaking sought comment on further steps to ensure that consumers have the information they need to make informed broadband purchasing decisions, including issues related to: bundled plans, label accessibility, performance characteristics, service reliability, cybersecurity, network management and privacy issues, the availability of labels in multiple languages, and whether the labels should be interactive or otherwise formatted differently.

On August 29, 2023, the Commission released an Order on Reconsideration to address three petitions requesting that it clarify and/or reconsider certain label requirements. In the Order, the Commission affirmed its determinations that providers must itemize monthly discretionary fees on the label and state how much data is provided with the service plan, as outlined by the label template. It also clarified that E-Rate and Rural Health Care service providers are not required to include a broadband label for enterprise and special access services provided through those programs. In addition, the Commission revised the requirement to document each instance when a provider directs a consumer to a label at an alternative sales channel and to retain such documentation for two years. The Commission concluded that the requirement will be deemed satisfied if the provider instead: 1) establishes the business practices and processes it will follow in distributing the label through alternative sales channels; 2) retains training materials and related business practice documentation for two years; and 3) provides such information to the Commission upon request, within 30 days. Finally, the Commission made clear that providers that include government taxes in their monthly base price may state on the label that government taxes are included.

Most providers were required to comply with the label requirements by April 10, 2024; providers with 100,000 or fewer subscriber lines had until October 10, 2024 to comply. In

Public Information

March 2024, the Commission published new resources to help guide the production of the labels. These materials included a glossary of terms, label templates in several filetypes, a refreshed consumer and industry focused broadband labels landing page, and a sample index of fields for inclusion in a machine-readable database.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Artificial Intelligence**

On November 15, 2023, the Commission adopted a *Notice of Inquiry* that seeks to better understand the implications of emerging artificial intelligence (AI) technologies as part of the Commission's ongoing efforts to protect consumers from unwanted and illegal telephone calls and text messages under the Telephone Consumer Protection Act (TCPA). As artificial intelligence (AI) technologies that can generate content become increasingly prevalent, they have the potential to perform tasks that would ordinarily require human participation. These include interactive communications by voice calls and texts to consumers. While these technologies can benefit consumers, they can also pose new privacy and safety challenges.

This NOI sought comment on whether, and if so how, the Commission should define AI technologies for purposes of the inquiry, including the particular uses of AI technologies that are relevant to fulfilling the Commission's statutory responsibilities under the TCPA, which protects consumers from non-emergency calls and texts made using an autodialer or containing an artificial or prerecorded voice; how AI technologies may impact consumers who receive robocalls and robotexts including any potential benefits and risks that these emerging technologies may create; and what next steps, if any, the Commission should consider to further this inquiry.

On February 8, 2024, the Commission adopted a Declaratory Ruling that recognizes calls made with AI-generated voices include "artificial voice" under the TCPA. This ruling took effect immediately and confirmed that the use of voice cloning technology in many common robocall scams targeting consumers is illegal.

On August 7, 2024, the Commission adopted a *Notice of Proposed Rulemaking and Notice of Inquiry* that proposed and sought comment on new rules to define AI-generated calls, require callers to disclose their use of AI-generated calls and to obtain consent from consumers to receive AI-generated calls, and protect positive uses of AI to improve access to the telephone network for people with disabilities. In the NOI, the Commission sought comment and information on developing technologies that can alert consumers to unwanted or illegal calls and texts, including AI-generated calls. Reply comments were due on November 15, 2024.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Call and Text Blocking**

- **“Consumer Choice” Blocking**

Unwanted and illegal calls plague American consumers and are consistently the Commission’s top source of consumer complaints. In 2019, to ensure that consumers have the power to control what calls they receive, the Commission clarified that terminating voice service providers may offer blocking based on reasonable analytics on an opt-out basis. The Commission then built on this in 2020 by providing a safe harbor in case of erroneous blocking for voice service providers that offer such blocking services when they incorporate caller ID authentication information into those analytics. The Commission’s rules also cover transparency and redress requirements, to ensure that callers and consumers have the opportunity to correct erroneous blocking.

The Consumer and Governmental Affairs Bureau submitted to the Commission its Second Call Blocking Report in June 2021. In that Report, the Bureau found that many voice service providers and third-party analytics companies currently offer improved blocking services to their customers. Many voice service providers offer these services in partnership with third-party analytics companies.

- **Voluntary Provider Blocking**

Along with consumer choice blocking, the Commission has taken steps to authorize providers to block at the network level, without consumer consent. The Commission has limited these authorizations to calls that are highly likely to be illegal, as no reasonable consumer would want to receive such calls. In 2017 the Commission allowed voice service providers to block calls that purport to originate from invalid, unused, or unallocated numbers and to block based on a “do not originate” list where the subscriber to the number has requested that providers block all calls that purport to originate from that number. Under rules adopted in December 2020, terminating voice service providers may also block calls that are highly likely to be illegal based on reasonable analytics, so long as they manage this blocking with human oversight and network monitoring sufficient to ensure that blocking is working as intended. The Commission has also authorized blocking of one-ring scam type calls. The Commission’s rules also cover transparency and redress requirements, to ensure that callers and consumers have the opportunity to correct erroneous blocking.

- **Mandatory Provider Blocking**

In May 2022, the Commission adopted blocking mandates targeting gateway providers, as the origination point onto the U.S. network. Specifically:

- Gateway providers must block on an ongoing basis, rather than simply “effectively” mitigate, illegal traffic when notified of such traffic by the Commission through its Enforcement Bureau. If the gateway provider fails to comply with this requirement,

- the Commission through its Enforcement Bureau may require all providers immediately downstream from the gateway to block all traffic from the identified provider; and,
- Gateway providers must block based on a reasonable do not originate list, which may include unused numbers, unallocated numbers, invalid numbers, and numbers for which the subscriber to the number has requested blocking. The Commission has expressly permitted all providers to block calls from these categories of numbers since 2017.

In May 2023, the Commission extended the requirement to block on an ongoing basis rather than simply “effectively mitigate” illegal traffic when notified by the Commission through its Enforcement Bureau to also include originating providers. If the originating provider fails to comply, the Commission through its enforcement Bureau may require all providers immediately downstream to block all traffic from the identified provider. It also sought comment on several additional blocking requirements, including:

- Requiring terminating providers to offer blocking of calls that are highly unlikely to be illegal based on reasonable analytics on an opt-out basis;
- Requiring all voice service providers to block based on a reasonable do not originate list; and,
- Requiring non-gateway intermediate and terminating providers to block illegal traffic when notified of such traffic by the Commission through its Enforcement Bureau in certain instances.

In February 2025, the Commission adopted an order that expanded its requirement to block calls based on a reasonable do- not-originate (DNO) list to include all U.S.-based providers in the call path and established Session Initiation Protocol (SIP) code 603+ as the exclusive code to notify callers when calls on Internet Protocol networks are blocked based on reasonable analytics to better correct erroneous blocking.

• Text Blocking

In the First Text Blocking Report and Order, released on March 17, 2023, the Commission required mobile wireless providers to block—at the network level—texts purporting to be from North American Numbering Plan (NANP) numbers on a reasonable DNO list, which include numbers that purport to be from invalid, unallocated, or unused numbers, and NANP numbers for which the subscriber to the number has requested that texts purporting to originate from that number be blocked. In addition, the Commission required providers and other entities to maintain a point of contact for texters to report erroneously blocked texts.

The Commission also sought comment in a Further Notice of Proposed Rulemaking on (i) requiring terminating providers to block texts from a sender after they are on notice from the Commission that the sender is sending illegal texts, (ii) text message authentication, (iii) codifying that the National Do-Not-Call Registry’s protections include text messages, and (iv) banning the practice of marketers purporting to have written consent for numerous parties to contact a consumer, based on one consent.

In the Second Text Blocking Report and Order, released on December 18, 2023, the Commission

Public Information

required terminating mobile wireless providers to block SMS and MMS text messages from a particular number following notification from the Commission unless their investigation determines that the identified text messages are not illegal; codified that the National Do Not Call Registry's protections apply to text messages; and encouraged providers to make email-to-text, a major source of illegal texts, a service that consumers proactively opt into. The Commission also sought further comment, in a Second Further Notice of Proposed Rulemaking, on additional blocking requirements and related approaches; text message authentication; and whether to make email-to-text an opt-in service.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Traceback and Other Obligations**

The Commission has adopted several affirmative obligations for voice service providers to combat illegal robocalls. In December 2020, the Commission adopted rules requiring voice service providers to:

- Respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium fully and in a timely manner;
- “Effectively mitigate” illegal traffic when notified of such traffic by the Commission through the Enforcement Bureau; and,
- Take steps to ensure that new and renewing customers do not originate illegal calls.

In May 2022, the Commission adopted several enhancements or modifications to these requirements that apply specifically to gateway providers as the point of entry onto the U.S. network. Along with the mandatory blocking requirements above, gateway providers must:

- Respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium within 24 hours; and
- Take reasonable and effective steps to ensure that the immediate upstream foreign provider is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network.

In May 2023, the Commission extended the requirements adopted in May 2022 for Gateway Providers to all domestic voice service providers. Specifically, all voice service providers must:

- Respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium within 24 hours; and
- Take reasonable and effective steps to ensure that the immediate upstream provider is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: TCPA Interpretations**

- **“Autodialer” definition**

The TCPA prohibits, without the prior express consent of the called party or an emergency purpose, any call using an “automatic telephone dialing system” to certain categories of protected telephone numbers, including wireless telephones and emergency lines. In 2015, the Commission concluded that the TCPA’s autodialer restrictions apply to any device with the capacity to autodial telephone numbers, even when the autodialing function is not presently installed or actually used, and that the statutory term “capacity” can encompass calling equipment’s present and potential abilities. This ruling was appealed.

- On April 1, 2021, the Supreme Court addressed the statutory definition of “autodialer” in *Facebook v. Duguid*. Specifically, the Court adopted a narrower interpretation of autodialer than the Commission, determining that a device that can store and dial telephone numbers, but that does not use a random or sequential number generator, is not an autodialer. As a result, fewer types of equipment and callers are expected to be restricted by the TCPA’s prohibition on using an autodialer to call wireless and other protected telephone numbers without the consent of the called party.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Telecommunications Relay Services (TRS)**

Title IV of the Americans with Disabilities Act of 1990 added section 225 to the Communications Act of 1934 (47 U.S.C. § 225), which requires the Commission to ensure that interstate and intrastate TRS are available to persons with hearing and speech disabilities. There are various forms of TRS, including traditional TRS, Video Relay Service (VRS), PSTN-based Captioned Telephone Service (CTS), Internet Protocol Captioned Telephone Service (IP CTS), Internet Protocol Relay (IP Relay), and Speech-to-Speech (STS). Relay services are generally available in both English and Spanish.

The Commission oversees the regulation and compensation of TRS providers. *See* 47 CFR § 64.601 *et seq.* Its principal challenge over the past few years has been determining appropriate compensation methodologies for reimbursing providers for the costs of providing service (users do not pay for the service) and ensuring that the Interstate TRS Fund (Fund) is compensating providers only for legitimate minutes of use. The TRS Fund compensates providers for interstate TRS services and, with respect to the Internet-based forms of TRS (VRS, IP Relay, and IP CTS), both interstate and intrastate TRS. Interstate and intrastate telecommunications carriers, as well as VoIP providers, contribute to the TRS Fund, and generally pass these costs on to their customers. For more information, visit www.fcc.gov/trs.

- **Annual TRS Fund Compensation and Contribution Order**

On June 28, 2024, the Commission (CGB) adopted revised contribution factors for the Fund Year beginning July 1, 2024: 0.00024, to be applied to contributors' interstate and international end-user revenues for support of interstate and international TRS provided through state programs; and 0.01952, to be applied to contributors' intrastate, interstate, and international end-user revenues for support of Internet-based forms of TRS – VRS, IP CTS, and IP Relay. In addition, the Commission (CGB) adopted the following per-minute compensation rates, which determine payments from the Fund for each form of Interstate TRS: (1) for traditional (TTY-based) TRS, \$6.1229; (2) for speech-to-speech relay service (STS), \$7.2539; and (3) for captioned telephone service (CTS), \$2.7867; and for each form of Internet-based TRS: (1) IP CTS, \$1.30, pending adoption of a new compensation plan in a separate Report and Order; (2) for IP Relay, \$2.1252; and (3) for VRS, a set of “tiered” per-minute compensation rates. Providers that handle 1 million or fewer monthly minutes are compensated at \$8.06 per minute. Per-minute compensation for providers with more than 1 million is: \$6.51, applicable to a provider's first 1 million monthly minutes (Tier 1); \$4.07 for a provider's monthly minutes in excess of 1 million (Tier II). In addition to the otherwise applicable VRS rate, providers receive a \$0.20 additive rate for each minute of Video-Text service.

- **VRS Compensation**

The VRS compensation rates described above were determined pursuant to a five-year compensation plan, adopted by the Commission in September 2023, which is applicable through June 30, 2028, and includes annual adjustments for inflation. In a Further Notice of Proposed Public Information

Rulemaking (FNPRM), the FCC sought comment on whether and under what circumstances to provide compensation for other types of specialized services, such as the use of Certified Deaf Interpreters, skills-based interpreting, or interpreting through other (non-ASL) methods of communication. The comment cycle closed on April 29, 2024.

- **Provision of VRS in Video Conferences**

On September 27, 2024, the FCC released a Second Report and Order on access to video conferencing. The Commission determined that the TRS Fund can support the integrated provision of TRS with video conferencing (whereby communication between a communications assistant (CA) and a TRS user takes place on the video conferencing platform, rather than through a separate connection). To facilitate TRS Fund support for the integrated provision of VRS, the Commission adopted rules to establish user validation requirements; set call detail record requirements; clarify call start and end time for compensability; clarify when the TRS Fund supports the participation of more than one communications assistant in a video conference; and to allow the payment of compensation to continue when VRS users temporarily turn off their cameras during a video conference. The FCC established additional rules, applicable to all forms of TRS, which: prohibit communications assistants from disclosing or retaining records of non-relayed content communicated in a video conference; prohibit exclusivity agreements between TRS providers and video conferencing providers; and continue to prohibit providers from scheduling the provision of TRS in advance of a video conference.

In an accompanying Further Notice of Proposed Rulemaking, the FCC seeks further comment on whether: to authorize the TRS Fund to support team interpreting by two VRS CAs from the same provider participating in a video conference; to allow TRS Fund support for team interpreting, or for the assignment of additional VRS CAs when video conferences are split into breakout groups; to extend the availability of a communications assistant for additional users who did not specifically request VRS; to permit VRS providers to assign video conferences to specialized communications assistants; and to adopt additional rules to facilitate the provision of other forms of TRS in video conferences. The comment period closed March 3, 2025.

- **VRS Program Management**

On November 21, 2024, the Commission (CGB) released a Public Notice seeking comment on a request by the U.S. Department of State to allow VRS providers to whitelist calls from VRS users to the telephone numbers of U.S. embassies and consulates while the VRS users are traveling abroad. The comment period closed on December 16, 2024.

On December 20, 2023, the Commission released a Report and Order and Order amending its rules to: (1) raise from 50% to 80% the cap on call minutes handled by VRS CAs working at home; (2) reduce from three years to one year the requirement for experience as an American Sign Language interpreter for CAs working at home; and (3) allow VRS providers to contract with non-VRS-certified entities for up to 30% of their monthly call minutes. The Commission also modified the pre-registration before departing the U.S. requirement for VRS users to make calls from outside the United States to allow VRS users to simply notify their VRS provider before making the first international call. In the Order, the Commission extended the existing waivers: (1) for the 50% cap on monthly call minutes for CAs working at home, to six months after the effective date of the rule amendments; (2) for the three-year experience requirement, to

Public Information

the effective date of the amended rule; (3) for the ban on contracting with non-VRS-certified entities, to the effective date of the amended rule.

On November 2, 2020, the Commission (CGB) released a public notice seeking comment on a Petition for Further Clarification filed by ASL Services Holdings, LLC d/b/a GlobalVRS, seeking clarification of the Commission's rule prohibiting Video Relay Service (VRS) providers from offering or providing incentives for the purpose of encouraging individuals to register for or use the VRS providers' service. The comment period closed December 7, 2020.

- **IP CTS Compensation and Program Management**

On August 1, 2024, the Commission (CGB) sought comment on a petition for rulemaking seeking reversal of a prior Commission decision allowing IP CTS providers to rely exclusively on automatic speech recognition (ASR) to generate captions for IP CTS.

On July 31, 2024, the Commission adopted a revised, five-year compensation plan for IP CTS. To ensure that IP CTS providers have the appropriate incentive structure to support captioning with communications assistants (CAs) and with only automatic speech recognition (ASR), the Commission established separate compensation formulas for CA-assisted and ASR-only IP CTS. For CA-assisted service, the Commission adopted a rate of \$1.35 per minute for the remainder of the 2024-25 Fund Year (i.e., from the first day of the first month after the effective date of this Report and Order through June 30, 2025). The Commission also adopted a rate supplement of \$0.21 per minute, initially applicable to those minutes for which the CA producing captions is paid at least \$17.20 per hour. For ASR-only service, the Commission adopted a rate of \$1.17 applicable through June 30, 2025. This rate will be reduced by approximately 10% in the two succeeding years, to \$1.05 in 2025-26 and \$0.95 in 2026-27, and will remain at \$0.95 for the remainder of the compensation period.

In a Report and Order released July 22, 2024, the Commission amended its rules to allow enterprise registration for the use of IP CTS in correctional facilities.

On September 30, 2020, the Commission adopted a Further Notice of Proposed Rulemaking in which the Commission proposed to adopt measurable standards for caption delay and accuracy as well as rules on how to test the quality of telephone captioning services. The comment period closed on April 2, 2021.

On June 7, 2018, the Commission adopted a Further Notice of Proposed Rulemaking exploring how best to fund, administer, and determine user eligibility for IP CTS. The Commission sought comment on: the compensation level structure; the role that state programs and intrastate carriers can play in the provision of and support for IP CTS; the use of independent third-party hearing health professionals to perform IP CTS user eligibility assessments; ways to curb provider practices that could be incenting use of IP CTS by people who may not need it; additional measures to prevent waste, fraud, and abuse and to ensure 911 call quality; and the extent to which alternative communication services and applications can complement or reduce reliance on IP CTS. Parts of this item remain pending.

On February 14, 2019, the Commission adopted a Report and Order, Further Notice of Proposed Public Information

Rulemaking, and Order, adopting measures and seeking comment on others to improve IP CTS and better safeguard the funding for the program. In the Report and Order, the Commission integrated IP CTS into the TRS User Registration Database. Including IP CTS user registrations in this database will help the Commission verify the identity of IP CTS users, audit and review IP CTS provider practices, and substantiate provider compensation requests. In the Further Notice of Proposed Rulemaking, the Commission proposed (1) requiring IP CTS providers to add user account identifiers to call records submitted for compensation; (2) allowing new or porting IP CTS users to receive service for up to two weeks, while their identities are verified in the TRS User Registration Database, and (3) simplifying the handling of 911 calls placed by IP CTS users who connect to an IP CTS provider via the Internet in order to place a call. The Order, pending completion of the rulemaking, grants waiver of most of these emergency call-handling requirements to IP CTS providers that assign their users such callback numbers.

- **TRS Program Management**

On December 3, 2024, the Commission (CGB) released a Public Notice seeking comment on a White Paper filed by the Accessibility Advocacy Organizations (TDIAccess, Inc., National Association for State Relay Administration, Gallaudet University, and Telecommunications Access of Maryland) regarding the transition of analog forms of TRS (TTY, STS, and CTS) to other IP-based communications services (Internet-based TRS, RTT, etc.). The comment period closed February 18, 2025.

On November 22, 2024, the FCC released an Order granting conditional waivers to T-Mobile Accessibility and Hamilton Relay, Inc. of the rule requiring TTY-based services to communicate with the ACSII format.

On July 22, 2024, the FCC released a Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking implementing the requirements of the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (MWRA). The MWRA amended the Communications Act of 1934 to require the FCC to ensure just and reasonable charges for “any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used.” The MWRA also added incarcerated person’s communication services (ICPS) to the definition of “advanced communications services,” meaning ICPS providers must ensure that ICPS are accessible to and usable by people with disabilities.

On December 13, 2023, the FCC released a Report and Order updating the data breach notification rules to ensure that TRS providers adequately safeguard sensitive customer information.

On July 25, 2023, the FCC released a Public Notice renewing the certification for 54 state and territory telecommunications relay services (TRS) programs for a five year period. The certifications are effective from July 26, 2023, through July 25, 2028.

On January 31, 2023, a summary of Sorenson Communication, LLC’s Petition for Partial Reconsideration of the *Two-Week Grace Period Order* was published in the Federal Register. The comment period closed February 27, 2023.

Public Information

On September 30, 2022, the FCC released a Sixth Further Notice of Proposed Rulemaking to improve access to communications services for incarcerated people with communication disabilities. In the Further Notice, the FCC sought comment on various issues, one of which remains pending: whether to extend incarcerated peoples services providers' TRS-related access obligations, in jurisdictions with average daily populations of fewer than 50 incarcerated persons, to include VRS, IP Relay, and IP CTS as well as ASL point-to-point video calling, where broadband is available, and analog captioned telephone service (CTS) where broadband is not available.

On September 22, 2022, the Commission (CGB) released a Public Notice seeking comment on a Petition for rulemaking filed by T-Mobile Accessibility. T-Mobile asks the Commission to initiate a rulemaking proceeding to amend its rules to eliminate requirements regarding the use of the American Standard Code for Information Interchange (ASCII) format. The comment period closed November 8, 2022.

On June 30, 2022, the Commission released a Report and Order (*Two-Week Grace Period Order*), modifying the TRS User Registration Database rules to allow VRS and IP CTS providers to provide compensable service to new users for up to two weeks from the submission of the identification information as long as the user is ultimately verified and registered by the Database administrator.

- **Internet-based TRS Certification Process**

On January 29, 2025, the Commission (CGB) released a Public Notice granting conditional certification to provide VRS to ZP Better Together, LLC, after its acquisition by Teleperformance Group, Inc.

On January 17, 2025, the Commission (CGB) released a Public Notice seeking comment on an application by NexTalk, Inc. for conditional certification to provide IP CTS after its acquisition by Solen Ventures LLC. The comment period closed February 18, 2025.

On December 23, 2024, the Commission (CGB) released an Order granting conditional certification to provide IP Relay to Nagish, Inc.

On December 23, 2024, the Commission (CGB) released an Order granting conditional certification to provide IP Relay to Mezmo Corporation d/b/a InnoCaption.

On December 17, 2024, the Commission (CGB) released a Public Notice extending to June 30, 2025, the grants of conditional certification to CaptionCall, LLC, to provide IP CTS, and Sorenson Communications, LLC, to provide VRS, after their acquisition by Ariel GP Holdco, LLC.

On December 17, 2024, the Commission (CGB) released an Order granting full, five-year certification to provide IP CTS to Hamilton, Relay, Inc.

On November 21, 2024, the Commission (CGB) released a Public Notice granting conditional certification to provide VRS to Bond Communications, Inc., for two years through November
Public Information

20, 2026.

On October 29, 2024, the Commission (CGB) released a Public Notice seeking comment on the applications of Sorenson Communications, LLC and CaptionCall, LLC, for certification to provide VRS and IP CTS, after their acquisition by Ariel GP Holdco, LLC. The comment period closed November 25, 2024.

On March 14, 2024, the Commission (CGB) released a Public Notice granting conditional certification to provide IP CTS to ClearCaptions, LLC, after its acquisition by CC Opportunities, LLC.

On January 17, 2024, the Commission (CGB) released an Order granting conditional certification to Rogervoice to provide IP CTS.

On January 17, 2024, the Commission (CGB) released an Order granting conditional certification to NexTalk, Inc., to provide IP CTS.

On January 4, 2024, the Commission (CGB) released an Order granting Global Caption, Inc., conditional certification to provide IP CTS in carceral institutions.

On January 4, 2024, the Commission (CGB) released an Order granting Nagish, Inc., conditional certification to provide IP CTS.

On October 27, 2023, the Commission (CGB) released an Order granting Tive, LLC, conditional certification to provide VRS.

CGB BRIEFING SHEET***CGB Hot Topics*****SUBJECT: Affordable Connectivity Program – Outreach Grant Program**

On August 5, 2022, the FCC established the ACP Outreach Grant Program to raise awareness about the nation's largest ever broadband affordability effort, the ACP. The [ACP Grant Program Second Report and Order](#) approved by the FCC directed the Consumer and Governmental Affairs Bureau (CGB) to develop, administer, and manage the grant program.

As a result of the ACP winding down, CGB issued an initial Grantee Wind Down Guidance on January 29, 2024. All ACP Outreach Grant recipients, to include NCOP, TCOP, YHYI, and NPP, were informed of a new period of performance end date of **April 30, 2024**. This revised performance period took into account the wind-down of the ACP while also providing grantees time to complete any necessary grant administrative tasks, such as fulfilling reporting requirements. Each grant recipient was required to submit a series of closeout requirements as a condition of the grant agreement by August 30, 2024, to include liquidating all allowable and reasonable financial costs incurred under the grant program.

As of March 2025, CGB is completing grants closeout activities and plans to complete that process by March 31, 2025 in which de-obligation of unspent grant funds can occur.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Secondary Markets Incentives to Make Underutilized Spectrum Available to Small Carriers, Tribal Nations, and Entities Serving Rural Areas**

Partitioning, Disaggregation, and Leasing of Spectrum (WT Docket No. 19-38): In March 2019, the Commission opened a proceeding to explore ways to promote more effective use of spectrum by encouraging current licensees to enter into secondary market transactions to geographically partition, disaggregate a portion of a larger band, or lease underutilized spectrum. Fostering transactions of these types has the potential to provide many Tribes expanded access to underutilized spectrum over their rural lands. In November 2021, the Commission released a Further Notice of Proposed Rulemaking in this proceeding proposing an Enhanced Competition Incentive Program (ECIP) and other rule changes intended to promote competition, access to spectrum by small carriers and Tribal Nations, and expanded rural wireless coverage through participation in secondary market transactions with licensees. A Report and Order and Further Notice of Proposed Rulemaking was adopted at the July 2022 Open Meeting.

In February 2024, the FCC's Wireless Telecommunications Bureau (WTB) began accepting applications for the Enhanced Competition Incentive Program (ECIP), which incentivizes wireless licensees to make underutilized spectrum available to small carriers, Tribal Nations, and entities serving rural areas in furtherance of the Commission's "100 percent broadband policy. This program encourages licensees to partition, disaggregate, or lease spectrum to better match available spectrum resources with entities that seek to provide needed services to under-connected communities. ONAP sent out an email blast to its distribution list in February 2024, and offered a presentation on ECIP from WTB at its Tribal Workshop in Marksville, Louisiana, March 2024.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Broadband Data Collection**

Digital Opportunity Data Collection (WC Docket No.19-195): In August 2019, the FCC established the Digital Opportunity Data Collection (DODC) with the adoption of the Digital Opportunity Data Collection Report and Order and Second Further Notice of Proposed Rulemaking (FCC 19-79).

Broadband Data Collection Third Report and Order (FCC 21-20): On January 19, 2021, the FCC took the next step in collecting more precise broadband mapping data and implementing the Broadband DATA Act with the release of the Broadband Data Collection Third Report and Order (FCC 21-20). In addition to challenging provider data, the FCC's new Broadband Data Collection (BDC) will allow state, local and Tribal government entities to submit primary broadband availability data. Collectively, the Commission's actions in this area will ensure it collects accurate and granular data on the availability of broadband service, including on Tribal lands. ONAP and members of the Commission's Broadband Data Task Force conducted the first in a series of Tribal technical assistance workshops on this initiative on December 8, 2021. ONAP, in collaboration with the Broadband Data Task Force, has also sent regular briefing emails to keep Tribal leaders, Tribal technology directors and other representatives abreast of program developments and milestones, prepared program overviews for TribalNet Magazine, prepared informational and presented materials for conferences such as the National Congress of American Indian Conferences, and made presentations on the Broadband Data Collection to the Native Nations Communications Task Force.

In addition, IGA facilitated nearly 25 outreach events on the BDC, as well as continuous information sharing and coordination between the BDTF and state and local officials (e.g., monthly calls with NARUC members and NARUC's Telecomm Subcommittee, as well as various stakeholder calls, virtual meetings and/or webinars with NASUCA, NATOA, NARC, NCSL, NAAG, NGA, NACo, NRECA and the Florida Association of Counties) regarding data collection deadlines, data challenges and complaint frameworks, mapping "Fabric" and final map production timelines, and other related matters. IGA facilitated BDC presentations at over 15 major state and local government events, both in-person and virtual and posted a webpage Spotlight highlighting release of the pre-production National Broadband Map and sent approximately 9 email blasts concerning the BDC. IGA also has facilitated information sharing and coordination between the BDTF and state and local officials including but not limited to data collection deadlines, data challenges and complaint frameworks, and other matters.

The FCC has offered technical assistance to ensure Tribal Nations have the support that they need to participate in the agency's ongoing broadband data collection effort and expand the accuracy of the FCC's broadband availability maps.

In October 2023, FCC staff facilitated 54 meetings with 30 different tribes and provided 13 presentations to groups, including hosting a series of office hours to provide technical training on working on and submitting challenges to the data in the National Broadband Map

In July 2024, ONAP hosted a two-day Tribal Broadband Workshop with the BDTF in Billings, Montana, to provide technical assistance to Tribal Broadband providers that are required to file updated broadband availability and subscriber data.

CGB BRIEFING SHEET
CGB Hot Topics**SUBJECT: Robocalls and Spoofing Consumer Outreach Efforts**

Unwanted calls and texts remain the Commission's top consumer protection priority. Spoofing and robocalls continued to be a constant focus of consumer education efforts throughout 2021 and into 2022, including the growing trend of text scams, with an emphasis on scams related to the COVID-19 pandemic (<https://www.fcc.gov/covid-scams>).

CGB teams leverage partnerships to ensure that the Commission's efforts are informed by a wide range of viewpoints and real time information from consumers and consumer advocates of underserved communities.

The Consumer Affairs and Outreach Division (CAOD) and the Web and Print Publishing Division (WPPD) have been jointly focused on creating and disseminating practical and useful consumer information on spoofing, as required by the RAY BAUM's Act. Their collective work in this area was highlighted in a GAO report: <https://www.gao.gov/products/gao-20-153>

WPPD maintains a number of robocall related consumer resources, including fcc.gov/robocalls, fcc.gov/spoofing, and fcc.gov/call-blocking. The main consumer facing robocalls page receives over 1 million page views annually. In addition, to these primary resources the team has developed a Scam Glossary as part of its Consumer Help Center (<http://www.fcc.gov/consumers>). It contains over 50 entries and is updated as new scams emerge. Each post includes tips to avoid being scammed, along with links to in-depth consumer guides that feature helpful videos and call-blocking resources. Posts often feature audio samples from actual call-back scams and visual representations of text scams. The CHC and each post also include prominent links for consumers to file complaints about robocalls, texts and spoofing with the FCC, as well as other agencies, including the FTC, when appropriate. The suite of robocall web resources also includes in house animations created by FCC staff.

Through its collaborative partnerships with governmental and non-governmental organizations that represent consumers, CAOD provides information about the scourge of robocalls and the practice of spoofing. Ten of thousands of tips cards have been distributed through these partnerships. Additionally, CAOD continues to host a series of educational webinars and one-on-one engagements with hundreds of partner organizations to raise awareness on unwanted calls mitigation strategies and empower consumers to protect themselves from known and emerging scams.

Most recently, CAOD conducted a webinar to commemorate National Consumer Protection Week 2025 and hosted a webinar sharing information about stopping or reducing unwanted robocalls, popular scams, the Consumer Help Center, and how to file a complaint with the FCC.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: TCPA/Robocalls Rules**

- In 1991, Congress enacted the TCPA to address a growing number of unwanted robocalls and faxes that can invade consumer privacy and threaten public safety. Over the years, the Commission has issued Orders and adopted rules to implement the TCPA.
- *Robocalls*. The TCPA makes it unlawful to make any call, other than a call made for emergency purposes or with the prior express consent of the called party, using any: (1) autodialer or prerecorded voice message to wireless numbers, emergency lines including 911, hospital room phones, and other specified recipients; and (2) prerecorded voice message to residential lines. The Commission has exempted certain types of calls from these prohibitions.
- In 2003, citing consumer dissatisfaction with increasing numbers of unwanted telemarketing calls, Congress enacted the Do-Not-Call Implementation Act, authorizing the Commission and the Federal Trade Commission (FTC) to establish a National Do-Not-Call Registry. As of 2023, there are approximately 249 million telephone numbers on that Registry. Callers are prohibited from making “telephone solicitations” to any telephone numbers on the Registry.
- In 2012, the Commission adopted an Order revising the rules applicable to autodialed or prerecorded message calls. The revised rules: (1) require prior *written* consent (obtained after making certain disclosures) for telemarketing robocalls, rather than allowing either oral or written consent; (2) eliminate the “established business relationship” exemption that previously allowed telemarketing robocalls to residential lines without prior consent if the consumer had done business with the caller (*i.e.*, made a purchase, inquiry, or application); (3) require an automated, interactive opt-out mechanism for telemarketing robocalls so that consumers can immediately, during a call, tell the caller not to make any more calls.
- The 2012 rule changes did not modify the consent requirements for certain categories of “informational” autodialed or prerecorded message calls under the TCPA rules. Consent for such calls can be obtained orally or in writing.
- In 2020, the Commission adopted an Order to implement section 8 of the TRACED Act, which requires the Commission to ensure that any exemption adopted to the TCPA’s prohibitions on robocalling wireless and residential numbers without consent includes requirements with respect to: (1) the classes of parties that may make such calls; (2) the classes of parties that may be called; and (3) the number of such calls that may be made to a particular called party. The Commission codified the exemptions for calls to wireless numbers that it had previously adopted and placed numeric limits and opt-requirements on the existing exemptions for calls to residential numbers.
- On November 21, 2022, the Commission issued a Declaratory Ruling and Order that confirmed that “ringless voicemail” to wireless phones requires consumer consent because it is a “call” made using an artificial or prerecorded voice and thus is covered by the TCPA.

- On March 23, 2023, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking requiring mobile wireless providers to block—at the network level—texts purporting to be from North American Numbering Plan (NANP) numbers on a reasonable Do-Not-Originate (DNO) list, which include numbers that purport to be from invalid, unallocated, or unused numbers, and NANP numbers for which the subscriber to the number has requested that texts purporting to originate from that number be blocked. The Commission also required providers and other entities to maintain a point of contact for texters to report erroneously blocked texts. In the Further Notice of Proposed Rulemaking, the Commission proposed to require terminating providers to block texts from a sender after they are on notice from the Commission that the sender is sending illegal texts, to extend the National Do-Not-Call Registry’s protections to text messages, and to ban the practice of marketers purporting to have written consent for numerous parties to contact a consumer, based on one consent.
- On December 18, 2023, the Commission adopted a Second Report and Order and Second Further Notice of Proposed Rulemaking, requiring terminating mobile wireless providers to block text messages from a particular number following notification from the Commission unless their investigation determines that the identified text messages are not illegal; codifying that the National DNC Registry’s protections apply to text messages; and encouraging providers to make email-to-text a service that consumers proactively opt into. The Commission also adopted a “one-to-one consent” rule to make it unequivocally clear that prior express written consent under the TCPA applies a single seller at a time, though in January 2025 the Commission stayed the effective date of this rule and the Eleventh Circuit later vacated the rule. The Commission also sought comment on a stronger text blocking requirement following Commission notification and other options for requiring providers to block unwanted or illegal texts; text message authentication, including the status of any industry standards in development; and requiring providers to make email-to-text services opt in.
- On February 16, 2024, the Commission released a Report and Order and FNPRM adopting rules to strengthen the ability of consumers to decide which robocalls and robotexts that they wish to receive by exercising their right to grant and revoke consent to individual callers. Specifically, the Commission codified that consumers may revoke prior express consent in any reasonable manner that clearly expresses a desire not to receive further robocalls, amended our rules to require callers to honor do-not-call and revocation-of-consent requests within a reasonable time, not to exceed 10 business days after receipt, and codified a prior ruling that a one-time text message confirming a consumer’s request that no further text messages be sent does not violate the TCPA. In the FNPRM, the Commission sought comment on whether the TCPA applies to robocalls from wireless providers to their own subscribers and whether to require an automated opt-out on every call that contains an artificial or prerecorded-voice message.
- *Junk Faxes*. The TCPA, as amended by the Junk Fax Protection Act, prohibits any person from sending an “unsolicited advertisement” to a fax machine, and requires, among other things, that the sender of an unsolicited fax advertisement include notice and contact information to allow recipients to opt out of any future faxes from the sender.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: CAN-SPAM Rules**

- In 2003, Congress passed the CAN-SPAM Act to address the growing number of unwanted commercial electronic mail messages, which Congress determined to be costly, inconvenient, and often fraudulent or deceptive. The Act prohibits any person from transmitting such messages with false or misleading information about source or content, and it gives recipients the right to decline to receive additional messages from the same source.
- In 2004, the Commission adopted rules that prohibit the sending of Mobile Service Commercial Messages (MSCMs) unless the individual addressee has given the sender express prior authorization. The Commission's rules require all wireless service carriers to provide to the Commission all of the Internet domain names used to transmit commercial electronic messages to wireless devices. From these submissions, the Commission compiles a wireless domain name list posted on the FCC website that enables senders of commercial electronic mail to determine the addresses used to send messages to mobile devices. The Commission's CAN-SPAM rules prohibit sending any MSCMs to addresses that contain domain names that have been posted on the wireless domain name list for at least 30 days or at any time if the sender otherwise knows that the message is addressed to a wireless device.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Call Blocking**

- In June 2019, the Commission adopted a *Call Blocking Declaratory Ruling and Third Further Notice of Proposed Rulemaking* in which it clarified that voice service providers may offer call-blocking services by default while giving consumers the choice to opt out, rather than only offering those blocking services on an opt-in basis, and clarified that voice service providers may offer opt-out call-blocking programs based on any reasonable analytics designed to identify unwanted calls. The Commission also clarified that nothing in the Act or its rules prohibits a voice service provider from offering an opt-in white list blocking program using the consumer's contact list. In the NPRM portion of the item, the Commission took additional steps to protect consumers from illegal calls and ensure the effectiveness and integrity of the SHAKEN/STIR Caller ID authentication framework by: proposing rules to allow voice service providers to block calls based on failed Caller ID authentication in certain instances; proposing protections to ensure that the most important calls are not blocked; and proposing to require voice service providers to implement the SHAKEN/STIR Caller ID authentication framework in the event that major voice service providers have not met Chairman's Pai's deadline for doing so by the end of 2019. The item also instructed CGB, in consultation with the Wireline Competition Bureau and the Public Safety and Homeland Security Bureau, to prepare two reports on the implementation and effectiveness of call blocking measures; the reports were due and submitted to OCH in June 2020 and June 2021.
 - In June 2020 and June 2021, the Commission issued Call Blocking Reports on the deployment and implementation of call blocking and caller ID authentication, in consultation with WCB and PSHSB. The Reports respond to the Commission's directive in the *2019 Call Blocking Declaratory Ruling* that the Bureau prepare a report "on the state of deployment of advanced methods and tools to eliminate such calls, including the impact of call blocking on 911 and public safety." The data and information contained in the reports relies on a number of sources, primarily from voice service providers and third-party analytics companies.
- In July 2020, the Commission issued a *Call Blocking Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking* establishing two safe harbors from liability for the unintended or inadvertent blocking of wanted calls, thus eliminating a concern that kept some companies from implementing robust robocall blocking efforts. The first safe harbor protects from liability phone companies that use reasonable analytics, including caller ID authentication information, to identify and block illegal or unwanted calls. The second safe harbor protects providers that block call traffic from bad actor upstream voice service providers that pass illegal or unwanted calls along to other providers, when those upstream providers have been notified but fail to take action to stop these calls. Through an FNPRM, the Commission asks about additional steps to protect consumers from robocalls and better inform them about provider blocking efforts. The Further Notice specifically seeks comment on whether to obligate phone

companies to better police their networks against illegal calls, and whether to require them to provide information about blocked calls to consumers for free. In addition, the Further Notice seeks comment on notification and effective redress mechanisms for callers when their calls are blocked, and on whether measures are necessary to address the mislabeling of calls.

- In November 2020, the Commission released the *One-Ring Scam Report and Order*, implementing section 12 of the TRACED Act. The Report and Order states that voice service providers may block “[a] telephone number that the provider identifies, based on reasonable analytics, as highly likely to be associated with a one-ring scam.”
- In December 2020, the Commission adopted a *Call Blocking Fourth Report and Order*. First, it requires all voice service providers to take steps to stop illegal traffic on their networks and assist the Commission, civil and criminal law enforcement, and the Consortium in tracking down callers that make such calls. Second, it expands the existing safe harbor from liability for blocking based on reasonable analytics including caller ID authentication information. The expanded safe harbor covers network-based blocking, without consumer consent. Third, it adopts rules to provide greater transparency and ensure that both callers and consumers can better identify blocked calls and ensure those that are wanted are un-blocked, consistent with section 10(b) of the TRACED Act. It specifically requires voice service providers to: immediately notify callers when calls are blocked through use of an appropriate response code; provide a list of calls blocked on an opt-in or opt-out basis to subscribers on request; and provide, at minimum, a status update on call blocking disputes within 24 hours of receipt of a dispute. The item also broadens the point-of-contact requirement to cover caller ID authentication concerns under section 4(c)(1)(C) of the TRACED Act.
- In September 2021, the Commission adopted a *Further Notice of Proposed Rulemaking* directed at stopping foreign-originated illegal calls from entering the U.S. network. The Notice proposes rules addressing the issue on multiple fronts and includes several robocall mitigation proposals. First, it proposes to require gateway providers to respond to traceback requests from the Commission, law enforcement, or the Traceback Consortium within 24 hours. Second, it includes several mandatory blocking proposals. Specifically, the Notice proposes to: 1) require gateway providers to block when notified of illegal traffic by the Commission, rather than simply “effectively mitigate” the identified traffic; 2) require the provider immediately downstream in the call path from the gateway provider to block calls from a gateway provider that fails to block or effectively mitigate illegal traffic after Commission notification; and 3) require gateway providers to block calls that are highly likely to be illegal based on reasonable analytics. Third, it proposes to require gateway providers to confirm that a caller using a U.S. number in the caller ID field is authorized to use that number. Finally, it proposes to require gateway providers to meet a general obligation to mitigate illegal robocalls.
- In December 2021, the Commission adopted an *Order on Reconsideration and Further Notice of Proposed Rulemaking* further clarifying several of the transparency and redress

requirements it previously adopted, including the immediate notification and blocked calls list requirements. Most significantly, it modified the immediate notification requirement due to implementation concerns from voice service providers and sought comment on whether and when to restore the original requirement.

- In May 2022, the Commission adopted a *Report and Order, Order on Reconsideration, Order, and Further Notice of Proposed Rulemaking* requiring gateway providers to take specific steps to combat illegal calls entering the U.S. network and seeking comment on additional requirements for all providers in the call path to combat these calls. Along with STIR/SHAKEN and Robocall Mitigation Database requirements, the *Report and Order* required gateway providers to take several affirmative steps to combat illegal calls. First, gateway providers must respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium within 24 hours of receipt of the request. The 24 hour clock does not start or end outside of business hours. Second, gateway providers must block, rather than simply effectively mitigate, illegal traffic when notified of such traffic through its Enforcement Bureau. The gateway provider must block traffic that is substantially similar on an ongoing basis. If a gateway provider fails to comply with this requirement, following a specific process to allow the gateway provider ample opportunity to come into compliance, the Commission, through its Enforcement Bureau, may require all providers immediately downstream from the gateway provider to block all traffic from the identified provider. Third, gateway providers must block based on a reasonable do-not-originate list. This list may only include invalid, unallocated, and unused numbers, as well as numbers for which the subscriber to the number has requested blocking, but need not include all numbers that could potentially be included. At a minimum, the list must include any inbound-only government numbers or private inbound-only numbers that have been used in imposter scams, when a request is made by the entity assigned to the number. The gateway provider or third party that manages the list may impose additional reasonable requirements on including these numbers. Finally, gateway providers must take reasonable and effective steps to ensure that the immediate upstream foreign provider is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network.
- In May 2023, the Commission adopted a *Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry* extending certain requirements that previously only applied to gateway providers to other provider types, as well as seeking comment on other ways to protect consumers from illegal calls, restore faith in caller ID, and hold voice service providers responsible for the calls on their networks. Specifically, the *Report and Order*: required all voice service providers, rather than only gateway providers, to respond to traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium within 24 hours; required originating providers to block rather than simply effectively mitigate, illegal traffic when notified of such traffic through its Enforcement Bureau and, if the provider fails to comply, the Commission, through its Enforcement Bureau, may require all providers immediately downstream from the originating provider to block all traffic from the identified provider;

and, required all providers to take reasonable and effective steps to ensure that the immediate upstream provider is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network.

- The *Notice of Proposed Rulemaking* sought comment on a number of additional requirements to better protect consumers, restore faith in caller ID, and hold voice service providers responsible for the calls on their networks. First, it proposed and sought comment on three potential blocking mandates, including: requiring terminating providers to offer opt-out blocking services based on reasonable analytics designed to identify illegal calls; requiring all voice service providers to block based on a reasonable do not originate list; and, requiring non-gateway intermediate and terminating providers to block substantially similar traffic when notified of illegal traffic by the Commission through the Enforcement Bureau. Second, it sought comment on requiring a single, specific, Session Initiation Protocol (SIP) code for immediate notification of blocking rather than allowing voice service providers to use one of several codes. Third, it sought comment on requiring terminating providers to display caller name information when they display an indication that a call has received “full” or “A” attestation. Finally, it proposed and sought comment on establishing a base forfeiture for failure to take affirmative, effective measures to prevent new and renewing customers from using the network to originate illegal calls.
- The *Notice of Inquiry* sought comment on tools voice service providers use to combat illegal calls, including honeypots, as well as on call labeling.
- In February 2025, the Commission adopted an order that expanded its requirement to block calls based on a reasonable do-not-originate (DNO) list to include all U.S.-based providers in the call path and established Session Initiation Protocol (SIP) code 603+ as the exclusive code to notify callers when calls on Internet Protocol networks are blocked based on reasonable analytics to better correct erroneous blocking.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: Caller ID Rules**

- The Truth in Caller ID Act amended section 227 of the Communications Act, making it unlawful to cause any Caller ID service to knowingly transmit misleading or inaccurate Caller ID information with the intent to defraud or cause harm, or wrongfully obtain anything of value, unless such transmission is exempted in connection with: (1) exemptions the FCC deems appropriate; (2) authorized law enforcement activities; or (3) a court order specifically authorizing Caller ID manipulation. The ability of consumers to block transmission of Caller ID information is protected.
- In June 2011, the Commission issued a Report and Order adopting rules to implement the Truth in Caller ID Act. In 2017, the Commission issued a Caller ID Report and Order amending its rules to ensure that security and law enforcement personnel have quick access to the blocked Caller ID information they need to identify and thwart threatening callers, without the regulatory delay inherent in applying for and being granted a waiver of the rules. The Commission also provided an exemption for non-public emergency services, such as private ambulance services, to obtain blocked Caller ID information of callers requesting their assistance. (A similar exemption already existed for public emergency services.)

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Reassigned Numbers**

- In December 2018, the Commission authorized establishment of the Reassigned Numbers Database (RND) to prevent consumers from getting unwanted calls intended for someone who previously held their number.
- In 2020, CGB issued a Public Notice establishing guidelines for operation of the RND, including definitions of database responses and a plan for disposition of any excess funds collected.
- The Commission worked with the North American Numbering Council to develop the technical and operational guidance for the RND. WCB and CGB sought comment on the technical requirements and the cost and fee structure for the database via Public Notices in 2020.
- In June 2020, the Commission issued a Request for Proposal for a single contract for the services of the North American Numbering Plan Administrator, Pooling Administrator, and Reassigned Number Database Administrator.
- The Commission awarded the North American Numbering Plan Administrator/Pooling Administrator/Reassigned Number Database Administrator contract to SomosGov effective December 1, 2020, with a five-year base period and options for the Commission to continue the contract for up to a total of eight years.
- The rules adopted in the Reassigned Numbers Database Order became effective on July 27, 2020, and service providers began tracking the most recent date of permanent disconnection for numbers at that time. Small service providers were given an additional six months to begin tracking the information.
- Service providers began reporting information to the RND on April 15, 2021, and will continue to report information each month on the 15th. Again, small service providers were given an additional six months to comply and began reporting information to the RND on October 15, 2021. As of September 30, 2023, the RND contained 377,401,796 disconnected telephone numbers.
- In June 2021, CGB announced a beta test period for the RND whereby registered parties could use the database without charge. The beta test was successfully conducted from July 1, 2021 through September 30, 2021, during which time 130 users participated, making 213 million queries and potentially avoiding over 15 million nuisance calls.
- At the conclusion of the beta test period, the RND Administrator recommended interim pricing to the Commission. The Commission announced interim pricing information for the RND on October 1, 2021. An informational webpage (<https://www.fcc.gov/reassigned-numbers-database>) was created and continues to be

updated with announcements and information regarding the RND.

- The RND became operational for paid subscribers on November 1, 2021. A webinar and demo for callers was held on RND launch day.
- In December 2021, CGB supplemented its guidelines for operation of the RND allowing callers to query with a date of consent on or after January 27, 2021, the date all service providers were required to maintain disconnection data, to elicit a greater number of actionable query results.
- In February 2022, the Database Administrator recommended revising the subscription pricing for use of the RND. The Commission approved the recommendation and new subscription pricing became effective on April 27, 2022.
- In April 2022, CGB clarified that a caller that otherwise meets the criteria for the safe harbor may rely on a query made on its behalf by a duly authorized agent.
- In January 2023, the Database Administrator recommended revising the subscription pricing for use of the RND. The Commission approved the recommendation and the new subscription pricing became effective on April 3, 2023.
- In December 2023, the Commission adopted a limited waiver to allow providers to use the RND to determine if a number the Commission has ordered to be blocked has been permanently disconnected to help avoid the blocking lawful texts from a new subscriber to the number.
- In January 2024, CGB supplemented issued supplemental guidance on the RND to reiterate that the permanent disconnection reporting rule requiring every service provider to file a monthly report even if it does not have permanent disconnections to disclose.
- In March 2024, the State of Maine passed a law requiring the use of the RND before making a telephone solicitation to a consumer. 10 MRSA §1499-B.
- In February 2025, CGB announced that, effective February 5, 2025, a subscriber's unused queries will roll over when it purchases a new subscription plan prior to the end of its subscription term.

CGB BRIEFING SHEET
*CGB Regular Topics***SUBJECT: PSAP Do Not Call Registry**

- In 2012, the Commission adopted rules to create a Do-Not-Call registry for Public Safety Answering Points (PSAPs) that prohibits the use of autodialing equipment to call or text registered PSAP phone numbers other than for an emergency purpose.
- In 2019, Congress appropriated funds to support the information technology work needed to implement the PSAP Do-Not-Call registry. Operational details remain to be resolved before the registry becomes operational.
- On September 30, 2021, the Commission adopted a Further Notice of Proposed Rulemaking to reassess its earlier approach to protect PSAPs from unwanted autodialed calls by proposing that voice service providers block autodialed calls made to registered PSAP telephone numbers.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Truth-in-Billing**

- In 1999, pursuant to sections 258 and 201 of the Act, the Commission adopted truth-in-billing rules to address confusion regarding telephone bills, slamming (unauthorized carrier changes), and cramming (unauthorized charges). *See* 47 CFR 64.2400-2401. Most of the rules apply to both wireline and wireless carriers, with some applying only to wireline carriers. The rules require that telephone bills: (1) be clearly organized, clearly identify the service provider, and highlight any new provider (i.e., one that did not bill the customer for service during the last billing cycle); (2) separate charges by service provider; (3) contain brief, clear, and non-misleading descriptions of the charges that appear on the bill; and (4) contain clear and conspicuous disclosure of any information that the consumer might need to make inquiries about, or to contest, charges on the bill.
- In 2012, the Commission adopted additional TIB rules requiring wireline carriers to: 1) notify subscribers – at the point of sale, on bills, and on websites – of options to block third party charges if such options are offered by the carrier; and 2) place third-party charges for non-telecommunications services in a distinct section of the bill separate from carrier charges, and provide a separate subtotal on the payment page of a paper bill or equivalent location on an electronic bill.
- In 2018, the Commission explicitly prohibited carriers from placing unauthorized charges on consumers' phone bills (cramming).
- In 2019, CGB issued a Public Notice to refresh the record on possible ways to modernize and strengthen the Commission's TIB rules. The Public Notice asked parties to address whether the Commission should require that government-mandated charges be displayed on bills separately from other line-item fees and whether to apply the TIB rules to interconnected VoIP service. The Commission has not acted on these issues.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Slamming**

- Slamming is the unlawful practice of changing a subscriber's selection of their wireline telephone service provider without the subscriber's knowledge or permission. The Commission has adopted authorization and verification rules that a carrier must follow when changing a consumer's presubscribed carrier, and liability rules that apply when slams occur. *See* 47 CFR 64.1100-1190. States may "opt in" to administer these rules. Thirty-five states, the District of Columbia, and Puerto Rico have "opted in." CGB has developed a slamming complaint processing procedure and is currently administering the rules for the 15 states (and the Virgin Islands) that have not "opted in."
- To date, CGB has issued orders involving over 15,500 consumer slamming complaints, directing carriers to provide credits and refunds to victims of slamming.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Real-Time Text (RTT) and NG911**

Real-Time Text (RTT) allows individuals with and without disabilities to communicate directly with one another, using text on a voice line without the need to buy a stand-alone device like a TTY. In December 2016, the Commission adopted rules to allow wireless service providers and handset manufacturers to provide RTT technology, rather than continue to support TTY technology.

Petitions for Extension of Waiver for TTY

On July 1, 2020, the Commission (CGB) issued a Public Notice seeking comment on three petitions for extension of the June 30, 2020, deadline for non-Tier I CMRS providers to implement RTT on their IP-based networks, filed by US Cellular, the Competitive Carriers Association, on behalf of six members, and East Kentucky Network d/b/a Appalachian Wireless. The comment period closed on August 17, 2020. Some of these requests remain pending.

NG911

On July 18, 2024, the FCC adopted a Report and Order implementing steps to promote the nationwide transition to NG911 for all 911 Originating Service Providers (OSPs), including covered text providers. The definition adopted by the Commission for NG911 requires support for accessible technologies. For Phase 1, upon receiving a valid request from a 911 Authority, an OSP must commence delivery of 911 traffic in IP-based Session Initiation Protocol (SIP) format to one or more in-state NG911 Delivery Points designated by the 911 Authority. For Phase 2, upon receiving a valid request from a 911 Authority, an OSP must commence delivery of 911 traffic to the designated in-state NG911 Delivery Point(s) in an IP-based SIP format that complies with NG911 commonly accepted standards identified by the 911 Authority, including having location information embedded in the call signaling using Presence Information Data Format—Location Object or the functional equivalent. Covered text providers will have six months after receipt of a valid request to comply with a Phase 1 or Phase 2 request. After receiving approval of certain rules by the Office of Management and Budget, the Public Safety and Homeland Security Bureau will announce effective dates for the NG911 transition rules.

On January 25, 2024, the Commission adopted a Report and Order requiring Commercial Mobile Service Providers to implement location-based routing (LBR) for voice 911 calls and RTT-to-911 calls on their Internet Protocol-based networks. All wireless providers must implement LBR for RTT-to-911 calls within 24 months of the effective date of the Report and Order.

CGB BRIEFING SHEET
CGB Regular Topics

SUBJECT: Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. 111-260, as amended by Pub. L. 111-265 (technical amendments)

The purpose of the CVAA is to help ensure that people with disabilities can fully utilize communications services and equipment and better access video programming.

Advanced Communications Services (ACS)**Interoperable Video Conferencing Services**

On September 26, 2024, the FCC adopted a Second Report and Order amending Part 14 of its rules to include specific performance objectives for the accessibility of interoperable video conferencing services (IVCS). Under the new performance objectives, IVCS providers must provide closed captioning options and enable access to third-party captioning and sign language interpretation services. Providers must also enable users to adjust the display of captions, speakers, and signers, and other features for which user control is necessary for accessibility. January 13, 2025 is the effective date for most of the amended rules. Compliance with the ACS performance objectives found at sections 14.21(b)(2)(iv) and (b)(4) of the Commission's rules is required by January 12, 2027.

In an accompanying Further Notice of Proposed Rulemaking, the Commission sought additional comment on whether other IVCS-specific performance objectives were necessary, including objectives addressing text-to-speech and speech-to-speech functionality, automatic sign language interpretation, additional user interface control settings, and IVCS accessibility for people with cognitive or mobility disabilities and people who are blind or have low vision. Comments on the FNPRM were due by February 3, 2025, and reply comments were due by March 3, 2025.

On June 8, 2023, the FCC adopted a Report and Order in which it concluded that all services and equipment that meet the statutory definition of "interoperable video conferencing services" must comply with section 716 of the Communications Act of 1934 and Part 14 of the Commission's rules by September 3, 2024. The Commission also proposed to add specific performance objectives for enhancing the accessibility of interoperable video conferencing services, including: speech-to-text (captioning) capabilities; text-to-speech capabilities; and enabling the use of visual language interpreting. The Notice also sought comment on the integration of telecommunications relay services with video conferencing services without requiring a dial-up telephone call.

Recordkeeping Compliance Certification and Contact Information Registry (RCCCI)

The purpose of the registry is to "enable entities that are required to comply with Sections 255, 716, 717, and 718 of the Communications Act and the Commission's rules implementing those sections to submit their . . . contact information." In addition, entities must certify that they have implemented "operating procedures that are adequate to ensure compliance with the Commission's recordkeeping rules." Since 2013, the Commission (CGB) releases annual public

notices to remind covered entities to file their annual RCCCI with the Commission by April 1 of each year. The most recent Public Notice was released on March 3, 2025, and a previous Public Notice specific to manufacturers and providers of interoperable video conferencing services (IVCS) and equipment was released on July 29, 2024.

Biennial Reports to Congress

Beginning October 2012, as required by Section 716 of the Communications Act, the Commission (CGB) has submitted reports to Congress every two years regarding the accessibility of telecommunications and advanced communications services and equipment. After seeking comment on compliance with the Commission's statutory mandates on March 7, 2024, and on CGB's tentative findings on July 16, 2024, CGB submitted the most recent biennial report to Congress on October 8, 2024.

National Deaf-Blind Equipment Distribution Program (NDBEDP)

Provides up to \$10 million annually in financial support from the Interstate TRS Fund for programs that distribute accessible telecommunications, Internet access, and advanced communications services equipment to low-income individuals who are deafblind. The NDBEDP, also known as iCanConnect, certified 56 entities to distribute equipment under the program, and the Perkins School for the Blind conducts national outreach for the program. CGB announces funding allocations for the 56 certified programs annually.

SUBJECT: Audio Description

Audio description (previously referred to as video description in the Commission's rules) is audio-narrated descriptions of a television program's key visual elements. These descriptions are inserted into natural pauses in the program's dialogue. Audio description makes television programming more accessible to individuals who are blind or visually impaired.

The Commission requires:

- Local television station affiliates of ABC, CBS, Fox, and NBC located in the top 100 TV markets and Subscription TV systems (offered over cable, satellite or the telephone network) with 50,000 or more subscribers to provide 87.5 hours per calendar quarter (about 7 hours per week) of audio-described programming, of which 50 hours must be prime time and/or children's programming and 37.5 hours may be any type of programming shown between 6:00 a.m. and midnight.
- Broadcast TV stations and subscription TV systems to pass through audio description received with their programming unless the secondary audio stream is being used for another purpose related to the programming.

On February 28, 2024, the Commission (MB) announced that the top five national non-broadcast networks subject to the audio description requirements starting July 1, 2024 will be HGTV, Hallmark, TLC, TNT, and TBS. The list of the top five nonbroadcast networks is updated every three years based on changes in ratings.

On October 17, 2023, the FCC adopted the Audio Description Second Report and Order, which phases in audio description requirements for an additional ten Designated Market Areas (DMAs) every year until all DMAs are covered. Implementation began with DMAs 101 through 110 on January 1, 2025, and will conclude with DMAs 201 through 210 on January 1, 2035.

On March 28, 2022, the Commission hosted a forum on online audio description which explored the state of audio description availability for online video programming, including current best practices and technical issues to overcome.

On October 27, 2020, the Commission adopted a Report and Order that expanded the audio description requirements by an additional 10 designated market areas each year for the next four years. In addition, the Report and Order modernized the Commission's terminology to use the more common and widely understood term "audio description" rather than "video description."

On October 8, 2019, the Commission (MB) submitted a second report to Congress, as required by the CVAA, on the availability, use, benefits, and costs of audio description.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Captioning**

Closed captioning is the visual display of the audio portion of video programming shown on television or delivered to viewers via Internet Protocol.

Televised Programming

Section 79.1 of the Commission's rules, adopted in 1997 pursuant to section 713 of the Communications Act, requires all new, non-exempt English- and Spanish-language televised video programming be closed captioned, with specific exceptions.

IP-Delivered Programming

The Commission requires the provision of closed captioning of covered full-length IP-delivered video programming that was published or exhibited on television in the United States with captions. Video clips of covered full-length programming must be captioned when they are hosted on the video programming distributor's or video programming provider's own web site or applications. At this time, the video clips rules do not apply to third-party websites or apps.

Closed Captioning on Television**Petition for Declaratory Ruling Regarding Live Captioning Quality Metrics and the Use of Automatic Speech Recognition Techniques**

On August 14, 2019, the Commission (CGB), released a public notice inviting comment on a petition for declaratory ruling and rulemaking by a coalition of consumer and academic organizations in regard to live captioning quality metrics and the use of automatic speech recognition techniques. The comment period closed on October 30, 2019.

On March 14, 2024, the FCC announced that it had entered into a Consent Decree with Maine Family Broadcasting, Inc., to settle a violation of the closed captioning rules. As part of the Consent Decree, the licensee of WBGR-LD acknowledged that it had failed to pass through captioning on televised video programming, implemented a compliance plan, and agreed to pay a \$2,500 civil penalty.

Closed Captioning Display Settings

On March 26, 2024, the FCC (MB) released a Public Notice seeking comment on a proposal addressing how the Commission should determine if specific closed captioning display settings are readily accessible. On July 18, 2024, the FCC adopted a Third Report and Order requiring manufacturers of covered apparatus and multichannel video programming distributors to make closed captioning display settings readily available to individuals who are deaf and hard of hearing. Manufacturers and MVPDs may determine for themselves how best to meet the "readily accessible" standard, but the Order clarifies that the FCC will evaluate the accessibility of captioning display

Public Information

settings by evaluating four factors: proximity, discoverability, previewability, and consistency and persistence. Manufacturers and MVPDs will be required to comply with the amended rule by August 17, 2026, or after the Office of Management and Budget completes its review of any information collection requirements required under the Paperwork Reduction Act, whichever is later.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Accessible Emergency Alerts**

The FCC requires that emergency notifications are accessible as follows:

- The Emergency Alert System (EAS): Under the Commission's rules, at 47 CFR § 11.1(c), analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems (EAS Participants) must receive and retransmit EAS alerts initiated by the President. In addition, EAS Participants may voluntarily receive and retransmit EAS alerts issued by other government agencies. The rules also require EAS visual messages to be readable and accessible to people with disabilities and EAS visual and audio portions to be played in full at least once.
- Wireless Emergency Alerts (WEAs): The WEA system allows consumers who own certain mobile devices to receive geographically-targeted, text-like emergency messages. The Commission adopted rules allowing CMS Providers to voluntarily deliver timely and accurate emergency alerts over subscribers' mobile devices. The WEA rules include a requirement for a distinctive vibration cadence and distinctive aural signal to ensure that WEAs are accessible to persons with hearing and vision disabilities.

Accessible Emergency Alert System

On August 7, 2024, the FCC adopted a Report and Order implementing MEP ("Missing or Endangered Person") as a new Emergency Alert System event code. EAS Participants must enable delivery of the MEP event code within 12 months of publication of the Report and Order in the Federal Register.

On November 10, 2022, the FCC released a Public Notice, announcing the following compliance dates for distribution of the improved EAS messages:

- As of December 12, 2023, all EAS Participants, including radio broadcasters, television broadcasters, and operators of satellite, cable TV, and wireline video services, must start transmitting EAS messages in the IP-based format, when available, and replace the current jargon in the legacy format for the national alert originator code, national test code, and (except for cable systems) national emergency code with the plain language versions.
- Operators of cable systems have until March 12, 2024, to implement the plain language version for Presidential alerts (national emergencies) in existing set-top boxes if possible through a software upgrade and make such set-top boxes available to customers who request them, and until December 12, 2028, to ensure that all set-top boxes they distribute can display the revised language for Presidential alerts.

On February 15, 2024, the FCC adopted a Notice of Proposed Rulemaking (NPRM) to simplify the process for alert originators to send multilingual emergency alerts over television and radio using the Emergency Alert System (EAS). The EAS Multilingual Alerting NPRM proposes to create template alert scripts that would be pre-translated into the 13 most commonly spoken non-English languages in the United States, and seeks comment on the feasibility of developing and

Public Information

implementing American Sign Language (ASL) video alerts. The comment cycle closed on May 6, 2024.

At its September 29, 2022, Open Meeting, the FCC adopted a Report and Order amending the rules governing EAS to improve the clarity and accessibility of EAS visual messages for persons who are deaf or hard of hearing. The FCC facilitated the increased use of EAS alerts in the Common Alerting Protocol (CAP), which provides more information and can synchronize the visual and audio messages, by requiring EAS Participants to poll to see if a CAP-formatted message is available and transmit that message rather than a message in the EAS legacy format. The FCC also revised the prescribed text that EAS Participants have historically been required to use to identify certain alerts regarding national emergencies and to announce EAS tests by eliminating the technical jargon and replacing it with plain language terms that will be more easily understood by the public.

WEA Alerts

At its February 27, 2025 Open Meeting, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking that is intended to give emergency managers and consumers greater customization of the Wireless Emergency Alerts they send and receive, which would increase public safety and reduce consumers opting out of this life-saving service. Alert Originators will be able to send “silent alerts” without a vibration cadence or alerting signal, but individuals who may want to receive notification will be able to override the silent alert with the vibration cadence. The Notice of Proposed Rulemaking seeks ways to further reduce consumer opt out. Comments will be due 30 days after publication in the Federal Register, and reply comments 30 days later.

On January 8, 2025, the Commission (PSHSB) released a Report and Order implementing multi-lingual, template-based WEAs in 13 languages and American Sign Language (ASL) for eighteen common alert situations that may be used to send WEAs by alert originators. For all languages except ASL, the templates included fixed and fillable templates, allowing alert originators to provide more specific details when available. For the ASL videos, the specific details would follow the template alert. These templates will be stored on mobile devices, and users will select the language in which they prefer to receive WEAs. Participating commercial mobile service providers have 30 months from the date of publication in the Federal Register to implement the multilingual templates.

On August 7, 2024, the FCC adopted a Report and Order implementing MEP (“Missing or Endangered Person”) as a new Wireless Emergency Alert (WEA) code. Participating mobile providers must enable delivery of the MEP event code within 12 months of publication of the Report and Order in the Federal Register.

On October 19, 2023, the Commission adopted rules to require participating wireless providers to make available certain WEA alert messages in the thirteen most commonly spoken languages in the United States, including English and Spanish, and in American Sign Language (ASL), and to allow consumers to opt-in to receive ASL WEA alerts in the language of their choice. The Commission directed the Public Safety and Homeland Security Bureau to draft template alert messages in the 13 languages plus ASL, and to seek comment on the selection of templates and the draft messages.

Public Information

At its April 20, 2023, Open Meeting, the Commission adopted a Further Notice of Proposed Rulemaking proposing improvements to the effectiveness and accessibility of Wireless Emergency Alerts (WEAs). Specifically for individuals with disabilities, the FNPRM seeks comment on: (1) whether and how WEA might be improved to provide support for American Sign Language; (2) whether WEAs could support a new text-to-speech functionality to accommodate individuals with vision disabilities; (3) whether to require WEAs to support certain multimedia alerts, such as symbol sets, which may improve message comprehension for people with disabilities; (4) whether to allow alert originators to send WEAs without the attention signal and vibration cadence, for example, in active shooter situations; and (5) whether to amend the definition of “mobile device” to include devices such as data-plan-enabled tablets that may accommodate individuals with mobility or dexterity disabilities. The comment cycle closed August 21, 2023.

At its April 21, 2022 Open Meeting, the FCC adopted a Further Notice of Proposed Rulemaking proposing that wireless providers that participate in Wireless Emergency Alerts report on key aspects of the performance of this service to bolster the reliability and accuracy of the service. The FNPRM seeks comment on how the reliability, speed, and accuracy of WEAs should be measured, when and how performance reports should be submitted to the FCC, and whether performance should be collected on individual devices. The comment period closed July 19, 2022.

On March 19, 2021, the Commission released a NOI seeking comment on presenting EAS alerts through the Internet, including streaming services, in an accessible manner for consumers with disabilities. The requisite report to Congress was submitted by September 28, 2021.

Nationwide Alerting Tests

On June 27, 2024, the FCC released a report on the results of the October 4, 2024, nationwide emergency alert test of EAS and WEA. The report notes that the vast majority of EAS and WEA participants reported successful transmission and delivery of the alerts. With respect to accessibility, filers reported that some EAS text crawls were overlapping with closed captions, too fast, not accessible due to a low contrast ratio between the text color and background color, too small, or unclear/blurry.

On December 30, 2021, the FCC released a report on the results of the August 11, 2021, nationwide test of the EAS and WEA. The report notes that the vast majority of EAS participants reported successful transmission and delivery of the alerts. With respect to accessibility issues, the report identified concerns regarding adequate audio quality, appropriate crawl speed for readability, high contrast text and background colors, and coordination of alert crawls with closed captioning,

On August 11, 2021, FEMA in coordination with the FCC conducted a nationwide test of the EAS, using the legacy daisy-chain broadcast architecture to test EAS if the Internet is not available to disseminate alerts.

On August 5, 2021, the Public Safety and Homeland Security Bureau, in consultation with DRO, issued a reminder to the public that FEMA would be conducting a nationwide EAS and WEA

Public Information

test on August 11, 2021. The Notice explained that the visual and audio messages of the EAS test would be different, and that the FCC plans to consider technical solutions to address the difference for future nationwide tests.

On July 21, 2021, the Enforcement Bureau, in consultation with DRO, released an Enforcement Advisory reminding EAS participants and participating WEA carriers of their obligations to make the EAS and WEA accessible to persons with disabilities.

On July 15, 2021, DRO, with participation of FEMA and PSHSB, hosted an Accessibility Stakeholders Meeting to discuss the 2021 nationwide EAS and WEA tests and the related accessibility requirements.

Missing Endangered Persons (MEP) Event Code

During the August 2024 Open meeting the FCC adopted new rules to implement a dedicated Missing and Endangered Persons (MEP) event code to better and more widely disseminate information regarding missing and endangered persons across multiple jurisdictions. These new alerts will assist law enforcement efforts to find missing and endangered persons, including Indigenous persons who are disproportionately at risk of being missing and endangered, by notifying the public so they can help in the search. Participating mobile providers and EAS alert originators must enable delivery of the MEP event code within 12 months of publication of the Report and Order in the Federal Register.

ONAP announced the Commissioner's action through a variety of tribal outreach events and media interviews.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Access to Emergency Information on Television**

Section 79.2 of the Commission's rules requires that video programming distributors (VPDs) provide individuals who are deaf, hard of hearing, blind, or visually impaired access to televised emergency information that VPDs provide to their viewers. There are no exemptions for this rule.

The Commission (via CGB) periodically releases Public Notices reminding VPDs of their Section 79.2 obligations. The last such Public Notice was released on June 28, 2024, which also included a link to an American Sign Language video on accessible televised emergency information.

Emergency Information Presented Through Secondary Audio Stream

MVPDs are required to pass through a secondary audio stream containing audible emergency information when they permit consumers to access linear programming on second screen devices over the MVPD's network as part of their MVPD services by July 10, 2017, and apparatus manufacturers are required to provide a mechanism that is simple and easy to use for activating the secondary audio stream to access audible emergency information by December 20, 2016. Outstanding issues are prioritizing emergency information, school closings, and whether to require MVPDs to ensure that the navigation devices they provide include a simple and easy to use mechanism for activating the secondary audio stream to access audible emergency information.

Petitions for Waiver

On December 20, 2024, the Commission (MB) granted an extension of the waiver of the requirement that television broadcasters provide an aural representation of visual, non-textual emergency information that is displayed during non-newscast programming. Relatedly, the National Association of Broadcasters on November 27, 2024 filed a petition for rulemaking to modify the audible crawl rule. The waiver extension will persist either through May 27, 2025, or until there is a ruling on the underlying NAB petition for rulemaking, whichever is sooner. Previously, on May 26, 2023, the Media Bureau had extended the waiver for non-textual emergency information until November 26, 2024. On May 25, 2018, Media Bureau had granted, with conditions, a permanent waiver of the audible crawl rule for analog-only cable systems that lack the equipment needed to pass through audible emergency information via a secondary audio stream.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Hearing Aid Compatibility (HAC)**

The Commission requires wireless and wireline phones to be compatible with hearing aids and to provide sound levels suitable for persons with hearing loss (including persons with and without hearing aids).

Without these HAC rules, if someone with a hearing aid were to pick up a telephone or cell phone to make a call, they could experience substantial unwanted interference (e.g., noise), or they may not receive suitable volume in order to participate in a telephone conversation. The HAC rules also apply to the use of cochlear implants.

The wireline rules apply to wireline telephones connected to the Public Switched Telephone Network (PSTN), and to advanced communications services (ACS), such as VoIP.

On October 17, 2024, the Commission adopted a Report and Order requiring all future wireless handset models offered for sale or use in the United States to be hearing aid-compatible after a transition period. Handset manufacturers must transition to the 100% hearing aid compatibility requirement within a 24-month transition period; nationwide service providers must do so within a 30-month transition period; and non-nationwide service providers must do so within a 42-month transition period. After the applicable transition period ends, 100% of all handset models in a portfolio must meet acoustic coupling standards; 85% of these same handset models must also meet telecoil coupling standards, and the remaining 15% of these handset models must meet a new Bluetooth coupling requirement, along with acoustic standards. The Commission also revised the definition of “hearing aid compatibility” to be a functional definition, allowing the adoption of a Bluetooth coupling requirement without necessarily incorporating a particular Bluetooth technical standard into the Commission’s rules.

On September 29, 2023, WTB conditionally granted in part ATIS’s request for a limited waiver of the 2019 ANSI Standard’s volume control testing requirements until September 29, 2025. Under the terms of the waiver, a handset model may be certified as hearing aid compatible under the 2019 ANSI Standard if it meets the volume control testing requirements described in the order as well as all other aspects of the 2019 ANSI Standard. This waiver will remain in place for two years to allow time for the development of a new, full volume control standard and for its incorporation into the wireless hearing aid compatibility rules. On September 27, 2024, as required by the conditional waiver, ATIS reported on the status of the development of a new volume control standard. In its report, ATIS stated that “the complexities involved in updating the standard may require more time than initially anticipated.”

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: User Interfaces (TV and Set-Top Boxes Controls, Menus, and Program Guides)**
Requirements Applicable to Digital Apparatus Under Section 204 of the CVAA

Digital apparatus must be designed, developed, and fabricated so that control of appropriate built-in functions (*i.e.*, those functions used for the reception, play back, or display of video programming) included in the apparatus are accessible to and usable by individuals who are blind or visually impaired. 47 CFR § 79.107(a)(1). In addition, digital apparatus with built-in closed captioning or audio description capability must include a mechanism that is reasonably comparable to a button, key, or icon for activating the closed captioning and audio description.

On June 8, 2023, the FCC adopted a Report and Order, Notice of Proposed Rulemaking, and Order that concluded that services and equipment that meet the statutory definition of “interoperable video conferencing services” must comply with section 716 of the Communications Act of 1934 and Part 14 of the Commission’s rules by September 3, 2024. The Commission also proposed to add specific performance objectives for enhancing the accessibility of interoperable video conferencing services, including a proposal to require interoperable video conferencing services to provide user interface control functions that would permit users to adjust the display of captions, speakers and signers, and other features.

On September 26, 2024, the FCC adopted a Second Report and Order amending Part 14 of its rules to include specific performance objectives for the accessibility of interoperable video conferencing services (IVCS). Under the new performance objectives, providers must enable users to adjust the display of captions, speakers, and signers, and other features for which user control is necessary for accessibility. Compliance with the new user interface rules ACS is required by January 12, 2027.

In an accompanying Further Notice of Proposed Rulemaking, the Commission sought additional comment on whether other IVCS-specific performance objectives were necessary, including additional user interface control settings. Comments on the FNPRM were due by February 3, 2025, and reply comments were due by March 3, 2025.

On July 18, 2024, the FCC adopted a Third Report and Order requiring manufacturers of covered apparatus and multichannel video programming distributors to make closed captioning display settings readily accessible to individuals who are deaf and hard of hearing. Manufacturers and MVPDs may determine for themselves how best to meet the “readily accessible” standard, but the Order clarifies that the FCC will evaluate the accessibility of captioning display settings by evaluating four factors: proximity, discoverability, preview ability, and consistency and persistence. Manufacturers and MVPDs are required to comply with the amended rule by August 17, 2026.

Requirements Applicable to Navigation Devices Under Section 205 of the CVAA

The on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming must be audibly accessible in real time upon request by

individuals who are blind or visually impaired. 47 CFR § 79.108(a)(1). In addition, navigation devices with built-in closed captioning capability must include a mechanism that is reasonably comparable to a button, key, or icon for activating the closed captioning. 47 CFR § 79.109(b).

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: IGA Outreach and Coordination Activities**

IGA is the primary point of contact within the FCC for state and local governments and their representative organizations. IGA engages with these entities, as well as with other federal regulatory agencies and departments, to foster understanding of FCC programs, policies, rules and decisions. The mission of the Office of Intergovernmental Affairs is to create and implement a proactive program of outreach to state, local, municipal and territory governments.

This is achieved primarily through:

1. Building effective and positive relationships with local, state and territory governmental officials and representatives of national, state, local and municipal governmental organizations.
2. Hosting and attending monthly and quarterly calls with key stakeholders including regular calls with national organizations that represent state and local elected and appointed officials and governmental entities and their telecommunication's committee members.
3. Monitoring national state and local government organization's resolutions and policies around key consumer issues related to FCC policies and priorities including state legislation and regulations for their impact on programs and policies.
4. Participating in conferences, educational seminars and meetings to develop and maintain strategic relationships with state and local governments and to facilitate dialogue on Commission activities and lead outreach coordination on major Commission initiatives.
5. Coordinating invitations to FCC related events as well as visits from state, local, municipal and territory elected and appointed officials to the FCC.
6. Managing inquiries from congress, state and local government officials regarding Commission rules and policies.

Outreach Coordination. For major Commission initiatives, IGA coordinates outreach to state and local governments and other entities by placing Commission subject matter experts on panels, briefing government officials, facilitating meetings with FCC subject matter experts, producing webinars, and sending email blasts that summarize and provide links to Commission releases. In addition to coordinating the Intergovernmental Advisory Committee (IAC), IGA supports the Rural Broadband Auctions Task Force and Broadband Data Task Force on outreach presentations and briefings for state and local entities and organizations.

Inquiries from the White House, Congress, State and Local Government Officials regarding consumer/constituent complaints and other matters. IGA reviews Congressional and White House inquiries forwarded to the Commission through its Office of Legislative Affairs containing consumer complaints on a wide range of topics (billing, broadband availability, robocalls and robotexts, Lifeline, pole attachments, etc.) in order to assist CICD in the orderly processing of those complaints, and to ensure effective intra-bureau coordination. IGA also responds to inquiries from state and local government representatives regarding Commission rules and policies. Staff either answer questions directly or refer the official to subject matter experts in the appropriate Commission Bureau or Office for substantive response. IGA is developing a database for expeditious processing of inquiries and complaints from state and local government officials.

Email Blasts and “Spotlights.” IGA established an editorial calendar that includes monthly digest that highlights recent Commission actions with links to additional information and where to take action. IGA regularly sends ongoing information about the status of matters pending before the FCC as well as rapid response communications as needed during disasters, emergencies, and significant events to local, state, municipal and territory governments. IGA also sends other email blasts on Commission activity of interest to state and local governments. IGA also regularly posts “Spotlights,” which are summaries of significant FCC releases, on the IGA home page.

In 2024, IGA participated in over 50 events and over 80 virtual meetings and webinars with federal, state, local, municipal and territory governments.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Office of Native Affairs and Policy**

The FCC's 2000 Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes reaffirmed the Commission's commitment to promote a government-to-government relationship between the Commission and federally-recognized Indian Tribes. The Policy Statement recognized:

- o the unique legal relationship that exists between the federal government and Indian Tribal governments, as reflected in the Constitution of the United States (Commerce Clause), treaties, federal statutes, Executive orders, and numerous court decisions and that the "Federally Recognized Indian Tribe List Act of 1994", makes a finding that the federal government has a trust responsibility to and a government-to-government relationship with recognized tribes;
- o the Commission's own general trust relationship with, and responsibility to federally recognized Indian Tribes;
- o the rights of Tribal governments to set their own communications priorities and goals for the welfare of their membership.

The Commission made several commitments in the Policy Statement including, but not limited to:

- o To work the Tribal Nations on a government-to-government basis consistent with the principles of Tribal self-governance to ensure, through its regulations and policy initiatives, and consistent with Section 1 of the Communications Act of 1934, that Indian Tribes have adequate access to communications services.
- o To consult with Tribal governments prior to implementing any regulatory action or policy that will significantly or uniquely affect Tribal governments, their land and resources.
- o To develop working relationships with Tribal governments, and to endeavor to identify innovative mechanisms to facilitate Tribal consultation in agency regulatory-processes that uniquely affect telecommunications compliance activities, radio spectrum policies, and other telecommunications service related issues on Tribal lands.
- o To endeavor to streamline its administrative process and procedures to remove undue burdens that its decisions and actions place on Indian Tribes.

On August 12, 2010, the Commission created the Office of Native Affairs and Policy (ONAP) within the Consumer and Governmental Affairs Bureau. ONAP is the Commission's primary point of contact on Native issues, and is charged with bringing the benefits of modern communications infrastructure to all Native communities by, among other things:

- Ensuring robust government-to-government consultation with and outreach to federally recognized Tribal governments and other Native organizations, including Hawaiian Home Lands.
- Working with Commissioners, Bureaus, and Offices within the FCC, as well as with other government agencies and private organizations, to develop and implement policies

for assisting Native communities.

- Ensuring that Native concerns and voices are considered in all relevant Commission proceedings and initiatives.
- Representing the Commission's positions on matters of interest to Tribal entities.

Outreach: ONAP regularly sends out email blasts on Commission news and opportunities to all Tribal Leaders. ONAP's distribution list also includes tribal IT directors, points-of-contact for tribal associations, others who request to receive ONAP information and updates. In August 2024, ONAP launched a monthly News Digest compiling FCC programs, decisions, and opportunities for comment.

Tribal Workshops: ONAP conducts Tribal workshops to provide information to Tribal communities about how to engage with the FCC and updates on current FCC priorities, including, the E-Rate Tribal Library initiative, the ACP wind-down, and presentations on broadband data and mapping geared toward Tribal audiences.

In fiscal year 2024, ONAP conducted workshops:

- hosted by the Penobscot Nation at the tribal facility in Indian Island, Maine,
- the Tunica-Biloxi Tribe of Louisiana at the tribal facility in Marksville, LA, and
- the Eastern Shawnee Tribe of Oklahoma at the tribal facility in Wyandotte, OK.
- ONAP also coordinated with the BDTF on a workshop in Montana that provided technical assistance to Tribal broadband providers regarding the current Broadband Data Collection filing window, as well as provided updates on FCC activities of interest to Tribal Nations.

Other Special Outreach Efforts: In collaboration with other Bureaus and divisions, ONAP offered these engagement opportunities in 2023-2024:

- On February 29, 2024, with the WCB, convened a Cybersecurity Pilot Program Listening Session on the Notice of Proposed Rulemaking, WC Docket No. 23-234, seeking comment on its proposal to establish a pilot program to learn more about cybersecurity and advanced firewall services that could help K-12 schools and libraries protect their broadband networks and data, while also ensuring that limited Universal Service funds are utilized in the most effective manner.
- November 16, 2023, convened with the Wireless Telecommunications Bureau a virtual, informational webinar to provide an overview of the Public Notice on "Tribal Access to Wireless Spectrum and Related Data: Public Notice, Wireless Telecommunications Bureau and Office of Native Affairs and Policy Seek Comment on Tribal Nation and Native Hawaiian Access to Spectrum and Related Data, GN Docket No. 23-265."
- On October 12, 2023, with the Media Bureau convened an Informational Webinar on the filing window for applications for Low Power FM (LPFM) new station construction permits.
- ONAP convened a Tribal Webinar with WCB on E-Rate funding for FY2024 and announced the opportunity to participate in the FCC's Tribal Library E-Rate Pilot Program on Sept. 7, 2023
- On April 27, 2023, in collaboration with the Wireline Competition Bureau hosted an Informational Webinar that provided an overview of the 988 Suicide and Crisis Lifeline and information about an opportunity to submit 988 fees data.

Other Engagement: ONAP responds to a wide variety of inquiries from Tribal Nations, tribal entities that conduct business with the Commission, tribal associations, Congress, State and Public Information

Local Government Officials regarding consumer/constituent complaints and other matters. ONAP reviews Congressional and White House inquiries forwarded to the Commission through its Office of Legislative Affairs containing tribal inquiries for information on a wide range of topics.

ONAP's outreach and informational events ONAP in fiscal year 2024 included presentations at conferences, and participation at breakout sessions and staffing of informational booths in various locations in proximity to Tribal governments including the Great Plains Tribal Chairman's Association Broadband Alliance meeting in Rapid City, South Dakota, the Alaska Federation of Natives annual convention in Anchorage, Alaska, the Association of Tribal Libraries, Archives & Museums annual conference in Oklahoma City, Oklahoma, the National Congress of American Indians Annual Convention in New Orleans, Louisiana and Cherokee, North Carolina, and the Affiliated Tribes of Northwest Indians Conferences. ONAP has also attended and present at the National Tribal Telecommunications Association (NTTA) Tribal Broadband conferences hosted by the Gila River Indian Community, and has presented on the Missing and Endangered Persons event code at the Washington State Office of the Attorney General's annual meeting of the Task Force on Murdered and Missing Indigenous Women and Persons and at the WEWIN (Women Empowering Women for Indigenous Nations) conference.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: Ex Parte Reform Notice of Proposed Rulemaking (GN Docket No. 20-221)**

In July 2020, the Commission adopted a Notice of Proposed Rulemaking in which it proposed, among other things, to alter the rules governing *ex parte* presentations by federally recognized Tribes to better facilitate government-to-government consultation in certain circumstances. If adopted, these reforms would, among other things, give Tribes more flexibility in how they communicate with the Commission, as well as more control over what is and is not made publicly available.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: USF/ICC Transformation Order (WC Docket No. 10-90 et al)**

To improve and expand the delivery of services on Tribal lands, the *USF/ICC Transformation Order* established the Tribal engagement obligation, requiring ETCs serving or planning to serve Tribal lands to demonstrate, on an annual basis, they have meaningfully engaged Tribal governments in their supported areas. In 2012, ONAP together with the Wireline Competition and Wireless Telecommunications Bureaus issued advisory guidance (2012 Further Guidance PN) on practical compliance with the obligation. In September 2018, GAO released a Report, GAO 18-630, addressing the accuracy of broadband availability data on Tribal lands, which recommended, among other things, the FCC obtain feedback from Tribal stakeholders and providers on the effectiveness of the advisory guidance issued in 2012. Several Petitions for Reconsideration of both the rule and the Further Guidance were filed, which remain under review. On October 21, 2019, the Commission issued a Public Notice seeking comment on the effectiveness of the 2012 guidance and to refresh the record on the related petitions for reconsideration. The comment cycle closed on January 6, 2020.

The Commission tasked the Native Nations Communications Task Force with assessing the effectiveness of the Tribal Engagement Obligation and making recommendations for increasing its effectiveness, including identifying best practices. The Tribal Task Force members issued their report and recommendations in December 2020.

ONAP helps to coordinate USF and other broadband access-related inquiries from Tribal Nations with other federal agencies to ensure that the FCC is continually working to eliminate barriers to broadband deployment funding resources available to Tribal Nations throughout the federal government.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Tribal Libraries Report & Order**

Schools and Libraries Universal Support Mechanism (CC Docket No. 02-6): On January 27, 2022, the Commission adopted a Report and Order that updated the definition of libraries in its rules to clarify that Tribal libraries are eligible to participate in the Commission's E-Rate program, which provides financial support to eligible schools and libraries for affordable, high-speed broadband services and internal connections. Before the change, some Tribal libraries had been unable to receive support from the program because they did not meet the previous definition of a library in the Commission's rules. ONAP, in collaboration with the Wireline Competition Bureau, conducted extensive outreach on this update to the E-Rate rules by sending emails to distribution lists of Tribal leaders and representatives, holding a listening session, preparing informational materials and presentation for the National Congress of American Indians 2023 Mid-Year Conference, and making other presentations.

On February 16, 2023, WCB adopted a Notice of Proposed Rulemaking (Tribal E-Rate NPRM) seeking comment on a variety of proposed program improvements meant to encourage Tribal participation in the E-Rate program. The Commission sought comment on amending our eligibility rules to permit Tribal college libraries that serve as public libraries to apply for and receive E-Rate funding.

In July 2023, the FCC adopted a Report and Order that expanded eligibility to Tribal College and University (TCU) libraries that serve as a public library in their communities.

The Commission initially launched a E-Rate Tribal Library Pilot Program in 2022 in conjunction with its Tribal Libraries rulemakings. The FCC continued the Pilot for a second year, and recently launched the permanent Tribal Library E-Rate Advocacy Program (T-LEAP), to ensure that Tribal library entities have equitable access to the E-Rate program. Building on the Tribal Library Pilot Program from the past two years, T-LEAP is a program administered through the Universal Service Administrative Company (USAC) providing one-on-one assistance for Tribal library applicants in all aspects of preparing, applying, and receiving E-Rate support throughout a funding year. T-LEAP will also help Tribal library participants through E-Rate's invoicing and other post-commitment processes.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: 2.5 GHz Rural Tribal Priority Window**

Transforming the 2.5 GHz Band (WT Docket No. 18-120): On February 3, 2020, the Commission opened a six-month Rural Tribal Priority Window, later extended for an additional 30 days, which provided federally recognized Tribes an unprecedented opportunity to obtain licenses for currently unassigned 2.5 GHz spectrum over their rural Tribal lands, prior to any currently unassigned spectrum being offered through competitive auction. ONAP and the Wireless Telecommunications Bureau led the Commission's efforts to disseminate information about the Priority Window through in-person presentations at FCC Tribal Workshops and other inter-Tribal events, as well as through telephone calls and letters to the leadership of individual Tribes, and through regular email updates. The window has closed, but ONAP continues to assist the Wireless Telecommunications Bureau (WTB) resolve 2.5 GHz licensee questions and facilitate outreach on guidance for licensees.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Wireless Infrastructure Deployment (WT Docket No. 17-79)**

The National Historic Preservation Act (NHPA) requires the Commission to consult with Tribal governments before authorizing the construction of telecommunications infrastructure such as cellular towers to ensure potential effects on resources of religious and cultural significance to Tribes are identified and mitigated. In April 2017, the Commission adopted an NPRM/NOI that sought an examination of regulatory impediments to wireless network infrastructure investment and deployment. On March 30, 2018, the Commission released a Second Report and Order adopting several significant reforms to this historic-preservation review process, several of which affected Tribal Nations. The Report and Order was vacated in part and affirmed in part by the U.S. Court of Appeals for the D.C. Circuit in an August 9, 2019 decision.

The Commission continues to explore additional reforms in this proceeding, including, among others, a proposed Program Comment to address colocations on Twilight Towers (those constructed between March 16, 2001 and March 7, 2005) that have not gone through Section 106 review. A draft Program Comment was submitted to the Advisory Council on Historic Preservation on August 24, 2020. On October 7, 2020, the ACHP notified the Commission that it would decline to comment on the proposal.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Consultation with Tribal Nations and Native Communities**

Tribal consultation is the formal dialogue process between federal agencies and Tribal Nations, intended to provide timely notice, obtain meaningful Tribal input, and ensure such input is carefully considered in federal actions that affect Tribal Nations. For ONAP, in addition to formal Tribal consultations in the context of recent Commission rulemakings, the structure of consultation has been government-to-government meetings on specific topics.

In addition to Tribal Consultation, ONAP typically holds annual Workshops in locations across the country or virtually. The Workshop sessions primarily consist of panels led by ONAP, with representatives from other Bureaus across the Commission, as well as other federal agencies, and Tribal representatives for discussion and training on policy initiatives affecting Tribal lands. The Workshops also provide Tribal leaders and employees the opportunity to share their perspectives on these issues.

- **Tribal Consultations, Tribal Listening Sessions and Informational Webinars**

The FCC, led by ONAP, have held formal consultations in the framework of proceedings such as the FCC's proceeding to expand access to E-Rate Program funding to Tribal Libraries, and upon request when Tribal Nations request formal one-on-one consultation with ONAP and other FCC officials.

- **Consultation Framework for the Commission's Missing and Endangered Persons (MEP) Event Code NPRM**

- Released March 15, 2024. Comment period ended June 17, 2024.
- ONAP heavily promoted the comment period via email updates and in-person at Tribal conferences and meetings.
- ***ONAP held three in-person Tribal consultations:*** in Oklahoma as part of an ONAP Tribal Workshop; in North Carolina as part of the National Congress of American Indians Mid-Year Conference; and in Phoenix, Arizona, with the support of Native Public Media and the Inter-Tribal Council of Arizona.
- ONAP conducted one national, virtual consultation on the MEP Code NPRM.
- ONAP received significant input from Tribal communities during the consultation period that is reflected in *ex parte* summaries entered into the proceeding record by ONAP staff, as well as in comments filed by Tribal representatives. Comments were made by elected Tribal officials, tribal law enforcement, tribal social service providers, radio station managers, and other tribal officials.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: Commission Policy Initiatives Affecting Tribal Lands**

Through ONAP and its other Bureaus and Offices, the Commission works closely with Tribal governments, and has incorporated recommendations from Tribal governments, Tribally owned communications companies, and national and regional inter-Tribal organizations in its policy initiatives, creating new opportunities for Tribal nations and highlighting the challenges they experience.

A non-exhaustive sample of these initiatives includes:

- *5G Fund Report and Order (GN Docket 20-32)*: On October 27, 2020, the Commission adopted a Report and Order establishing the 5G Fund for Rural America, which will make up to \$9 billion available to bring 5G mobile broadband service to rural areas that would be unlikely to otherwise see deployment of 5G broadband service. Eligibility will be based upon new mobile coverage data submitted in the Commission's Digital Opportunity Data Collection. Recognizing the distinct challenges in ensuring that Tribal lands are provided with 5G service, the Phase I budget includes \$680 million reserved to support 5G networks serving Tribal lands. Only eligible areas on Tribal lands will be assigned support under the reserved Tribal lands budget, but Tribal lands are also eligible for support from the non-reserved budget.

- *Spectrum over Tribal Lands (WT Docket No. 11-40)*: In 2011, the Commission released a Notice of Proposed Rulemaking in which it sought comment on how to provide Tribes with new opportunities to gain access to spectrum and create incentives for licensees to deploy wireless services on Tribal lands. The five proposals were to: (1) expand the Tribal licensing priority to Wireless Radio Services; (2) create a formal negotiation process under which Tribes could work with incumbent wireless licensees to bargain in good faith for access to spectrum; (3) implement a build-or-divest process that would allow Tribes to build out in areas where licensees have met their construction requirement but are not serving Tribal lands within their service areas; (4) establish a Tribal lands construction safe harbor for wireless service providers; and (5) make modifications to the Tribal lands bidding credit. As noted above, the Commission has since created a Tribal licensing priority for currently unassigned 2.5 GHz spectrum over rural Tribal lands.
- *Native Nations NOI (CG Docket No. 11-41)*: The *NOI* sought comment on specific topics related to the unique challenges and significant obstacles to the deployment of communications infrastructure on Tribal lands, including, for example: (1) whether a Tribal Priority should be adopted to remove barriers to entry for Native Nations seeking to provide communications services to their communities; (2) the establishment of a Native Nations Broadband Fund to support sustainable broadband deployment and adoption on Tribal lands; (3) sustainable business and deployment models to address the significant communications infrastructure needs, market challenges, and demand aggregation requirements specific to Tribal lands; and (4) challenges in achieving broadband adoption and utilization on Tribal lands. As noted above, the Commission has since created a Tribal Priority for unassigned 2.5 GHz spectrum over rural Tribal lands.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: Consumer Affairs and Outreach Division**

The mission of Consumer Affairs and Outreach Division (CAOD) is to lead the Commission's efforts to engage the public effectively and efficiently through consumer awareness and education activities on issues within the FCC's regulatory purview. The Division accomplishes this mission via a comprehensive program of public outreach events that directly engage consumers as well as local, regional, and national consumer advocacy groups, community anchor institutions, and locally elected and appointed leaders. CAOD establishes strategic alliances with Federal, state, and local governmental entities, nongovernmental consumer and advocacy groups, and other organizations in order to effectively promulgate consumer-oriented information through shared channels via joint email blasts, social media content, and outreach events and activities.

The Division accomplishes its mission via deliverables in two primary workstreams.

- **Outreach Events.** Division staff are responsible for planning and executing consumer-oriented events nationwide, reaching rural, suburban, and urban communities, that provide actionable and salient information to organizations that serve consumers as well as directly to consumers. Staff also serve as subject matter experts/consultants in assisting other Bureaus and Offices across the Commission in planning and executing events.
- **Public Engagement and Strategic Partnership.** Division staff are responsible for developing and maintaining partners – governmental and nongovernmental – that can assist the Commission in more effectively amplifying its consumer messaging as trusted messengers to consumers nationwide. The Division develops public-facing products such as topic-specific Fact Sheets, overview presentations, Frequently Asked Questions guide, social media content, and e-mail blasts. They build and maintain the Division's contacts list and conduct virtual, e-mail, and other forms of engagement campaigns as necessary. They also leverage partnerships into concrete outreach and engagement deliverables to support the information needs of consumers.

CAOD's Rural Tour Program (RTP) puts staff into rural areas of the country to conduct a concentrated series of consumer outreach events, education and awareness briefings with local community leaders (mayors, librarians, etc.), listening sessions with local leaders, and local media engagements in order to maximize the reach and effectiveness of Commission consumer messaging efforts. Commission tours are almost universally welcomed with great enthusiasm by local leaders, grassroots organizations, community anchor points, and individual consumers.

CAOD also frequently participates in FCC and partner hosted outreach events. From January – March 2025, the number of partner meetings stands at 13. In 2024, CAOD participated in 96 non-ACP related partnership meetings with Federal, state, local, and nongovernmental partners and hosted 50 ACP wind-down related meetings and webinars. CAOD also sends monthly and other issue-focused e-mail blasts to partners and consumers to ensure they have access to timely information about the Commission's proceedings impacting consumers. Most recently, CAOD held consumer-focused webinars and other events such as:

Public Information

- National Consumer Protection Week Webinar (March 2025)
- Social Security Administration Outreach – Promoting FCC Consumer Protection Programs (January 2025)
- Consumer Protection Webinar – Holiday Scam Mitigation Tips (December 2024)
- Consumer Electronics Show 2025 – Cyber Trust Mark (December 2024)
- Schools, Health and Libraries Broadband Coalition (SHLB AnchorNets) (October 2024)
- M-Enabling (October 2024)
- Wireless Emergency Alerts Webinar, co-hosted with PSHSB (September 2024)
- Back-to-School Webinar (September 2024)
- Train-the-trainer sessions (ACP and Lifeline Program, 8 sessions in 2024)
- Conference exhibition nationwide (13 national conferences, 2024)
- Printed and shipped materials to consumers and partners (22,833 in 2024)
- Printed and shipped materials to consumers and partners (3,800 as of March 2025)
- One-on-one meetings with partner organizations (59 in 2024)

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: Web and Print Publishing Division**

The Web and Print Publishing Division of the FCC's Consumer and Governmental Affairs Bureau has a longstanding role as a resource for consumer-focused content creation, design and management. The Division also continues to support all Commission initiatives involving web publishing and consumer content development.

Current Priorities:

- Continuing support for Affordable Connectivity Program consumer@ outreach, updating the ACP web suite (<https://www.fcc.gov/acp>), including FAQs, FCC actions, participating providers, ACP outreach grant program and outreach toolkit web pages.
- Providing support for the Broadband Data Collection consumer-facing web and print content.
- Continuing development of consumer awareness web and print materials for the campaign to combat unwanted and illegal robocalls and robotexts.
- Increasing multimedia proficiency for continued development of consumer videos and interactive features.
- Updating the Consumer Help Center design to showcase digital content .

Portfolio:

- **Help Center and Consumer guides:** WPPD researches, writes, and publishes all Consumer Help Center Posts (fcc.gov/consumers). The Division also manages the development and maintenance of more than 160 regularly curated consumer guides to inform CGB's audience on multiple topics and issues of interest. Scam-related posts are archived separately in an alphabetized Scam Glossary (fcc.gov/scams).
- **Print Design:** WPPD leads content development and design for handouts, infographics and posters on a range of telecom consumer issues, including - robocalls and robotexts, spoofing, emergency communications, billing, and other consumer topics. Materials are distributed by FCC outreach staff at meetings, conferences and consumer events. Materials are also provided to partner organizations on request and are available in an online catalog to print on demand.
- **Accessible Formats:** WPPD provides braille and large-print documents on request by consumers and in support of the Disability Advisory Committee.

- **Animated Videos:** WPPD provides in-house development and creation of animated video content highlighting consumer education topics and other priority messaging for the Commission. FCC Consumer Productions has posted two animated videos – on spoofing and on communicating during emergencies – captioned in English and multiple languages, and is developing an animated video for Broadband Data Collection mobile challenges.
- **Public Safety:** WPPD partners with the FCC’s Public Safety and Homeland Security Bureau to translate into Spanish daily status reports on communications services in geographic regions impacted by natural disasters or other service disruptions.

CGB BRIEFING SHEET***CGB Regular Topics*****SUBJECT: Consumer Inquiries and Complaints Division**

Through its Consumer Inquiries and Complaints Division (CICD), CGB receives informal consumer complaints and inquiries via the FCC website (at <https://consumercomplaints.fcc.gov>), regular mail, fax, and telephone (at the FCC's toll-free number, 888-225-5322 (888-CALL-FCC)), and receives disability access-related complaints through telephone or email contact with CGB's Disability Rights Office (DRO) and the ASL Consumer Support Line (844) 432-2275.

- Complaint: consumer communication seeking relief and identifying a particular entity that allegedly caused harm.
- Inquiry: consumer communication seeking information about FCC rule/policy.
- To handle informal complaints and inquiries, CICD operates a consumer center comprised of staff.
- For inquiries, CICD may respond using various scripts and consumer guides.
- For complaints, CICD may:
 - Serve complaint on a provider and request a written response, typically within 30 days, be sent to the FCC and copied to the complainant, and serve a rebuttal on the provider for a more favorable resolution if that proposed in its response is inadequate;
 - if FCC lacks jurisdiction, refer complaint to appropriate Federal, state or local agency;
 - refer complaint to EB for review and investigation, as it deems appropriate (*e.g.*, indecency); or
 - refer complaint to substantive bureaus/offices for review/input; or
 - reply to complainant, indicating that FCC cannot assist, suggesting other agency or office that may be able to help.

CGB BRIEFING SHEET
CGB Regular Topics**SUBJECT: 504 Compliance Team**

Housed within CAOD, staff on this team are responsible for American Sign Language interpreting services for deaf or hard-of-hearing staff and visitors to the Commission.

The Section 504 Compliance Officer is the central Agency subject matter expert on all reasonable accommodations requests from members of the public interested in accessing the programs, activities, or services of the Commission. The 504 Officer reviews incoming requests to the FCC's 504 email inbox and provides appropriate oversight and direction to ensure that requests are met to the fullest extent possible.

Additionally, the team serves as subject matter experts to advise the events and public engagement teams on outreach efforts that support the disability community.

The FCC's Section 504 program is slated for review and comment on a triennial basis per the FCC's Section 504 rules, including any needed updates to the Section 504 Handbook. 504 Compliance Officer leads the effort to release a PN inviting comment (next scheduled for 2025), generate revisions to the handbook, implement programmatic changes and responses to commenters as appropriate.

CGB BRIEFING SHEET***CGB Advisory Committees/Task Forces*****SUBJECT: Consumer Advisory Committee**

Since 2001, the Consumer Advisory Committee (CAC), pursuant to the Federal Advisory Committee Act (FACA), studies and makes recommendations on topics specified by the Commission that are of particular interest to consumers, and seeks to facilitate consumer participation in Commission proceedings. The CAC's members are appointed by the Chair of the Commission; they represent a wide range of stakeholders, including consumer-oriented public interest organizations, state and local governments, communications companies and trade associations, and individual consumers serving on their own behalf. To learn more about the CAC and its activities, visit: www.fcc.gov/consumer-advisory-committee.

The CAC operates under a Charter that provides for a two-year term. The CAC's twelfth term was renewed in fall 2022 and expired October 16, 2024. On February 20, 2024, Chairwoman Rosenworcel announced the appointment of members 28 to the twelfth CAC and that the group would focus on the implication of emerging artificial intelligence technologies on consumer privacy and protection, including how AI can help protect vulnerable consumer populations from unwanted and illegal calls. This CAC met on April 4, June 26, and September 24, 2024, and its report is available both on the Commission's website and in the Artificial Intelligence docket (CG Docket No. 23-362).

The CAC's thirteenth term was renewed on October 9, 2024.

CGB BRIEFING SHEET***CGB Advisory Committees/Task Forces*****SUBJECT: Disability Advisory Committee**

The Disability Advisory Committee (DAC) provides advice and recommendations to the Commission on a wide array of disability matters within the jurisdiction of the Commission. Pursuant to the Federal Advisory Committee Act, the Commission announced the establishment of the DAC for its first two-year term on December 2, 2014. The DAC was renewed for a second term on December 29, 2016, a third term on December 21, 2018, a fourth term on December 17, 2020, a fifth term on December 14, 2022, and a sixth term for the time period of January 13, 2025, to January 12, 2027. To learn more about the DAC and its activities, visit: www.fcc.gov/dac.

Meetings

At this time, there are no meetings of the sixth term of the DAC.

Recommendations

The first five terms of the DAC resulted in 44 recommendations to the Commission.

Membership

At this time, the roster for the sixth term of the DAC is still under review.

CGB BRIEFING SHEET***CGB Advisory Committees/Task Forces*****SUBJECT: Hospital Robocall Protection Group**

The HRPG, a Federal Committee, was chartered on June 25, 2020. As required by section 14(c) of the TRACED Act, the mission of the HRPG was to issue best practices recommendations on combating unlawful robocalls to hospitals not later than 180 days after establishment of the HRPG.

On December 14, 2020, the HRPG issued best practices regarding the following:

- How voice service providers can better combat unlawful robocalls made to hospitals;
- How hospitals can better protect themselves from such calls, including by using unlawful robocall mitigation techniques; and
- How the Federal Government and State governments can help combat such calls.

Activities

Activities of the HRPG and the full report may be found on the HRPG web page at <https://www.fcc.gov/hospital-robocall-protection-group>. The HRPG was terminated on January 14, 2021.

Section 14(d) Assessment Proceeding

Section 14(d) of the TRACED Act further required that, no later than 180 days from the HRPG's issuance of its best practices (June 13, 2021), the Commission would conclude a proceeding to assess the extent to which the voluntary adoption of the HRPG best practices can be facilitated to protect hospitals and other institutions. On January 11, 2021, the Commission initiated this proceeding by releasing a Public Notice seeking comment on how to facilitate the voluntary adoption of the HRPG's best practices. Comments on the Public Notice were due February 1, 2021. Commission releases and stakeholder comments may be found by accessing ECFS, and searching under CG Docket No. 21-7.

On June 11, 2021, the Commission issued a public notice concluding its assessment of how the voluntary adoption by hospitals and other stakeholders of the HPRG's best practices could be facilitated to protect, primarily hospitals, from unlawful robocalls. The Commission concluded that education and outreach were the most effective means of facilitating the voluntary adoption of the HRPG's best practices and that hospital risk management professionals were best positioned to assume responsibility for developing these educational materials and outreach efforts.

Further information about the HRPG and the FCC Assessment Proceeding is available on the HRPG webpage at <https://www.fcc.gov/hospital-robocall-protection-group>.

CGB BRIEFING SHEET***CGB Advisory Committees/Task Forces*****SUBJECT: Intergovernmental Advisory Committee****Mission**

The mission of the IAC is to make recommendations to the Commission on communications issues affecting local, state and Tribal governments that are within the jurisdiction of the Commission.

Background

In 1997, the FCC established the IAC's predecessor, the Local and State Government Advisory Committee (LSGAC). On July 17, 2003, the Commission renamed the advisory body the IAC to reflect greater balance between state, local and Tribal representation, and urban and rural representation, as well as to gain expertise in homeland security and rural matters. Since 1997, the LSGAC and IAC have provided input into the FCC's decision-making process through over 50 policy comments, reports and recommendations.

Oversight

Oversight of the IAC is provided by the Consumer and Governmental Affairs Bureau's Office of Intergovernmental Affairs (IGA). Commission rules found at 47 CFR § 0.701 govern the composition and operation of the IAC.

Time Parameters

Under Commission rules, 47 CFR § 0.701(c), the IAC is authorized to undertake its mission for a period of two years from the date of any term's first meeting.

Not a Federal Advisory Committee

Pursuant to Section 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. § 1534(b), the IAC is a forum to "facilitate intergovernmental communication," *see* 47 CFR § 0.701(a), and is not subject to, or required to follow, the procedures set forth in the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988). As a result, its meetings are not open to the public.

Membership

Pursuant to Section 0.701(b) of the Commission's rules, the IAC consists of thirty members (or their designated employees), with a minimum of four elected municipal officials (city mayors or city council members); two elected county officials (county commissioners or council members); one elected or appointed local government attorney; one elected state executive (governor or

Public Information

lieutenant governor); three elected state legislators; one elected or appointed public utilities or public service commissioner; and three elected or appointed Tribal representatives.

Activities

The most recent IAC was established for a two-year term commencing April 10, 2024. The IAC was assigned two tasks: (i) develop recommendations to promote equitable broadband access in multi-tenant environment/multi-dwelling unit (MTE/MDU) settings and (ii) develop recommendations to promote or enhance digital literacy for consumers to aid the FCC's digital divide closing efforts. On December 3, 2024, the IAC issued a report: "In the Matter of Equitable Broadband Access in Multi-Tenant Environments/Multi-Dwelling Units (Advisory Recommendation No: 2024-1)".

IAC Members (2024-2026):

Chairman: Garlin Gilchrist II, Lieutenant Governor, Michigan

Vice-Chairman: Jarred-Michael Erickson, Chairperson, Colville Business Council, Confederate Tribes of the Colville Reservation, Washington

State Executive Representatives (3)

- Roy Cooper, Governor, North Carolina (recently transitioned off the IAC on January 1, 2025)
 - Designee: Nate Denny, Deputy Secretary, Broadband and Digital Equity, Department of Information Technology
- Henry McMaster, Governor, South Carolina
 - Designee: James Stritzinger, Director, South Carolina Broadband Office, South Carolina Office of Regulatory Staff
- Garlin Gilchrist II, Lieutenant Governor, Michigan (Chair)
 - Designee: Eric Frederick, Chief Connectivity Officer, Michigan High-Speed Internet Office, Michigan Department of Labor and Economic Opportunity

Municipal Representatives (8)

- Tim Rosener, Mayor, Sherwood, Oregon
- Joseph Goldstein, Marietta City Council Member, Marietta, Georgia
- Chris Amorose Groomes, Mayor, Dublin, Ohio
- Susan Farber, City Council Representative, Dubuque, Iowa
- Dr. Alix Desulme, Mayor, City of North Miami, Florida
- Erik Sickinger, Town Council Member, Irmo, South Carolina
- Dr. Adriana Rocha Garcia, Town Council Member, San Antonio, Texas
- Ted Wheeler, Mayor, Portland, Oregon (recently transitioned off the IAC on January 1, 2025)
 - Designee: Andrew Speer, Franchise Utility Program Manager

County Representatives (7)

- Dr. Jonathan Todd Finnell, Superintendent of Schools, Imperial County, California
- Gregg Weiss, Commissioner, Palm Beach County, FL

Public Information

- Tarryl Clark, Commissioner, Stearns County, Minnesota
- Alan Perdue, Commissioner, Guilford County, North Carolina
- Joanna Mackenzie, County Judge, Hudspeth County, Texas
- J.D. Clark, County Judge, Wise County, Texas
- Terry Cook, Commissioner, Williamson County, Texas

City Attorney Representative (1)

Victor Gordo, Mayor, Pasadena, California

Designee: Javan Rad, Chief Assistant City Attorney

State Legislative Representatives (4)

Cindy Ryu, State Representative, Washington

Louis Riggs, State Representative, Missouri

Matt Pierce, State Representative, Indiana

Angelo J. Puppolo, State Representative, Massachusetts

State Public Utility Commission Representatives (3)

Tony Evers, Governor, Wisconsin

Designee: Alyssa Kenney, Director of Broadband and Digital Equity, Wisconsin State Broadband Office, Wisconsin Public Service Commission

Dan Watermeier, Chair, Nebraska Public Service Commission

Designee: Cullen Robbins, Director of Telecommunications, Nebraska Universal Service Fund Department, Nebraska Public Service Commission

Muriel Bowser, Mayor, Washington, D.C.

Designee: Thaddeus Johnson, Chief of Staff, Office of Technical and Regulatory Affairs, Public Service Commission of the District of Columbia

Tribal Representatives (4)

Paul Russell, Vice President, Fort McDowell Yavapai Nation, Arizona

Designee: Orlando Moreno, Director of Community and Economic Development of the Fort McDowell Yavapai Nation

Jarred-Michael Erickson, Chairperson, Colville Business Council, Confederate Tribes of the Colville Reservation, Washington (Vice-Chair)

Designee: Ernie Rasmussen, Executive Director, Bigfoot Communications of the Confederated Tribes of the Colville Reservation

Richard Peterson, President, Central Council of the Tlingit and Haida Indian Tribes of Alaska

Designee: Christopher Copley, Director, Tidal Network

Marshall Pierite, Chairman and CEO of the Tunica-Biloxi Tribe of Louisiana

CGB BRIEFING SHEET***CGB Advisory Committees/Task Forces*****SUBJECT: Native Nations Communications Task Force****Mission**

To make recommendations to the Commission on communications-related issues that affect Tribal interests.

Background

The Native Nations Broadband Task Force (Task Force), created in March 2011, is composed of senior Commission staff and elected leaders from federally recognized Tribal governments or governmental entities, or their designated employees. The Task Force helps the Commission fulfill its commitment to increasing broadband deployment and adoption on Tribal lands. Each Task Force are appointed to a three-year term. The last Task Force's term ended December 31, 2023.

Not a Federal Advisory Committee

Pursuant to Section 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. § 1534(b), the Task Force is not subject to, or required to follow, the procedures set forth in the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988). As a result, its meetings are not open to the public.

Logistics and Oversight

The Task Force is expected to meet in person twice a year with meetings supplemented by teleconferences, and to work on assigned tasks throughout the year. The full Task Force met in-person in the new FCC headquarters on February 3, 2023, with a supplement of virtual attendance by those members who were unable to travel. The Chair and two Commissioners attended in person. Throughout 2023, the Task Force meet virtually to work on a new task of examining the sustainability of communications networks on Tribal lands. The Task Force had its last meeting at the end of 2023.

Policy Activities

The Task Force has produced two recent reports: *Improving and Increasing Broadband Deployment on Tribal Lands* (Nov. 2019); and *Recommendations for Improving Required Tribal Engagement Between Covered Providers and Tribal Governments* (Dec. 2020). Both reports were placed in the official record of all relevant proceedings.

The Tribal members also completed work on a *Handbook on Infrastructure Deployment on Tribal Lands* (May 2022) intended to bring awareness of the various steps involved in broadband deployment, including developing networks, forming partnerships, establishing sound regulatory

Public Information

policies and practices, and creating sustainable business models. It also provides practical guidance related to assessing both current and future needs and designing systems to meet those needs, whether a Tribe seeks to provide communications services itself or through a third party.

The FCC sought nominations for new Task Force members at the end of 2023, and named new Task Force members in 2024. The start of the members' three year term will begin at the time of the first meeting.

2025 NNCTF Tribal Members

Tribal Task Force Members

Tiffany Circle, Confederated Tribes of the Colville Reservation Washington
Sam Cohen, Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation
Fred Corey, Mi'kmaq Nation
Guthrie Ducheneaux, Cheyenne River Sioux Tribe
Lee Fine, Tunica-Biloxi Tribe of Louisiana
Melissa Francis, Passamaquoddy Tribe at Pleasant Point
Anthony Giacobbe, Seneca Nation
Sharon Hildebrand, Tanana Chiefs Conference
Donald Long Knife, Fort Belknap Indian Community
Marissa Merculieff, Aleut Community of St. Paul (ASCPI)
Will Micklin, Ewiiapaayp Band of Kumeyaay Indians
Allyson Mitchell, St. Regis Mohawk Tribe
Jason Neilitz, Sokaogon Chippewa Community
Robert Pollard, Blue Lake Rancheria
Kevin Shendo, Pueblo of Jemez
Josh Snow, Chickasaw Nation
Paula Starr, Cherokee Nation
Teresa Taylor, Lummi Nation
Sherry Treppa, Habematolel Pomo of Upper Lake Tribe
Jonathan Walters, Samish Indian Nation
Jason Williams, Chugachmiut

Federal Communications Commission Members

Allison Baker, Associate Bureau Chief, Wireline Competition Bureau
David Furth, Deputy Bureau Chief, Public Safety and Homeland Security Bureau
Bambi Kraus, Chief of ONAP, and FCC NNCTF Co-Chair
Janet Moran, Associate Division Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau
Lisa Scanlan, Deputy Division Chief, Audio Division, Media Bureau

###

FCC FOIA No. 2025-000888

Enforcement Bureau
Briefing Sheets
March 2025 Table of
Contents

000587

SUBJECT	PAGE NUMBER
Consumer Protection	1
Competition and Rural Call Completion (Including Unauthorized Transfer and Assignments)	16
Broadband Reporting	21
Universal Service and Affordable Connectivity Program	23
TRS/VRS and Other Accessibility	33
Interference Resolution and Public Safety	37
911	40
Misuse of Emergency Alert System (EAS) codes and Attention Signal	42
Jammers	44
Unauthorized Operations and Other Wireless Service Issues (Including Orbital Debris & Environmental Review)	46
Equipment Marketing	49
Unlicensed Broadcast Stations (Pirate Radio)	51
Sponsorship Identification/Payola/Underwriting	56
Broadcast Obscenity, Profanity, and Indecency	58
CALM Act (Loud Commercials)	60
Dispute Resolution	62
Auctions	65
Equal Employment Opportunity	68

EB BRIEFING SHEET

SUBJECT: Consumer Protection

SUMMARY: The Enforcement Bureau enforces the consumer protection obligations that apply to companies providing consumers various forms of communications services, such as telecommunications, broadcast television, and cable television. The Bureau also enforces consumer protection obligations that apply to manufacturers of telecommunications equipment, telemarketers, and companies using telecommunications equipment to distribute unsolicited advertisements.

BACKGROUND AND KEY ISSUES:

- ***Cramming:*** Telecommunications service providers violate Section 201(b) of the Communications Act and section 64.2401(g) of the Commission's rules when they place, or cause to be placed, unauthorized charges on a consumer's telephone bill. This unlawful practice is commonly referred to as "cramming" and results in significant consumer harm. The unauthorized charges are often small amounts and can go undetected by consumers for many months, because they are typically not disclosed clearly or conspicuously on a multipage telephone bill. Further, consumers who receive electronic bills or who have authorized automatic deductions from their bank accounts for payment of monthly invoices are especially vulnerable, because they may not even look at their bills prior to payment. In 2012, the Commission adopted "truth in billing" rules designed to help consumers better identify "crammed" charges on their wireline phone bills.
- ***Negative Option Billing:*** Section 543(f) of the Act, codified at Section 76.981(a) of the Commission's rules, prohibits a cable provider from engaging in "negative option billing"—the practice of charging subscribers for services or equipment that they did not affirmatively request. Similar to cramming, charges added to consumers' bills through negative option billing may go unnoticed, and may burden subscribers by requiring them to identify the charges and seek any redress for equipment and services they do not want.
- ***Slamming:*** Section 258 of the Act prohibits carriers from submitting orders to change a consumer's preferred telecommunications provider without first verifying the consumer's consent. This unlawful practice is commonly referred to as "slamming" and results in significant consumer harm. The Commission's rules outline permissible procedures that can be undertaken to verify consumers' change requests, such as use of a letter of authorization or an independent third party. In 2018, the Commission adopted a rule that prohibits material misrepresentations during sales calls and provides that a consumer's "authorization" for a carrier change is not valid if there was a material misrepresentation.
- ***Truth-in-Billing:*** Section 201(b) of the Act, as amended, and section 64.2401 of the Commission's rules require all charges and practices of carriers to be just and reasonable. Among other requirements designed to make bills easier for consumers to understand, Commission rules require that telephone bills must include clear descriptions of the services provided, identify the service provider and identify any change in the service provider, and provide detailed descriptions of charges on the bills. The Commission also requires carriers to use standard labels for line-item charges such as universal service fees, subscriber line charges, and local number portability charges.
- ***Broadband Internet Public Disclosures:*** Under the Restoring Internet Freedom Declaratory Ruling, Report and Order and Order, 33 FCC Rcd 311, 435, para. 215 (2018), the FCC requires providers of broadband Internet access services to publicly disclose accurate information regarding their network management practices, performance, and the commercial terms of the services they provide via a publicly available, easily accessible website or by transmittal to the Commission.
- ***Consumer Do-Not-Call Directives and Limits on Prerecorded Messages (Robocalls):*** Under authority granted by the Telephone Consumer Protection Act (TCPA), located in Section 227 of the Act, section

64.1200 of the Commission's rules prohibits telemarketers from calling residential telephone numbers on the National Do-Not-Call Registry and require that they honor such do-not-call preferences within 31 days of a number being placed on the Registry. Telemarketers must also maintain their own company-specific lists of do-not-call requests from residential subscribers and must honor those requests within a reasonable time from the date of the request, not to exceed 30 days. In addition, the rules prohibit the delivery of artificial or prerecorded voice or autodialed messages (robocalls) to destinations such as emergency telephone lines, hospital patient lines, and cell phone numbers, among others, unless the caller has the recipient's prior express consent. The rules also prohibit the delivery of unsolicited prerecorded advertising or telemarketing messages to residential telephone lines, except under limited circumstances. The Telephone Robocall Abuse Criminal Enforcement and Deterrence Act of 2019 (TRACED Act) gave the FCC new tools to fight unwanted robocalls. The TRACED Act allows the Commission to impose forfeiture penalties for robocall violations without first issuing a citation, and provides additional penalties and an extended statute of limitations for intentional robocall violations.

- **Truth in Caller ID:** The Truth in Caller ID Act of 2009 (TICIDA), codified in Section 227 of the Communications Act, prohibits knowingly causing any caller identification service to transmit or display misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value (spoofing). In passing the TICIDA, members of Congress observed that consumers greatly value accurate, reliable caller ID information to help them decide whether to answer a phone call and whether to trust the caller on the other end of the line. The TICIDA is designed to prevent harms that flow from the misuse of caller ID. The RAY BAUM's Act states that the TICIDA covers communications originating outside the United States sent to recipients within the United States, and the statute also makes explicit that the TICIDA covers text messages as well as voice calls. The TRACED Act extends the statute of limitations for Commission forfeiture actions involving TICIDA spoofing violations.
- **Robocall Mitigation Database:** Section 64.6305 of the Commission's rules requires all providers to implement a robocall mitigation program and file a robocall mitigation plan describing the program and including specific required information in the Robocall Mitigation Database. Voice service providers must file in the Robocall Mitigation Database certifications that detail the specific reasonable steps that they have taken to avoid originating, or transmitting into the United States, illegal robocall traffic. Domestic providers can accept traffic only from other providers included in the Robocall Mitigation Database.
- **Reassigned Numbers Database:** Section 64.1200(1)(2) requires voice service providers that use North American Numbering Plan resources to file information regarding permanently disconnected telephone numbers with the Administrator of the Reassigned Numbers Database on a monthly basis, by the fifteenth day of each month. The RND provides a means by which parties that make calls – including robocalls – pursuant to prior express consent may determine whether such consent no longer applies because the phone number being called has been reassigned to another party.
- **Privacy/Data Breach/Cybersecurity:** The Communications Act includes provisions protecting customer information obtained by telecommunications carriers and, separately, cable companies and satellite carriers (both those providing television broadcast services and those providing wire or radio communications services), as part of their business relationship.
 - Section 222 of the Act requires carriers to protect the confidentiality of the proprietary information of their customers. The Commission's rules require carriers and interconnected VoIP providers to protect the privacy and security of customer proprietary network information (CPNI), to notify consumers and law enforcement of data breaches involving CPNI, and to file annual certifications documenting their compliance with the CPNI rules (codified at 47 CFR § 64.2001 *et seq*). More specifically, carriers are required to report breaches of CPNI to a designated web portal that is managed by the U.S. Secret Service and monitored by EB/TCD staff. The Commission updated the breach reporting rules in December 2023. When the updated rules go into effect, carriers' obligations

to report breaches will expand to include breaches involving: (1) personally identifiable information; and (2) inadvertent access, use, or disclosure of customer information. In addition, carriers will be required to notify the Commission of such breaches.¹

- Section 631 of the Act provides that, with certain exceptions, a cable operator “shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator.” Section 631 also requires cable operators to provide each subscriber access to the personally identifiable information that the cable operator collects and maintains about that subscriber and to destroy such personally identifiable information if the information is no longer necessary for the purpose for which it was collected. Cable operators are also required to give subscribers annual notices of their privacy practices.
- Section 338(i) of the Act provides that, with certain exceptions, a satellite television provider (satellite carrier) “shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or satellite carrier.” Section 338 also requires satellite carriers to provide notice to subscribers of what personally identifiable information (PII) they collect, how they use such PII, how and to whom they disclose such PII, how long PII is retained, and how and when the subscriber may have access to the PII. Satellite carriers are required to give this notice when they enter into the contract with the subscriber and annually.
- **Broadcast Contest Rigging and Other Contest Violations:** Section 508(a) of the Communications Act makes it unlawful for any person with intent to deceive the listening or viewing public to engage in actions that influence or alter the outcome of a contest of intellectual knowledge, intellectual skill, or chance—including, but not limited to, bribery, intimidation, secret assistance, or predetermination of aspects of the contest—or to conspire with persons engaged in the foregoing. Section 73.1216 of the Commission’s rules requires a licensee to “fully and accurately disclose the material terms” of a contest it broadcasts or advertises, and conduct the contest “substantially as announced and advertised.”
- **Live Broadcast Rule:** Section 73.1208 of the Commission’s rules provides that any taped, filmed, or recorded program material in which time is of special significance, or by which an affirmative attempt is made to create the impression that it is occurring simultaneously with the broadcast, must be identified by broadcast licensees as taped, filmed or recorded. Failing to do so could mislead the public to believe that a prerecorded show perceived is a live broadcast.
- **Junk Fax:** Under authority granted by the TCPA, the Commission has adopted rules prohibiting unsolicited fax advertisements except under limited circumstances.

¹ Parallel updates have been made to the rules applicable to telecommunications relay services (TRS) providers, thus TRS providers are subject to the same enhanced breach reporting obligations as carriers and interconnected VoIP providers.

ENFORCEMENT ACTIONS:**CEASE-AND-DESIST LETTERS TO GATEWAY AND ORIGINATING PROVIDERS TRANSMITTING ILLEGAL****ROBOCALLS:**

- On October 18, 2024, the Enforcement Bureau issued a cease-and-desist letter to Identidad Advertising Development LLC (Identidad) for apparently transmitting illegal robocalls that impersonated financial institutions such as banks and credit card issuers. The letter required Identidad to promptly investigate the calls, block the calls if Identidad determined that it served as the gateway provider, and report the results of the investigation to the Bureau. The letter also informed Identidad that it may be subject to mandatory blocking or removal from the Robocall Mitigation Database if it failed to comply with the Commission's rules. The Bureau also released an accompanying Public Notice notifying U.S.-based providers of rules that permit them to block robocalls transmitting from Identidad.
- On May 20, 2024, the Enforcement Bureau issued a cease-and-desist letter to Alliant Financial (Alliant) for apparently originating illegal robocall traffic related to debt consolidation loans. The letter required Alliant to immediately investigate and block the identified traffic and report the results of the investigation to the Bureau. The letter also notified Alliant of deficiencies related to its robocall mitigation plan and warned that failure to cure such deficiencies could lead to removal from the Robocall Mitigation Database. This letter was the third and final item of the Enforcement Bureau's "Spring Cleaning" initiative and focused on a campaign topic known to frequently target veterans and active-duty service members. The Enforcement Bureau released the letter in coordination with the Consumer Financial Protection Bureau and the Department of Veterans Affairs. On the same day, the Enforcement Bureau issued a Public Notice to all providers notifying them of permissive blocking options if Alliant failed to mitigate the identified traffic.
- On April 17, 2024, the Enforcement Bureau issued a cease-and-desist letter to DigitalIPvoice, Inc. (DigitalIPvoice) for serving as the gateway provider for apparently illegal robocall traffic advertising student loan assistance for graduates. The letter required DigitalIPvoice to immediately investigate and block the identified traffic and report the results of the investigation to the Bureau. This letter was the second enforcement item of the Enforcement Bureau's "Spring Cleaning" initiative and it was released in coordination with the Department of Education and the Consumer Financial Protection Bureau. On the same day, the Enforcement Bureau issued a Public Notice to all providers notifying them of permissive blocking options if DigitalIPvoice failed to mitigate the identified traffic.
- On April 4, 2024, the Enforcement Bureau issued a cease-and-desist letter to Veriwave Telco, LLC (Veriwave) for apparently originating illegal robocall traffic relating to tax debt. The letter required Veriwave to immediately investigate and block the identified traffic and report the results of the investigation to the Bureau. This letter was the first enforcement item issued as part the Enforcement Bureau's "Spring Cleaning" initiative, which focused on preventing damage and distress from active scams particularly widespread during the spring season. The Enforcement Bureau released the letter in coordination with the Internal Revenue Service. On the same day, the Enforcement Bureau issued a Public Notice to all providers notifying them of permissive blocking options if Veriwave failed to mitigate the identified traffic. Veriwave did not respond, and on July 8, 2024, the Enforcement Bureau released an Initial Determination Order against Veriwave. The Order warned Veriwave that if it failed to provide an adequate response within 14 days or continued to originate or allow onto the U.S. network substantially similar illegal traffic, the Bureau would issue a Final Determination Order. Any provider immediately downstream from Veriwave would then be required to block and cease accepting all traffic received directly from Veriwave beginning 30 days after release of the Final Determination Order.
- On February 6, 2024, the Enforcement Bureau issued a cease-and-desist letter to Lingo Telecom (Lingo) for apparently originating illegal robocall traffic. Two days before the New Hampshire

Presidential Primary Election, individuals began receiving calls that played a prerecorded voice message, which used artificial intelligence to sound like U.S. President Joseph R. Biden, Jr. The calls encouraged prospective voters not to vote in the upcoming presidential primary. The caller identification information indicated that the calls appeared to come from a phone number subscribed to by the spouse of the former New Hampshire Democratic Party chair who led a super Political Action Committee that encouraged New Hampshire Democrats to write in President Biden's name in the state's primary election. The Bureau partnered with the New Hampshire Attorney General, the bipartisan Anti-Robocall Multistate Litigation Task Force, and USTelecom's Industry Traceback Group in this investigation and revealed that Lingo originated these calls.

- On December 20, 2023, the Enforcement Bureau issued a cease-and-desist letter to CallWin LLC (CallWin) for apparently originating illegal robocall traffic on behalf of at least four clients. The calls mentioned companies such as "Pro American Solar" and "Medicare Department at Healthcare Benefits." Some of the calls encouraged the purchase of additional Medicare service options by touting "better access" to health-related benefits. Due to the use of prerecorded and artificial voices in the identified calls to consumers' cell phones—apparently without consent and absent an emergency purpose—including some of which also advertised various offerings, these calls were apparently illegal. The ITG previously notified CallWin of these calls and provided CallWin with access to supporting data identifying each call. CallWin did not contest that it had originated the calls or the unlawful nature of the traffic. Nor did CallWin contest that any exceptions to the rules applied. Accordingly, CallWin is responsible for allowing these apparently unlawful calls to originate on its network repeatedly.
- On December 20, 2023, the Enforcement Bureau issued a cease-and-desist letter to Solid Double LLC (Solid Double) for apparently originating illegal robocall traffic on behalf of one or more clients. The Bureau received a complaint in the Private Entity Portal from a private entity (Private Entity) reporting that a malicious party was using one of its business telephone numbers to offer grants to called parties. As a result of the campaign, the Private Entity received at least 10 to 20 calls in the course of just three weeks from people who believed they had received a call from the Private Entity in reference to a grant program. The ITG traced back the calls and determined that Solid Double originated the calls on behalf of several clients including an entity named "Sham Telecom." Solid Double told the ITG had it had terminated the clients who were the subjects of tracebacks. Despite this, Solid Double continued to carry their traffic. The numerous tracebacks to Solid Double with respect to at least four different clients also indicated that Solid Double was knowingly or negligently originating illegal robocall traffic.
- On September 19, 2023, the Enforcement Bureau issued an Initial Determination Order against One Owl Telecom Inc. (One Owl). The Initial Determination Order followed an August 1, 2023 Notice of Suspected Illegal Robocall Traffic, which warned that One Owl was apparently transmitting and originating illegal robocall traffic on behalf of one or more of its clients, and that it must investigate the identified traffic and take steps to prevent its network from continuing to be a source of apparently illegal robocalls. The Enforcement Bureau simultaneously issued a Public Notice advising that if One Owl failed to mitigate the identified traffic described in the cease-and-desist letter, U.S.-based voice service providers may block voice calls or cease to accept traffic from One Owl.
- On June 7, 2023 the Enforcement Bureau issued a cease-and-desist letter to Avid Telecom LLC (Avid). The letter warned that Avid was apparently originating illegal robocall traffic on behalf of one or more of its clients, and that it must investigate the identified traffic and take steps to prevent its network from continuing to be a source of apparently illegal robocalls. The letter also warned that if the Avid continued to knowingly or negligently originate illegal robocall traffic then the Commission may remove its Robocall Mitigation Database certification thereby requiring all intermediate and terminating voice service providers to cease accepting its traffic.

- On May 11, 2023, the Enforcement Bureau ordered voice service providers to block and cease accepting traffic from international gateway provider One Eye LLC (One Eye). One Eye received a formal notice in February requiring it to cease carrying robocall traffic that FCC investigators and the Industry Traceback Group identified One Eye was facilitating. The robocall campaigns most recently facilitated by One Eye pertained to the impersonation of a financial institution and claims of “preauthorized order[s]” placed in consumers’ names. With this RoboBlocking Order, the FCC required any provider immediately downstream from One Eye to block and cease accepting traffic from One Eye within 30 days.
- On January 24, 2023, the Enforcement Bureau released a cease-and-desist letter warning Twilio Inc. (Twilio) that it was apparently transmitting illegal robocall traffic on behalf of its client, PhoneBurner, and PhoneBurner, Inc.’s client, MV Realty PBC, LLC. The letter required Twilio to immediately investigate and mitigate the identified suspected illegal robocalls and implement measures to prevent new and renewing customers from using its network to transmit illegal robocalls. The letter also warned that if Twilio continued to knowingly or negligently originate illegal robocall traffic then the Commission may remove its Robocall Mitigation Database certification thereby requiring all intermediate and terminating voice service providers to cease accepting its traffic.
- On January 11, 2023, the Enforcement Bureau released cease-and-desist letters to SIPphony LLC and Vultik Inc. warning that they were apparently originating illegal robocall traffic. The letter required the companies to immediately investigate and mitigate the identified suspected illegal robocalls and implement measures to prevent new and renewing customers from using their networks to transmit illegal robocalls. The letters also warned that if the companies continued to knowingly or negligently originate illegal robocall traffic then the Commission may remove their Robocall Mitigation Database certifications thereby requiring all intermediate and terminating voice service providers to cease accepting their traffic.
- On December 8, 2022, the Enforcement Bureau issued an order directing all U.S.-based voice service providers to take immediate steps to effectively mitigate suspected illegal student loan-related robocall traffic from Urth Access, LLC (Urth Access). The Enforcement Bureau had previously issued a cease-and-desist letter to Urth Access warning the company that it was apparently transmitting illegal robocall traffic. The letter required the company to immediately investigate and mitigate the identified suspected illegal robocalls and implement measures to prevent new and renewing customers from using its network to transmit illegal robocalls. The letter also warned that if the company continued to knowingly or negligently originate illegal robocall traffic then the Commission may remove its Robocall Mitigation Database certification thereby requiring all intermediate and terminating voice service providers to cease accepting its traffic. The December 8, 2022 order resulted from Urth Access’s failure to comply with the FCC’s warnings.
- On July 7, 2022, the Enforcement Bureau issued cease-and-desist letters to several providers associated with the Cox/Jones/Sumco Panama Operation for apparently originating or transmitting illegal robocall traffic. The recipients included: Geist Telecom LLC, Call Pipe LLC, Fugle Telecom LLC, Global Lynks LLC, South Dakota Telecom LLC, SipKconnect LLC, and Virtual Telecom Inc./Virtual Telecom kft. The Enforcement Bureau warned these parties that they risked having all of their traffic blocked by downstream voice service providers if they failed to take steps to effectively mitigate illegal traffic within 48 hours or if they failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the providers’ networks to make illegal robocalls. In addition, providers were put on notice that continued origination of illegal robocalls will be viewed as evidence of a defective certification for inclusion in the Robocall Mitigation Database and, as such, the entities’ certifications may be subject to removal from the database. The Bureau also sent a letter to Mobi Telecom LLC for apparently transmitting illegal robocall traffic and warned that downstream voice service providers may block its traffic if it failed to take steps to

effectively mitigate illegal traffic within 48 hours or if it failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the providers' networks to make illegal robocalls. These letters were sent in collaboration with the Ohio Attorney General's Complaint against the Cox/Jones/Sumco Panama Operation, and concurrently with the Public Notice, *infra*.

- On July 7, 2022, the Enforcement Bureau also issued a Public Notice to all U.S.-based voice service providers advising them of the contemporaneously issued cease-and-desist letters, *supra*. It notified all voice service providers that they may block voice calls or cease to accept traffic from the entities in receipt of the cease-and-desist letters without liability under the governing law and regulations. Further, the Bureau stated that if the providers in receipt of the above mentioned cease-and-desist letters failed to comply with the requirements, the Bureau would issue a follow-up Order requiring all U.S.-based providers to take steps to mitigate illegal traffic, including blocking the traffic from these providers.
- On March 22, 2022, the Enforcement Bureau issued cease-and-desist letters to thinQ Technologies, Inc. AireSpring, Inc., and Hello Hello Miami, LLC for apparently transmitting robocall traffic. The Bureau warned the providers that they faced all their traffic being blocked by downstream voice service providers if they failed to take steps to effectively mitigate illegal traffic within 48 hours or if they failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the their networks to make illegal robocalls.
- On February 10, 2022, the Enforcement Bureau issued cease-and-desist letters to two voice service providers, Telecom Carrier Access dba TCA VoIP and Great Choice Telecom LLC, for apparently transmitting illegal robocall traffic. The letters warned the providers that they faced all their traffic being blocked by downstream voice service providers if they failed to take steps to effectively mitigate illegal traffic within 48 hours or if they failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the providers' networks to make illegal robocalls.
- On October 21, 2021, the Enforcement Bureau issued cease-and-desist letters to three voice service providers for apparently originating illegal robocall traffic. The Bureau sent letters to Duratel LLC, Primo Dialler LLC, and PZ/Illum Telecommunication LLC, warning these parties that they risked having all of their traffic blocked by downstream voice service providers if they failed to take steps to effectively mitigate illegal traffic within 48 hours or if they failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the providers' networks to make illegal robocalls. In addition, providers were put on notice that continued origination of illegal robocalls will be viewed as evidence of a defective certification for inclusion in the Robocall Mitigation Database and as such may be subject to removal from the database.
- On May 18, 2021, the Enforcement Bureau issued cease-and-desist letters to VaultTel Solutions and Prestige DR VoIP for apparently transmitting illegal robocall traffic. On April 13, 2021, the Enforcement Bureau issued cease-and-desist letters to R Squared Telecom LLC and Phonetime Inc. Db a Tellza for apparently transmitting illegal robocall traffic.
- On March 17, 2021, the Enforcement Bureau issued cease-and-desist letters to Icon Global Services Ltd, IDT Corporation, RSCOM Ltd, Stratics Networks, Third Rock Telecom, and Yodel Technologies, LLC for apparently transmitting illegal robocall traffic. The letters warned these parties that they faced all their traffic being blocked by downstream voice service providers if they failed to take steps to effectively mitigate illegal traffic within 48 hours or if they failed to inform the Commission and the Traceback Consortium within 14 days of the steps taken to implement effective measures to prevent customers from using the providers' networks to make illegal robocalls.

WARNING LETTERS TO GATEWAY PROVIDERS

- On November 27, 2023, the Enforcement Bureau sent letters to seven gateway providers that allowed international robocalls onto U.S. networks, urging the companies to fully participate in efforts to track down the originators of illegal spoofed foreign robocalls.

Cramming, Slamming, and Truth-In-Billing Actions

- In March-May 2023, the U.S. Department of Justice settled Commission investigations into a set of related companies—U.S. Telecom Long Distance, Central Telecom Long Distance, Inc., and Consumer Telcom, Inc.—for violations of the Commission’s rules against slamming, cramming, and deceptive marketing. In addition to an aggregate monetary payment of \$140,000, the companies agreed to compliance plans that require them to, among other things, cease outbound telemarketing, implement robust and consumer-friendly complaint-handling procedures, certify that they have provided redress to all affected complainants, and file periodic compliance reports with the Enforcement Bureau.
- On April 22, 2021, the Commission released a Forfeiture Order against Tele Circuit Network Corporation, imposing a \$4,145,000 forfeiture for slamming, cramming, engaging in deceptive marketing, and failing to comply with a Commission Order. The Commission had issued an NAL against this company on April 27, 2018.
- On August 13, 2019, the Bureau entered into a consent decree with CenturyLink, Inc. to resolve an investigation into CenturyLink’s placement of unauthorized charges onto its customers’ bills. Under the terms of the settlement, CenturyLink paid \$550,000 to the U.S. Treasury, cease billing for third parties (with certain narrow exceptions), implement enhanced consumer complaint and refund practices, and adopt a compliance plan.
- On March 21, 2019, the Commission released a Forfeiture Order against Long Distance Consolidated Billing, imposing a \$2,320,000 forfeiture for slamming, cramming, and deceptive marketing practices. The Commission had issued an NAL against this carrier on July 20, 2015.

Broadband Internet Public Disclosures

- On December 10, 2019, the Enforcement Bureau issued 8 citations and 16 admonishments to broadband Internet access service providers for failing to prominently disclose their network management practices, performance, and commercial terms associated with their broadband Internet access services. These broadband providers were required to publicly disclose the required information via a publicly available, easily accessible website, or by transmittal to the Commission, within thirty days, or be subject to significant fines.

TCPA and TICIDA—Robocalling, Do-Not-Call, and Truth in Caller ID Actions

- On February 4, 2025, the Commission released a Notice of Apparent Liability proposing a \$4,492,500 fine against Telnix LLC for apparently failing to know its customers who were responsible for making prerecorded voice message calls impersonating the FCC.
- On January 14, 2025, the Enforcement Bureau classified a group of threat actors as the second Consumer Communications Information Services Threat (C-CIST). The FCC designated this group under the name Green Mirage. Green Mirage made unlawful spoofed calls impersonating mortgage providers to defraud consumers. Green Mirage has connections with individuals and entities operating in the United States and India. This classification heightens awareness of Green Mirage among regulatory agencies, law enforcement partners, and industry stakeholders.

- On December 27, 2024, the Commission submitted an annual report to Congress on robocalls and transmission of misleading or inaccurate caller ID as required by sections 3, 11, and 13 of the TRACED Act.
- On September 30, 2024, the Commission released a Forfeiture Order issuing a \$6,000,000 fine against Steve Kramer for illegal spoofed robocalls that used a deepfake generative AI voice message that imitated President Biden. This Order affirmed the proposed penalty in the Notice of Apparent Liability adopted on May 23, 2024.
- On August 21, 2024, the Enforcement Bureau entered into a settlement with Lingo Telecom, LLC, which transmitted illegally spoofed robocalls carrying AI-generated voice messages. Lingo agreed to a robust compliance plan and a \$1,000,000 civil penalty. This settlement followed a May 28, 2024, Notice of Apparent Liability for Forfeiture finding that Lingo apparently violated the Commission's rules by applying incorrect STIR/SHAKEN attestations to spoofed calls that it originated. Lingo applied A-level attestations, the highest possible, to calls for which it had not verified its customer's right to use the number displayed as caller ID. The NAL proposed a forfeiture penalty of \$2,000,000 for Lingo's apparent violations.
- On May 13, 2024, the Enforcement Bureau classified a group known as Royal Tiger as the first Consumer Communications Information Services Threat (C-CIST). This classification is a new tool to identify threat actors that use U.S. communications networks to perpetuate the most harmful, illegal schemes against consumers. Royal Tiger has connections to multiple countries and the United States. Royal Tiger's robocalls related to some of the most harmful campaigns to consumers including the impersonation of government entities, banks, and utility companies. This classification heightens awareness of Royal Tiger among regulatory agencies, law enforcement partners, and industry stakeholders.
- On April 26, 2024, the Commission released a Public Notice requesting letters of intent from parties seeking to serve as the Commission's private-led consortium to conduct tracebacks of suspected illegal robocalls. Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis. No new applicants sought consideration for the position. USTelecom's Industry Traceback Group sought continued selection.
- On March 20, 2024, the Commission issued a Public Notice requesting information on the status of private-led traceback efforts to traceback the source of suspected unlawful robocalls. The Commission is required to issue an annual report on the status of such efforts and the participation of voice service providers in such efforts. The reporting period for this request was from January 1, 2023, to December 31, 2023. The deadline to submit information was May 1, 2024. USTelecom's Industry Traceback Group submitted responsive information.
- On December 27, 2023, the Commission submitted an annual report to Congress on robocalls and transmission of misleading or inaccurate caller ID as required by sections 3, 11, and 13 of the TRACED Act.
- On September 22, 2023, the Commission released a Forfeiture Order imposing a \$116,156,250 penalty against Thomas Dorsher, ChariTel Inc, OnTel Inc, and ScammerBlaster Inc for placing over 20,000 illegal robocalls. This action followed and confirmed the Commission's July 14, 2022 Notice of Apparent Liability.
- On September 21, 2023, the Commission announced its renewed partnership with international robocall enforcement bodies within the Unsolicited Communications Enforcement Network (UCENet). The Memorandum of Understanding demonstrates the Commission's commitment to international partnerships in fighting robocall scams and data theft.

- On August 18, 2023, the Enforcement Bureau selected USTelecom's Industry Traceback Group to remain as the registered consortium for industry-led tracebacks of the source of suspected illegal robocalls.
- On August 3, 2023, the Commission released a Forfeiture Order imposing a record \$299,997,000 penalty against an auto warranty scam robocall operation run by Roy Cox, Jr. and Michael Aaron Jones via Sumco Panama SA and other companies and associates (collectively, Sumco), for robocalls that violated the Telephone Consumer Protection Act (TCPA) and Truth in Caller ID Act. Sumco made billions of auto warranty telemarketing calls without consent. The calls used misleading caller ID information as the numbers were Direct Inward Dialing numbers that made it impossible for recipients to return calls to Sumco. This action followed and confirmed the Commission's Notice of Apparent Liability released on December 23, 2022.
- On July 26, 2023, the Commission issued a Public Notice requesting information on the status of private-led traceback efforts to traceback the source of suspected unlawful robocalls. The Commission is required to issue an annual report on the status of such efforts and the participation of voice service providers in such efforts. The reporting period for this request was from November 1, 2022, to October 31, 2023. The deadline to submit information was November 13, 2023.
- On June 30, 2023, the Commission, in conjunction with four state attorneys general, issued a Consumer Alert warning consumers about a potential uptick in scam calls relating to federal student loan debt relief and providing consumers with information on how to identify these scam calls.
- On June 7, 2023, the Commission released a Memorandum Opinion and Order denying a Petition for Reconsideration filed by John C. Spiller, Jakob A. Mears, Rising Eagle Capital Group LLC, JSquared Telecom LLC, Rising Phoenix Group, Rising Phoenix Holdings; RPG Leads, and Rising Eagle Capital Group – Cayman (collectively, Spiller) in response to the Commission's March 18, 2021 Forfeiture Order. The order imposed a \$225,000,000 penalty for violating the Truth in Caller ID Act by making more than one billion apparently unlawful spoofed robocalls from January 2019 to May 2019 with the intent to defraud, cause harm, and wrongfully obtain something of value. This was the same amount proposed in the June 10, 2020 NAL. Spiller's robocalls purported to offer health insurance from large well-known health insurance brands such as Blue Cross Blue Shield and Cigna; instead, Spiller made the robocalls on behalf of short-term, limited duration health insurance sales agents unaffiliated with the mentioned brands.
- On June 6, 2023, the Commission released a Forfeiture Order imposing a \$5,134,500 forfeiture against John M. Burkman, Jacob Alexander Wohl, and J.M. Burkman & Associates LLC for making 1,141 unlawful robocalls to wireless phones without prior express consent in violation of the Telephone Consumer Protection Act. This action followed and confirmed the Commission's August 24, 2021 Notice of Apparent Liability. This was the first TCPA enforcement action using new authority from the TRACED Act.
- On April 24, 2023, the Commission released a Public Notice requesting letters of intent from parties seeking to serve as the Commission's private-led consortium to conduct tracebacks of suspected illegal robocalls. Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis. USTelecom's Industry Traceback Group, the incumbent registered consortium, and iconectiv LLC sought consideration for the position.
- On February 22, 2022, the Commission proposed a \$45 million fine against Gregory Robbins, Interstate Brokers of America LLC, and National Health Agents LLC for conducting an apparently illegal robocall campaign to sell health insurance under the pretense that the annual enrollment period had been reopened due to the coronavirus pandemic. Interstate Brokers of America apparently made 514,467 unlawful robocalls without subscribers' prior express consent or an emergency purpose.

- On April 20, 2022, the Enforcement Bureau issued a Public Notice requesting letters of intent from parties seeking to serve as the Commission's private-led consortium to conduct tracebacks of calls that use spoofed caller ID. USTelecom's Industry Traceback Group has served as the registered traceback consortium since July 2020 but Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis.
- On August 22, 2022, the Enforcement Bureau selected USTelecom's Industry Traceback Group to remain as the registered consortium for industry-led tracebacks of suspected illegal robocalls.
- On December 23, 2022, the Commission submitted an annual report to Congress on robocalls and transmission of misleading or inaccurate caller ID as required by sections 3, 11, and 13 of the TRACED Act.
- On December 28, 2021, the Commission submitted an annual report to Congress on robocalls and transmission of misleading or inaccurate caller ID as required by sections 3, 11, and 13 of the TRACED Act.
- On November 16, 2022, the Commission issued a Public Notice requesting information on the status of private-led traceback efforts to traceback the source of suspected unlawful robocalls. The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) requires the Commission to seek input from industry on the status of traceback efforts by the registered consortium to be used in an annual report required by section 13(a) of the TRACED Act. The deadline to submit information was November 28, 2022.
- On July 20, 2021 and September 23, 2021, the Enforcement Bureau issued Public Notices requesting that voice service providers and USTelecom's Industry Traceback Group, the registered traceback consortium, provide information on the status of private-led traceback efforts of suspected unlawful robocalls. The Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) requires the Commission to seek input from industry on the status of traceback efforts by the registered consortium to be used in an annual report required by section 13(a) of the TRACED Act.
- On August 25, 2021, the Enforcement Bureau selected USTelecom's Industry Traceback Group to remain as the registered consortium for industry-led tracebacks of suspected illegal robocalls.
- On June 30, 2021, the Enforcement Bureau submitted a report to Congress as required by section 10(c) of the TRACED Act on whether to require VoIP providers to provide the Commission contact information and whether to require VoIP providers to retain call records sufficient for traceback purposes. The study concluded that the Commission already collects provider contact information but that there might be value in requiring VoIP service providers to retain call records.
- On June 17, 2021, the Commission issued a Report and Order to implement section 10(a) of the TRACED Act by establishing a streamlined process for private entities to submit information about robocall and spoofing violations through an online web portal that will be monitored by the Enforcement Bureau.
- On June 17, 2021, the Enforcement Bureau issued a Public Notice seeking comment of the selection of the industry-led registered consortium to conduct tracebacks of calls that use spoofed caller identification. Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis.
- On June 17, 2021, the Enforcement Bureau issued a Public Notice seeking comment of the selection of the private-led registered consortium to conduct tracebacks of calls that use spoofed caller ID. Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis. USTelecom's Industry Traceback Group, the current registered consortium, and ZipDX LLC seek the position. The Enforcement Bureau will select the consortium by August 25, 2021.

- On June 3, 2021, the FCC issued a News Release announcing execution of a Memorandum of Understanding between the Federal Communications Commission and the Australian Communications and Media Authority to foster the exchange of information as the countries work together to combat unlawful robocalls and robotexts, and unlawful caller ID spoofing.
- On April 26, 2021, the Enforcement Bureau issued a Public Notice requesting letters of intent from parties seeking to serve as the Commission's private-led consortium to conduct tracebacks of calls that use spoofed caller ID. USTelecom's Industry Traceback Group has served as the registered traceback consortium since July 2020 but Section 13(d)(2) of the TRACED Act requires that the Commission consider new interested consortia on an annual basis.
- On January 14, 2021, the Commission issued a Forfeiture Order against Scott Rhodes, imposing \$9,918,000 forfeitures for violating the Truth in Caller ID Act by making almost 5,000 unlawful spoofed robocalls with the intent to cause harm and wrongfully obtain something of value. Rhodes's calls targeted voters during political campaigns and residents in communities that had experienced major news events involving white nationalism, immigration, or other public controversies. In all of these calling campaigns, Rhodes manipulated called ID so that his calls appeared to come from local numbers. On September 27, 2021, the U.S. Department of Justice (DOJ) filed suit in the U.S. District Court for the District of Montana to collect the forfeiture. On February 20, 2024 and March 19, 2024, the Court granted the DOJ's motion for summary judgment, finding Rhodes liable for the conduct identified in the Forfeiture Order and ordering Rhodes to pay the \$9.918 million forfeiture penalty. The Court also granted the DOJ's request for injunctive relief, directing Rhodes to comply with the TCPA and the Truth in Caller ID Act and requiring compliance reporting.
- On May 1, 2020, the Enforcement Bureau issued an Order implementing section 3 of the TRACED Act. The Order amends section 1.80 of the rules to remove the citation requirement for violations of section 227(b) by non-regulated entities, increasing the penalty for intentional violation of section 227(b) by \$10,000, and extending the statute of limitations period to four years for intentional violations of section 227(b) and violations of 227(e).
- On March 27, 2020, the Commission issued a Report and Order amending the rules to establish a process to register a single consortium under section 13(d) of the TRACED Act. The Wireline Competition Bureau included a Further Notice of Proposed Rulemaking with the Report and Order.

Robocall Mitigation Database

- On December 10, 2024, the Enforcement Bureau issued a Show Cause Order requiring 2,411 providers to cure their facially deficient filings in the Robocall Mitigation Database or otherwise face removal from the database. Removal would require downstream providers to block traffic from the removed providers.
- On February 22, 2024, the Enforcement Bureau removed certifications of 12 entities from the Robocall Mitigation Database for failure to correct facially deficient certifications or otherwise demonstrate why the Bureau should not remove their certifications.
- On October 16, 2023, the Enforcement Bureau issued 20 show cause orders requiring the recipients to demonstrate why the Enforcement Bureau should not remove them from the Robocall Mitigation Database. These orders followed notifications to each of the recipients warning that their robocall mitigation plans were non-compliant with the Commission's rules, and absent curing the deficiencies, these parties faced removal.
- On October 16, 2023, the Enforcement Bureau entered into a compliance plan with Global UC, Inc. (Global UC). The compliance plan resolved Global UC's deficient Robocall Mitigation Database certification and reinstated Global UC to the Robocall Mitigation Database. The consent decree

followed the Enforcement Bureau November 22, 2022 order removing Global UC from the Robocall Mitigation Database for failing to correct its deficient RMD certification or demonstrate why its certification should not be removed.

- On October 3, 2022, the Enforcement Bureau issued orders against seven voice service providers demanding that Akabis, LLC, Cloud4 Inc., Global UC, Horizon Technology Group LLC, Morse Communications Inc., Sharon Telephone Company, and Southwest Arkansas Telecommunications and Technology, Inc. show cause as to why the FCC should not remove them from the Robocall Mitigation Database for filing deficient certifications with the Robocall Mitigation Database.

Reassigned Numbers Database

- On December 12, 2022, the Enforcement Bureau issued NALs against 12 local exchange carriers for failing to file monthly disconnected number data with the Administrator of the Reassigned Number Database during between four and ten months from December 2021 and September 2022. The Bureau proposed to impose forfeiture penalties against Local Access, LLC; Integrated Path Communications; Stratford Mutual Telephone Company; Swayzee Communications; Puerto Rico Telephone Company; Fort Mojave Telecommunications; Communications Plus; Point Broadband Fiber Holding; Salsgiver Telecom; Business Automation Technologies; BendTel; and Palo Communications.

Broadcast Contests

- On April 12, 2024, the Enforcement Bureau issued an NAL against KXOL Licenses, Inc., licensee of KXOL-FM, proposing an \$8,000 forfeiture for apparently failing to conduct its radio contest substantially as announced, by failing to deliver prizes to a contest winner within the timeframe provided in KXOL's announced contest terms. The company has since paid the forfeiture in full.
- On March 1, 2022, Enforcement Bureau issued an NAL against IHM Licenses, LLC, licensee of WBGG-FM, proposing a \$20,000 forfeiture for apparently failing to conduct its radio contest substantially as announced or advertised in apparent violation of the Commission's Contest Rules when it failed to allow a prospective participant to enter a contest for reasons at odds with the written rules for the contest, thereby not conducting the contest substantially as announced or advertised. Further, the licensee apparently failed to maintain the contest's rules on the Station's website for at least 30 days after the end of the contest. The company has since paid the forfeiture in full.
- On December 3, 2020, the Enforcement Bureau entered into a Consent Decree with Magic Broadcasting II, LLC, in part, for failing to conduct two broadcast contests in a manner substantially as announced, by pre-selecting the winners in those contests, and by failing to disclose that programming broadcast over the Station during a supposedly live call-in contest was pre-recorded. The company agreed to pay a \$125,000 civil penalty (for these and other technical rule violations) and implement a compliance and reporting plan to ensure future compliance with the Commission's rules.
- On July 8, 2020, the Enforcement Bureau issued an NAL against Townsquare Media of El Paso, Inc., proposing a \$6,000 penalty for violating section 73.1216 of the Commission's rules for failing to award the prize in a contest aired by its station KSII(FM), El Paso, Texas. The company has since paid the forfeiture in full.
- On July 8, 2020, the Enforcement Bureau issued an NAL against Gow Media, LLC, proposing a \$5,200 penalty for violating section 73.1216 of the Commission's rules for failing to award the prize in a contest aired by its station KFNC(FM), Mont Belvieu, Texas. The company has since paid the forfeiture in full.

Live Broadcast Rule

- On December 3, 2020, the Enforcement Bureau entered into a Consent Decree with Magic Broadcasting II, LLC, in part, for failing to conduct two broadcast contests in a manner substantially as announced, by pre-selecting the winners in those contests, and by failing to disclose that programming broadcast over the Station during a supposedly live call-in contest was pre-recorded. The company agreed to pay a \$125,000 civil penalty (for these and other technical rule violations) and implement a compliance and reporting plan to ensure future compliance with the Commission's rules.
- On January 28, 2020, the Enforcement Bureau entered into a Consent Decree resolving its investigation into whether Salem Media Group, Inc. violated section 73.1208 by broadcasting prerecorded programming as "live" without announcing before the broadcast that the programming was prerecorded. In the Consent Decree, Salem agreed to pay a \$50,000 civil penalty, and implement a compliance and reporting plan to ensure future compliance with the Commission's rules.

Privacy and Data Protection Actions

- On November 21, 2024, the Commission issued a Notice of Apparent Liability against Eken, a Hong Kong-based supplier of video camera doorbells, proposing a \$734,872 penalty for Eken's apparent failures to designate a valid U.S. agent for service of process or respond to the FCC's inquiries about the privacy and security of Eken's devices. The NAL was the first Commission action to enforce new U.S. agent requirements in [national security updates](#) to the FCC's equipment authorization program. The FCC's requirement that all wireless consumer devices designate a valid U.S. agent before being authorized for sale in the United States makes the FCC unique as a federal privacy regulator with the ability to hold foreign IoT device makers accountable under U.S. law.
- On September 30, 2024, the Enforcement Bureau entered into a Consent Decree resolving investigations into four T-Mobile data breaches that collectively exposed the CPNI, credit card numbers, and other sensitive information of over 70 million T-Mobile customers. As part of the settlement, T-Mobile agreed to: (1) increase reporting of cybersecurity matters to the Board of Directors; (2) move towards a modern zero-trust architecture; (3) implement phishing-resistant multifactor authentication (MFA); (4) adopt data minimization, data inventory, and data deletion processes; (5) create a critical asset inventory, and (6) conduct independent third-party assessments of its information security practices. T-Mobile also agreed to pay a \$15.75 million civil penalty and to make an additional \$15.75 million investment in cybersecurity.
- On September 17, 2024, the Enforcement Bureau entered into a Consent Decree resolving its investigation into a data breach of an AT&T Service's Inc. vendor cloud environment that exposed the CPNI of nearly 9 million AT&T Mobility customers. As part of the settlement, AT&T agreed to: (1) enhance tracking of customer data as part of a data inventory program; (2) require vendors to adhere to retention and disposal obligations; (3) implement multifaceted vendor controls and oversight; (4) implement a comprehensive information security program to include broad customer data protections; and (5) conduct annual compliance audits. AT&T also agreed to pay a \$13 million civil penalty.
- On July 29, 2024 the Enforcement Bureau announced a \$15 million settlement with Charter Communications, Inc. (discussed in more detail below under 911 enforcement actions). The investigation involved a 911 outage caused by an unsophisticated cyberattack known as a denial-of-service (DoS) attack. As part of the settlement, Charter agreed to enhance its cybersecurity risk management program and governance practices, including through: (1) active vulnerability management; (2) penetration testing; (3) network segmentation; and (4) cybersecurity incident reporting to the Cybersecurity and Infrastructure Agency (CISA).

- On July 22, 2024, the Enforcement Bureau entered into a Consent Decree resolving its investigation into three TracFone Wireless, Inc. data breaches involving application programming interfaces (APIs), a common attack vector for threat actors. These API breaches exposed the CPNI of 1.4 million TracFone customers and resulted in unauthorized port-outs, or phone numbers being hijacked by cyber criminals that could be used for identity theft. As part of the settlement, Verizon Wireless (on behalf of its TracFone subsidiary) agreed to: (1) implement enhanced protections against unauthorized Subscriber Identity Module (SIM) swaps and port-outs; (2) implement a comprehensive information security program with novel provisions to reduce API vulnerabilities; and (3) conduct independent third-party assessments of its information security program. TracFone also agreed to pay a \$16 million civil penalty.
- On July 9, 2024, the Enforcement Bureau announced a \$34.6 million settlement with CaptionCall, LLC (discussed in more detail below under TRS/VRS and other Accessibility enforcement actions). As part of the settlement, CaptionCall created a privacy and data protection program and agreed to: (1) document and adhere to a data retention schedule; (2) conduct a data inventory setting forth the specific business purposes for collecting and retaining user data, including for vendors; and (3) invest at least \$4 million in privacy and data protection enhancements for hearing and speech impaired TRS users, including in privacy enhancing technologies (PETs).
- On June 13, 2024, the Enforcement Bureau entered into a Consent Decree resolving its investigation into whether Liberty Latin America, through Liberty subsidiaries Liberty Mobile Puerto Rico and Liberty Mobile USVI, failed to report a data breach in a timely manner as required by sections 201(b) and 222 of the Act, and section 64.2011 of the Commission's CPNI rules, and conditions of Liberty's license under a national security agreement intended to address national security and law enforcement risks. Liberty Latin America agreed to a \$100K civil penalty and compliance plan.
- On April 29, 2024, the Commission issued Forfeiture Orders against AT&T, Inc.; Sprint Corporation; T-Mobile USA, Inc.; and Verizon Communications for illegally sharing access to customers' location information without consent and without taking reasonable measures to protect that information against unauthorized disclosure. The Forfeiture Orders imposed penalties of \$57,265,625 (AT&T); \$12,240,000 (Sprint); \$80,080,000 (T-Mobile, reduced from proposed forfeiture of \$91,630,000) and \$46,901,250 (Verizon, reduced from \$48,318,750) for violations of section 222 of the Communications Act and the Commission's CPNI rules. These Forfeiture Orders finalized penalties originally proposed in February 28, 2020 Notices of Apparent Liability.
- On July 28, 2023, the Commission released a Notice of Apparent Liability for Forfeiture against Q Link Wireless LLC and Hello Mobile Telecom LLC. The NAL proposed a forfeiture of \$20,000,000 for violations of section 64.2010(c) of the Commission's CPNI rules (47 CFR § 64.2010(c)). In addition, the NAL found apparent violations of section 222 of the Communications Act, as well as sections 64.2010(a) and (e) of the CPNI rules, but did not assess additional proposed forfeitures for those violations. These violations all related to the companies' practices involving authentication of customers using prohibited information (i.e., account information and readily available biographical information), which not only apparently violated specific rule provisions, but also more broadly put customer information at risk of unauthorized access.
- On December 11, 2023, the Bureau issued an enforcement advisory reminding consumers and telecommunications providers of the increased threat of fraudulent SIM swapping. The advisory also reminded carriers of their duties and obligations to protect customer information generally, and specifically in order to combat fraudulent SIM swapping schemes that harm consumers and the broader public safety.

EB BRIEFING SHEET

SUBJECT: Competition and Rural Call Completion

SUMMARY: The Commission has authority under Section 403 of the Communications Act to initiate investigations regarding compliance with the various Sections of the Act or the Commission’s rules pertaining to competition. In addition, Sections 208 and 224 of the Act authorize the Commission to investigate alleged violations pertaining to competition involving common carriers (Section 208) and pole attachments (Section 224) in response to complaints initiated by private parties. Section 201 requires that carrier practices in connection with their telecommunications services are just and reasonable and Section 202 prohibits carriers from unjust or unreasonable discrimination in practices, facilities, or services. The *Improving Rural Call Quality and Reliability Act of 2017*, Section 262, prohibits large “covered” carriers and VoIP providers from handing off voice calls to any intermediate provider that is not registered with the Commission. Section 262 also requires intermediate providers to register and comply with service quality standards established by the Commission.

Section 310(d) of the Act and section 1.948 of the Commission’s rules require Commission consent prior to the transfer of control or assignment of a wireless radio license. EB/IHD’s enforcement of this requirement helps to ensure that the transfer, assignment, and operation of wireless radio authorizations are limited to instances where there has been a prior determination that such a transfer, assignment, and operation is in the public’s “interest, convenience, and necessity.”

BACKGROUND AND KEY ISSUES:

- ***Transfers and Assignments:*** The Commission ensures that carriers comply with the rules pertaining to the applications for, transfer of, and assignment of Commission authorizations and licenses, and the Commission’s discontinuance notification requirements under Section 214 of the Act and Part 63 of the rules.
- ***Sections 251, 252, 271, and 272 of the Act and Parts 51 and 53 of the Rules:*** The Commission has authority to take enforcement action against carriers that fail to comply with the Commission’s interconnection requirements, the requirements pertaining to BOCs’ provision of interLATA services, and the Commission’s separate affiliate requirements.
- ***Traffic Stimulation:*** The Commission has authority to investigate and resolve complaints brought by IXCs concerning access stimulation (*i.e.*, an arrangement that an LEC enters into with a provider of high call volume operations such as adult entertainment calls, chat lines, or “free” conference calls), which inflates the amount of access minutes terminated to the LEC, thereby increasing the LEC’s access revenues.
- ***Rural Call Completion:*** Under Commission precedent, carriers may not block, choke, reduce, or otherwise restrict traffic. The Commission’s April 2018 *Rural Call Completion Second Report and Order* affirmed the Wireline Competition Bureau’s 2012 *Declaratory Ruling* that it is an unjust and unreasonable practice in violation of Section 201 of the Act for a carrier that knows or should know it is providing degraded service to certain areas to fail to correct the problem, or to fail to ensure that intermediate providers acting on behalf of the carrier are performing adequately. To satisfy this obligation, which the Commission extended to larger VoIP providers, the provider must “promptly resolve[] any . . . problems and take[] action to ensure they do not recur.” In addition, these “covered” carriers and VoIP providers must monitor their intermediate providers’ performance completing calls to rural destinations. The Bureau may take enforcement action when there is evidence that a provider is not complying with these duties.
- In 2019, Commission rules became effective that implement Section 262’s requirements that intermediate providers register with the Commission and comply with service quality standards, and that

require “covered” originating providers to use only registered intermediate providers. 447 intermediate providers, including affiliated entities, are now listed on the publicly-available registry. Because registration is tantamount to an FCC license, intermediate providers that fail to register or that violate the service quality standards are subject to FCC forfeiture authority.

- ***Foreign Ownership and Control:*** The Commission ensures that foreign ownership in American telecommunications carriers, wireless licensees, broadcasters, or satellite earth stations is in the public interest, with particular consideration of issues related to competition, national security, law enforcement, foreign policy, and trade policy pursuant to Section 310(b) of the Act and Section 1.990 of the Commission’s rules.

ENFORCEMENT ACTIONS:

- **Rural Call Completion.** Since 2013, the Bureau has entered into consent decrees with six long distance providers to resolve rural call completion investigations. These consent decrees have resulted in the payment of more than \$46 million in civil penalties, fines, and voluntary contributions, and significant commitments by these providers to take concrete steps to improve service going forward. Most recently, in April 2018, the FCC reached a settlement with T-Mobile USA, Inc. for failing to correct ongoing problems with call delivery to rural consumers and inserting false ring tones into hundreds of millions of calls. T-Mobile agreed to pay a \$40 million civil penalty to the U.S. Treasury and entered into a compliance plan to prevent future violations. T-Mobile has paid the \$40 million civil penalty in full. In 2016, inContact paid a civil penalty of \$100,000 for failing to ensure that its intermediate providers were adequately delivering its calls to a consumer in rural Minnesota and for its initial failure to cooperate with the Bureau’s investigation. A consent decree in 2015 resolved the Bureau’s investigation into Verizon’s failure to investigate evidence of potential problems with its delivery of calls to certain rural areas. Verizon paid a \$2 million fine and agreed to spend \$3 million over three years to advance and achieve solutions to rural call completion problems. The Bureau also entered into settlement agreements with Windstream Corporation (\$2.5 million) and Matrix Telecom (\$875,000) in 2014, and with Level 3 Communications (\$975,000) in 2013. Each of these companies also agreed to institute compliance plans designed to ensure future compliance with the Commission’s rules.
 - *Facilitating Resolution of Rural Call Completion Incidents.* The Bureau also continues to receive complaints from rural telephone companies regarding calls failing to connect to rural consumers and quality issues with connected calls. These problems have negative economic, social, and public safety impacts on rural communities. The Bureau serves rural carrier complaints on the relevant service providers and directs them to investigate and file reports documenting how the problems were resolved. It also works with the Consumer & Government Affairs Bureau to ensure that consumer complaints are adequately addressed. The Bureau tracks and monitors the complaints for recurring patterns that may warrant additional investigative and enforcement action.
- **Unauthorized Transfer and Assignments.**
 - On September 13, 2024, the Enforcement Bureau issued a Forfeiture Order imposing a \$16,000 penalty against Alliance Global Networks, LLC for its failure to obtain timely Commission approval for the transfer of control of its domestic and international 214 authorizations. On June 14, 2024, the Enforcement Bureau entered into a Consent Decree with Alstom Transport Holding US Inc. (Alstom) to resolve the Bureau’s investigation into whether Alstom violated section 310(d) of the Communications Act of 1934, as amended, and section 1.948 of the Commission’s rules governing the requirement for prior Commission approval before any transfer of control of wireless licenses. The Bureau investigated whether Alstom failed to seek Commission approval prior to purchasing corporate entities holding a total of nine private

wireless licenses. Alstom agreed paid a \$30,000 civil penalty and will implement a compliance and reporting plan to ensure adherence to Commission rules in the future.

- On April 15, 2024, the Enforcement Bureau entered into a Consent Decree with Mobile Communications America, Inc. (Mobile Comm) to resolve the Bureau's investigation into whether Mobile Comm violated sections 301 and 310(d) of the Communications Act of 1934, as amended, and sections 1.903 and 1.948 of the Commission's rules governing the requirements regarding the need for Commission authorization to operate a radio license and seeking Commission approval prior to transferring control of FCC licenses. The violations pertain to Mobile Comm's operating a radio license without authorization and its failure to seek Commission approval prior to transferring control of business radio licenses. Mobile Comm agreed to pay a \$100,000 civil penalty and implement a compliance and reporting plan to ensure adherence to Commission rules in the future.
- On March 22, 2024, the Bureau released a Notice of Apparent Liability for Forfeiture proposing a penalty of \$48,000 against Vero Broadband, LLC for apparently violating sections 214(a) and 310(d) of the Act and sections 1.948, 63.03, 63.04, and 63.24 of the Commission's rules by willfully and repeatedly failing to obtain the Commission's approval prior to the acquisition of the assets of San Isabel Telecom, Inc, Futurum Communications Corporation d/b/a Forethought.net, Brainstorm Internet, Inc., and Fundamental Holdings Corp., formerly d/b/a Peak Internet. The NAL was paid in full.
- On February 21, 2024, the Enforcement Bureau entered into a Consent Decree with R2 Space, LLC (R2 Space) to resolve the Bureau's investigation into whether R2 Space violated section 310(d) of the Communications Act of 1934, as amended, and section 25.119(a) of the Commission's rules governing the requirements regarding seeking Commission approval prior to transferring control of FCC licenses. The violation pertained to R2 Space's failure to seek Commission approval prior to transferring control of its satellite license to Meta Aerospace, LLC. R2 Space an \$8,000 civil penalty and implement a compliance and reporting plan to ensure adherence to Commission rules in the future.
- On October 19, 2022, the Enforcement Bureau entered into a Consent Decree with Cleveland-Cliffs Inc. (Cleveland-Cliffs) to resolve the Bureau's investigation into whether Cleveland-Cliffs violated section 310(d) of the Act and section 1.948 of the Commission's rules pertaining to unauthorized transfers of control and assignments of wireless licenses in connection with Cleveland-Cliffs' acquisitions of AK Steel Holding Corporation and ArcelorMittal USA LLC. Cleveland-Cliffs agreed to pay a civil penalty of \$50,000 and implement a compliance and reporting plan to ensure that it adheres to the Commission's rules in the future.
- On October 6, 2022, the Bureau issued a Notice of Apparent Liability for Forfeiture proposing a \$8,000 forfeiture against VoxNet, LLC (VoxNet) for apparently violating section 214 of the Communications Act of 1934, as amended (Act) and sections 63.03 and 63.04 of the Commission's rules by willfully failing to obtain Commission approval before transferring its domestic section 214 authorization to Block Line Systems, LLC. The NAL was paid in full.
- On July 20, 2022, the Bureau issued a Notice of Apparent Liability for Forfeiture proposing a \$20,000 forfeiture against Etelix.com USA for willfully or repeatedly operating without an authorization, failing to report several *pro forma* changes in Etelix's ownership structure, and

failing to update its pending application to reflect these ownership changes. The NAL was paid in full.

- On May 23, 2022, the Enforcement Bureau entered into a Consent Decree with Constellation Club Parent, Inc. (Constellation) to resolve the Bureau's investigation into whether Constellation violated section 310(d) of the Act and sections 1.948 and 1.17 of the Commission's rules pertaining to unauthorized transfers of control and assignments of wireless licenses, repeated failure to provide accurate information in wireless license applications, and the violation of a Commission order. Constellation agreed to pay a civil penalty of \$275,000, and implement a compliance and reporting plan to ensure that it adheres to the Commission's rules in the future.
- On March 10, 2022, the Enforcement Bureau entered into a Consent Decree with Atrium Hospitality LP (Atrium) to resolve the Bureau's investigation into whether Atrium violated section 310(d) of the Act and section 1.948 of the Commission's rules. The violations pertain to Atrium's failure to seek Commission approval prior to acquiring 25 wireless radio licenses from numerous entities controlled by John Q. Hammons in connection with their bankruptcy reorganization. Atrium agreed to pay a civil penalty of \$35,000, and implement a compliance and reporting plan to ensure that it adheres to the Commission's rules in the future.
- On June 11, 2021, the Enforcement Bureau entered into a Consent Decree with SUEZ North America Inc., SUEZ Water New York Inc., and SUEZ Water New Jersey Inc. (together, SUEZ), to resolve the Bureau's investigation into whether SUEZ violated section 310(d) of the Communications Act of 1934, as amended, and sections 1.948 and 1.9020(i) of the Commission's rules related to the unauthorized transfer of control and assignment of wireless licenses in connection with SUEZ's acquisition of a spectrum manager lease and several business entities holding FCC licenses. SUEZ agreed to pay a civil penalty of \$104,000, and implement a compliance and reporting plan to ensure that it adheres to the Commission's rules in the future.
- On June 2, 2021, the Enforcement Bureau entered into a Consent Decree with Broadband VI, LLC, to resolve the Bureau's investigation into whether Broadband VI violated section 310(d) of the Communications Act of 1934, as amended, and section 1.948 of the Commission's rules related to the unauthorized transfer of control and assignment of wireless licenses in connection with Broadband VI's acquisition of assets from Surge Communications, LLC, including interests in seven wireless radio licenses. Broadband VI agreed to pay a civil penalty of \$28,000 and implement a compliance and reporting plan to ensure that the company adheres to the Commission's rules in the future.
- **Traffic Stimulation.** From 2011 through the present, EB's Market Disputes Resolution Division has handled numerous complaints by IXC's concerning LEC access stimulation schemes, resulting in the release of at least 10 Commission or Bureau-level orders resolving these disputes.
- **Foreign Ownership and Control.**
 - On July 15, 2024, the Enforcement Bureau entered into a Consent Decree with América Móvil, S.A.B. de C.V. (América Móvil) on behalf of its wholly owned subsidiaries: (1) Claro Enterprise Solutions, LLC; (2) Latam Telecommunications, LLC; (3) Puerto Rico Telephone Company, Inc; and (4) Claro video, LLC (collectively the Licensed Subsidiaries) to resolve the Bureau's investigation into whether América Móvil's Licensed Subsidiaries completed pro forma transfers of control of Commission licenses and authorizations without providing proper notification to the Commission. To settle this matter, América Móvil paid \$10,000 civil penalty on the Licensed Subsidiaries' behalf and

will work with the Licensed Subsidiaries to implement a compliance plan to ensure adherence to Commission rules in the future.

- On May 14, 2024, the Enforcement Bureau entered into a Consent Decree with Puerto Rico Telephone Company, Inc. and LATAM Telecommunications, L.L.C., respectively, for each entity's failure to obtain Commission authorization to connect and operate two additional cable landing stations on the América Móvil Submarine Cable System (AMX-1). Each company admitted liability and agreed to pay a \$1,000,000 civil penalty and a compliance reporting plan.
- On April 20, 2023, the Bureau released an enforcement advisory reminding certain licensees and authorization holders of the need to timely disclose changes in foreign ownership and control. The advisory stated that failure to make the appropriate filings and disclose changes in foreign ownership deprives the Commission of the opportunity to consult with Executive Branch agencies, commonly known as Team Telecom, on whether the foreign ownership may result in a risk to national security and law enforcement interests.
- In June of 2023, the Bureau settled two separate investigations into whether telecom entities had violated the Commission's foreign ownership rules. DOCOMO Pacific admitted to violating section 310(b)(4) of the Act and section 1.5004(f) of the Commission's rules and agreed to enter into a compliance plan and pay a \$50,000 civil penalty. Similarly, United Wireless admitted to violations of sections 310(b)(4) and (d) of the Act of 1934 and sections 1.948(d) and 1.5001(i) of the Commission's rules and agreed to enter into a compliance plan and pay a \$15,000 civil penalty.
- On April 21, 2022, the Commission issued a Notice of Apparent Liability for Forfeiture against Truphone, Inc. (Truphone), the controlling parent of iSmart Mobile, LLC (iSmart), for apparently violating section 310(b)(4) of the Act by failing to obtain Commission approval prior to exceeding the Act's statutory ownership limits on foreign individuals and/or entities holding equity and/or voting interests in the U.S. controlling parent of a U.S. common carrier radio station licensee and for apparently violating sections 214 and 310(d) of the Act and sections 1.948 and 63.24 of the Commission's rules by filing applications in 2011 in which Truphone misreported its ownership structure. As a result, control of iSmart's FCC licenses and international section 214 authorization passed to foreign entities that were not vetted as required by the Act. The Commission proposed a forfeiture of \$660,639. On October 20, 2022, the Commission entered into a Consent Decree with Truphone in which Truphone agreed to pay a forfeiture of \$600,000, divest itself of prior foreign ownership, and implement a compliance plan.
- In August 2021, the Bureau entered into a consent decree with Vertex Telecom, Inc. and Vertex SSX, Inc. In 2014, 100% of the stock in both companies was sold by Jim Chiu and Sean Lin to a large privately traded Chinese telecom company, Dr. Peng, without receiving the approvals from the FCC to transfer control of the companies' international and domestic 214 authorities in violation of Section 214 of the Act and Sections 63.03, 63.04, and 63.24 of the Commission's rules. The consent decree required that the companies discontinue all regulated activities, pay a \$24,000 forfeiture, be divested of all ownership interests by Dr. Peng, and must request and receive approval from the Commission before offering regulated services in the future.

EB BRIEFING SHEET**SUBJECT:** Broadband Reporting

SUMMARY: Section 1302 of the Act directs the Commission to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans” and requires an annual inquiry to assess such deployment. If the inquiry reveals this goal is not being met, the Commission must “accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.”

Rules 1.7001 and 1.7002 require facilities-based broadband service providers to report their broadband deployment and subscription data on FCC Form 477 twice each year. The Commission uses this data to meet its statutory obligations to assess the state of broadband availability in the United States and to take steps to further the goal of increasing that availability, including by targeting universal service funds to unserved and underserved regions.

The Commission has authority to take enforcement action against regulated entities that fail to comply with its form filing rules.

BACKGROUND AND KEY ISSUES: Since 2005, facilities-based providers of fixed and mobile broadband connections to end-users, regardless of size, have been required to report broadband connections on FCC Form 477. Because the Commission bases its policymaking on the information reported in Form 477, it must have complete, accurate, and timely broadband data to meet its responsibilities under Section 1302. Its ability to assess broadband deployment, measure subscribership, and bring broadband to these areas most in need is materially impaired when the data it collects is inaccurate or incomplete. The Commission has previously underscored the importance of timely and accurate FCC Form 477 filings through Enforcement Advisories and enforcement action.

Some providers have not made the required Form 477 filings on a consistent or timely basis, have filed inaccurate data, or both. Even though they had been providing broadband service for years, several Wireless Internet Service Providers (WISPs) and other rural broadband providers filed their first Forms 477 in 2020 in order to qualify to participate in the Rural Digital Opportunity Fund Auction.

The Commission adopted the Digital Opportunity Data Collection (informally called the Broadband Data Collection or BDC) in August 2019 “to collect geographically precise and detailed data on broadband service deployment, which would be subject to stakeholder challenges.” The Broadband Deployment Accuracy and Technology Availability Act (Broadband DATA Act) was enacted in March 2020. The Commission requires biannual reporting of broadband availability by facilities-based providers of fixed or mobile broadband internet access or those that have more than one end-user connections in service on June 30 (for filings due September 1) or December 31 (for filings due March 1), and by all providers of fixed voice service, including local telephone service and VOIP providers.

ENFORCEMENT ACTIONS:

- On December 30, 2024, the Enforcement Bureau issued a Forfeiture Order imposing a \$20,000 forfeiture penalty against Ryan Root d/b/a Root Automation and 4Fast.net for its failure to timely submit FCC Form 477s.
- On December 30, 2024, the Enforcement Bureau issued a Forfeiture Order imposing a \$10,000 forfeiture penalty against Western Iowa Wireless, Inc. for its failure to timely submit FCC Form 477s.
- On December 3, 2024, the Enforcement Bureau entered into a Consent Decree with Frontier Communications Parent, Inc, resolving the Bureau’s investigation into Frontier’s compliance with the Broadband Data Collection challenge process. Frontier agreed to implement a compliance plan and

pay a \$287,820 civil penalty for the inaccurate information it submitted to the Commission as part of the Broadband Data Collection challenge process.

- On September 10, 2024, the Enforcement Bureau released nine Notices of Apparent Liability (NALs) against facilities-based broadband providers for failing to timely submit broadband service availability and subscription data in the BDC system. The Bureau proposed a forfeiture of \$15,000 for each failure to file that were due September 15, 2023 and March 1, 2024, which resulted in eight NALs for \$30,000. One NAL proposed a penalty for \$15,000 for one missed data submission.
- On August 22, 2024, the Enforcement Bureau released Citations and Orders (Citations) to 11 facilities-based broadband providers that failed to timely submit data about their service to the BDC system.
- In March 2024, the Enforcement Bureau released a Consent Decree that resolved its investigation into Jefferson County Cable TV Inc.'s Broadband Data Collection filings. The Bureau found that Jefferson County Cable included in its August 2022 and March 2023 Broadband Data Collection filings locations for which it could not provide broadband service at or connect those locations within 10 business days of a request for service, as is required by the Broadband Data Collection Rules. These two filings thus contained “materially inaccurate” information in violation of section 1.7009 of the Commission’s rules. Jefferson County Cable agreed to pay a civil penalty of \$10,000 and enter a compliance plan to resolve the investigation. On February 25, 2021, the Enforcement Bureau released six NALs against six facilities-based broadband providers for failing to file, or to timely file, Forms 477. These NALs proposed forfeiture penalties totaling \$90,000.
- On June 21, 2021, the Enforcement Bureau released a Citation against CNS Internet Services, a facilities-based broadband provider for failing to file, or to timely file, Forms 477.
- On July 16, 2021, the Enforcement Bureau released a Citation against two facilities-based broadband providers for failing to file, or to timely file, Forms 477.
- On September 2, 2020, the Commission proposed a \$163,912 fine against facilities-based broadband provider BarrierFree Communications Corp. for reporting significantly inflated broadband deployment and subscription data on filed Forms 477, failing to file Forms 477, providing inaccurate information in a Commission investigation, and failing to respond to certain Commission inquiries.

EB BRIEFING SHEET

SUBJECT: Universal Service (Lifeline, E-Rate, Rural Health Care, and High Cost) and Affordable Connectivity Program

SUMMARY: The Enforcement Bureau enforces the requirements applicable to companies providing interstate telecommunications and other entities receiving universal service support disbursed through programs supported by the Universal Service Fund (USF) and the Affordable Connectivity Fund (ACF). These include the Affordable Connectivity Program (ACP) for broadband internet access, Lifeline phone discounts for low-income consumers, E-Rate for schools and libraries, Rural Health Care, and High Cost support to underserved areas.

BACKGROUND AND KEY ISSUES:

- The Commission has authority under Section 403 of the Communications Act to investigate possible violations of the statute or the Commission's rules, and it is authorized under Section 503(b) to issue forfeitures. The Commission may suspend and debar persons from participating in the universal service programs pursuant to Sections 54.8 of the rules. Under Section 54.1801(e), the Commission may also suspend or remove an entity that violates the ACP or USF program rules, or which engages in fraud or similar offenses arising out of activities related to one of the programs.
- Section 254 of the Act and Part 54 of the Commission's rules require entities providing interstate telecommunications to report designated revenue and make contributions to the USF. Carriers and other entities are also required to comply with Section 254 of the Act and with Part 54 of the rules when seeking or receiving universal service support.
- Section 1752 of the Act and sections 54.1800 through 54.1814 of the Commission's rules govern the ACP, a program introduced in 2022 which provides discounts to qualifying households for monthly broadband service and a one-time discount on connected devices, such as tablets, laptops and desktop computers. The ACP is the successor program to the Emergency Broadband Benefit (EBB) Program, launched in 2021 to help lower the cost of high-speed internet and certain devices for eligible households during the COVID-19 pandemic.
- Beginning in 2011, the Enforcement Bureau began increasing the number of investigations of entities that receive support from the various USF programs. Likewise, since 2021, EB has been focused on investigating compliance with the ACP and its predecessor program, the Emergency Broadband Benefit.
- Between 2014 and 2019, the Commission reformed and extended the Lifeline program to further the Commission's objective of protecting against waste, fraud, and abuse in the Lifeline program.
 - It strengthened enrollment, recertification, and reimbursement processes; prohibited carriers from paying commissions on Lifeline enrollments to their agents/employees; required eligibility documentation to be collected in certain instances during annual recertification; and codified processes to prevent fraudulent enrollment of deceased subscribers.
 - The Commission and the Universal Service Administrative Company (USAC) launched the National Lifeline Accountability Database (NLAD), which prevents Lifeline providers from enrolling a new subscriber without first confirming that the subscriber's household does not already receive Lifeline service. Eligible telecommunications carriers are required to file reimbursement requests using USAC's online E-File system, thus phasing out the FCC Form 497 which was previously used to seek Lifeline support. Support payments are based on subscriber data contained in the NLAD.
 - The Commission launched the Representative Accountability Database (RAD), a system to register Lifeline and ACP service provider representatives and lock their accounts for misconduct, such as for suspicious activity and prolonged periods of inactivity.

- By the end of 2019, the Commission had implemented a National Lifeline Eligibility Verifier (NV) to make eligibility determinations and perform functions necessary to enroll eligible subscribers into the program, and remove the responsibility for eligibility determinations from Lifeline service providers. Consumers also have access to the NV through a Consumer Portal. Maintained by USAC, the NV is used nationwide with the exception of California, Oregon, and Texas. These states opted out of NLAD and manage their own Lifeline eligibility verification and duplicate checking processes. The NV operates in these three states by using state eligibility data to validate service providers' claims for federal Lifeline support.
- Similar to Lifeline, the ACP rules limit the benefit to one discount per household, service providers must implement policies and procedures for ensuring that their subscribers are eligible, and to claim reimbursement, a subscriber must have used the service during the prior 30 days or cured the non-usage. Otherwise, the subscriber must be de-enrolled for non-usage of the service. The NV is used to confirm eligibility for the ACP, and NLAD is used to verify and process reimbursement claims.
- Broadband service providers offering a qualifying household an ACP-supported connected device can claim reimbursement for up to \$100 but must certify the device meets the Commission's requirements and the claim amount does not exceed the market value of the device. The household receiving the device must pay between \$10 and \$50 toward the cost of the device.

ENFORCEMENT ACTIONS:

ENFORCEMENT ADVISORIES:

- The Bureau released an Enforcement Advisory on May 11, 2021, the day before participating broadband providers could begin enrolling customers in the EBB Program, to remind them of their obligation to comply with the EBB program rules. These included ensuring that existing Lifeline customers gave their informed affirmative consent to participate in the EBB program without jeopardizing their existing Lifeline service, and charging a co-payment to households that receive a subsidized connected device.
- In December 2019, the Bureau released an Enforcement Advisory reminding ETCs receiving federal universal service support from the Lifeline program that they remain responsible for claiming Lifeline support only for eligible low-income consumers. The Advisory serves as a reminder to ETCs that the creation of the NLAD and the NV do not relieve ETCs of their responsibilities to submit accurate claims for Lifeline reimbursement. The Commission's rules require that ETCs establish and implement policies and procedures ensuring that their Lifeline subscribers are eligible to receive Lifeline services. ETCs that violate these Commission rules may be subject to substantial monetary fines.
- In June 2013, the Bureau released an Enforcement Advisory reminding Lifeline providers that they are liable for any conduct by their agents, contractors, or representatives that violates the FCC's Lifeline rules. The Enforcement Advisory also reminded ETCs to take all necessary steps to ensure that they and their agents, contractors, and representatives adhere to the Lifeline rules or risk monetary penalties of up to \$1.9 million for each failure to comply.

E-Rate Cases

- In December 2020, the Commission entered into a settlement agreement with International Business Machines Corporation (IBM) for violations of the FCC's E-rate program competitive bidding rules and the provision of ineligible products and services, which had resulted in overpayments to IBM from the Universal Service Fund. IBM paid \$24,250,000 to settle claims arising from IBM's provision of services to the New York City Department of Education and the El Paso Independent School District in Texas.

Lifeline Cases

- In February 2024, the Enforcement Bureau released a Consent Decree that resolved its investigation into Air Voice Wireless, LLC's participation in Lifeline, EBB, and ACP. Air Voice agreed to a compliance plan and a \$150,000 civil penalty to resolve violations related to its EBB and ACP web-based enrollment systems, which at certain times precluded consumers from enrolling in Lifeline-only service, as required by the Commission's rules.
- In November 2023, the Enforcement Bureau released a Consent Decree that resolved its investigation into TracFone Wireless, Inc.'s (TracFone) participation in Lifeline and EBB and whether the Company sought and/or obtained Lifeline or EBB support for, or failed to de-enroll, ineligible subscribers without eligibility documentation or sought and/or obtained Lifeline support for subscribers who should have been de-enrolled and/or not claimed for reimbursement due to lack of qualifying usage; and for directly or indirectly compensating field enrollment representatives based on commission. TracFone agreed to a compliance plan, a \$17,487,000 civil penalty, and payment of \$6,013,000 for its outstanding NAL from 2020 for apparent Lifeline rule violations. The 2020 NAL found TracFone improperly claimed support for fake customers in Florida and ineligible customers in Texas.
- In June 2022, the Commission released a Consent Decree that resolved its investigation and 2018 Notice of Apparent Liability issued against American Broadband & Telecommunications Company and its owner, Jeffrey Ansted, for multiple Lifeline rule violations between 2014 and 2016. American Broadband and Ansted agreed to a global settlement with the Commission and the U.S. Department of Justice, to resolve claims that the Company violated FCC program rules and the False Claims Act. The total settlement value is \$16,618,235.44, which includes: (1) a repayment of \$15,063,935.45 already made to the Universal Service Fund; (2) an additional repayment amount of \$1,487,249.99 to the Universal Service Fund; and (3) a payment of \$67,050 by Ansted to the United States. American Broadband also adopted a robust compliance agreement in connection with its participation in the Lifeline Program and the Emergency Broadband Benefit Program (and its successor program, the Affordable Connectivity Program).
- In December 2021, the Enforcement Bureau executed a Consent Decree with NewPhone Wireless LLC settling an investigation into whether the company's agents improperly claimed ineligible accounts that used beneficiary data from other existing Lifeline customers. The settlement resulted in a \$100,000 payment by the company and a three-year compliance plan to prevent future Lifeline rule violations.
- In November 2020, the Enforcement Bureau released a Consent Decree that resolved the Bureau's investigation into whether Virgin Mobile USA, L.P., and Sprint Corporation violated the Commission's Lifeline rules by requesting and/or receiving support from the Lifeline program of the Universal Service Fund for ineligible subscribers. During the investigation, Sprint disclosed to the Commission that as a result of a software issue with Sprint's systems, it had failed to detect over a million Lifeline subscribers nationwide lacked usage over an extended period of time and that it had potentially claimed Lifeline subsidies for which it would have otherwise not submitted. To settle the matter, Assurance Wireless USA, LP (f/k/a Virgin Mobile USA, L.P.), Sprint Corporation, and T-Mobile US, Inc. implemented a compliance plan and made a \$200 million settlement payment to the United States Treasury. The \$200 million payment is the largest fixed-amount settlement secured by the Commission to resolve an investigation. On September 22, 2023, this CD was amended to increase the settlement payment amount by another \$7.5 million

dollars to resolve EB's investigation into further claims for ineligible subscribers due to non-usage after the effective date of the 2020 CD.

Rural Health Care Cases

- In May 2024, the Enforcement Bureau released a Consent Decree to resolve the Fraud Division's investigation into Alaska Communications Systems Holdings, Inc.'s (ACS) Rural Health Care Program practices, including rate determinations and competitive bidding violations. The investigation found that ACS had charged certain rural rates that were not in compliance with the rate-setting methods established by Commission rules during Funding Year 2016. In addition, ACS violated program rules by failing to maintain written policies or procedures specific to the development of rural rates. ACS also violated program rules related to competitive bidding by offering Dedicated Internet Access (DIA) service without separating charges for this ineligible service from monthly charges for telecommunications services. ACS agreed to a total settlement of \$6,298,256 and enhanced compliance measures in connection with its participation in the RHC Program.
- In May 2023, the Enforcement Bureau released a Consent Decree to resolve the Fraud Division's investigation into GCI Communication Corp.'s Rural Health Care Program practices, including rate determinations and competitive bidding violations. The investigation found that GCI had charged certain rural rates that were not in compliance with the rate-setting methods established by Commission rules during Funding Years 2015-2016. In addition, GCI violated competitive bidding rules in connection with five contracts signed with health care providers in 2015 and 2016. GCI also disclosed during the investigation that the urban rate it had charged to certain health care providers was too low and that this resulted in excessive rural rate reimbursement claims by GCI from the USF. GCI agreed with the Bureau to a settlement amount of over \$42 million that includes a repayment to the USF of more than \$26 million and a credit of \$16 million for withdrawal of applications and various appeals. GCI also agreed to enhanced compliance measures in connection with its participation in the RHC Program. The Consent Decree was part of a global settlement that also included a settlement with the U.S. Department of Justice to resolve a parallel investigation into alleged violations of the False Claims Act. GCI agreed to pay over \$40 million to the United States, to be offset by GCI's \$26 million payment to the USF.
- In April 2022, the Enforcement Bureau released a Consent Decree that resolved the Fraud Division's investigation into whether Windstream Communications, LLC (Windstream) violated the Commission's Rural Health Care Program rules. The investigation found that Windstream did not develop its rural rates in conformance with the methodology set forth in Section 54.607 of the Commission's rules, which governs the determination of rural rates for the provision of telecommunications services to eligible rural health care providers in the Rural Health Care Program. Furthermore, Windstream was not able to provide the Commission with documents sufficient to demonstrate the processes used to set its rural rates. In the Consent Decree, Windstream admitted liability for these violations and agreed to a settlement value of \$1,204,445.24.

Emergency Broadband Benefit and Affordable Connectivity Program Cases

- In October 2024, the Enforcement Bureau entered into a Consent Decree resolving its investigations into whether AT&T, Inc. violated the Commission's EBB and ACP rules. To settle investigations brought by FD and IHD into improper enrollments, noncompliance with agent registration obligations, non-usage, and false certifications of compliance, AT&T agreed to a civil penalty of \$1,921,068, and repayment to the United States Treasury in the amount of \$378,922 along with enhanced compliance measures in a re-funded ACP or successor program.

- In September 2024, the Commission released an NAL against four ACP providers for failing to submit complete and certified plan and subscribership data in apparent violation of the ACP Transparency Data Collection rules. The NAL proposed a cumulative forfeiture of \$470,605.62 apportioned among the four ACP providers including SprintFone Inc., IJ Wireless, Inc., Culture Wireless LLC, and Cathect Communications, Inc.
- In May 2024, the Commission released a Notice of Apparent Liability against K20 Wireless LLC (K20) and Krandon Wenger for apparent violations of ACP rules and the federal wire fraud statute by seeking Tribal Land support for subscribers who were not eligible for those benefits. The Enforcement Bureau's investigation into K20 found that more than 85 percent of all ACP subscribers for whom K20 claimed reimbursement during its participation in the program were transferred in from other ACP providers without the knowledge or consent of the consumers. For approximately half of these subscribers, K20 changed the subscribers address to a false address on Tribal lands and subsequently sought reimbursement at the rate available for consumers residing on Tribal lands. The NAL against K20 and Krandon Wenger proposed a penalty of \$8,083,992 and initiated proceedings to remove K20 and Krandon Wenger from participation in ACP or any successor program. ACP removal process. In July 2024, the Bureau issued an order removing K20 and Wenger from further participating in ACP or any successor program.
- The Enforcement Bureau resolved an investigation of Vexus Fiber, LLC (Vexus), in March 2024 involving prohibited downselling of ACP service to customers in Texas and Louisiana. Vexus admitted it had engaged in a policy of only offering a 150/150 Mbps broadband plan, its slowest and lowest-cost broadband plan, to customers seeking to take advantage of the ACP discount. In exchange for settling the case, Vexus agreed to pay a \$100,000 civil penalty and a three-year compliance plan to ensure customers can apply their benefit to any available service offering.
- In January 2024, the Commission released two Notices of Apparent Liability, the first against City Communications, Inc. (City), and the second against Tone Communication Services LLC (Tone), two related companies, for apparent violations of ACP rules and the federal wire fraud statute by seeking reimbursement for subscribers who were enrolled in ACP with fake or false identifying information. The Enforcement Bureau's investigations into City and Tone found the companies enrolled subscribers either by using an address to which the purported subscriber had no connection or repeatedly using the same non-subscriber benefit qualifying person (BQP) to enroll multiple subscribers, in violation of ACP eligibility rules. City and Tone apparently repeatedly made misrepresentations to the Commission in their applications to become ACP providers and in the certifications filed with their submissions of requests for reimbursement from the program. The NAL against City proposed a forfeiture of \$16,971,253 and included an order initiating the process to remove City from continued participation in ACP or any successor program. The NAL against Tone proposed a forfeiture of \$14,021,293 and also initiated the ACP removal process. In May 2024, the Bureau issued orders removing City and Tone from further participating in the ACP or any successor program.
- In January 2023, the Commission adopted a Notice of Apparent Liability proposing a penalty of \$62 million against Q Link Wireless LLC for apparently overclaiming support from the EBB Program by claiming hundreds of thousands of computer tablets at a rate exceeding market value. These apparent violations of the EBB appropriations statute and the Commission's rule requiring providers to certify that each claim "reflects the market value of the device" occurred throughout the EBB Program and resulted in more than \$20 million in improper disbursements. Q Link attributed a market value of \$110.00 to each device in its reimbursement claims in addition to a customer co-pay charge of \$10.01, resulting in an EBB reimbursement claim of \$99.99 per tablet. The Commission's economic

analysis showed the tablet was reasonably valued at only \$60.00, which means Q Link obtained over-reimbursement of \$50.00 for each of the 415,896 tablets claimed during the relevant period. The proposed penalty was based on trebling the overpayment from the EBB fund. The Notice of Apparent Liability was accompanied by an order requiring Q Link to explain why the Commission should not initiate proceedings to revoke its authorizations or remove it from the EBB Program.

- In July 2022, the Commission released a Notice of Apparent Liability against Kyle Traxler and Cleo Communications (Cleo), proposing a total forfeiture value of \$220,210. The NAL found Kyle Traxler and Cleo Communications jointly and severally liable for eight counts of Wire Fraud and two counts of making untruthful and inaccurate statements to the Commission stemming from the company's participation in the FCC's Emergency Broadband Benefit (EBB) Program. Cleo made apparent misrepresentations about its business operations to gain Commission authorization to be a participating provider in the EBB Program on their Application dated May 14, 2021 and on their May 26, 2021 Election Notice. After receiving authorization to participate in the EBB Program, Cleo represented to consumers that they would receive EBB Program-discounted broadband services and devices in exchange for payments to Cleo through its online website, but the company never delivered the broadband services or devices that consumers purchased.

Contribution Cases

- On February 28, 2025, the Enforcement Bureau executed a post-NAL Consent Decree with Communications Technologies, Inc. (Communications Technologies or Company), resolving an investigation into Communications Technologies failed to comply with Telecommunications Reporting Worksheets documentation requirements. To resolve this matter, Communications Technologies agreed to implement a Compliance Plan and pay a \$50,000 civil penalty by March 31, 2025.
- On January 16, 2025, the Enforcement Bureau (Bureau) released a Forfeiture Order affirming a \$100,000 forfeiture penalty against Pacific Data Systems (Pacific or Company) for the Company's failure to file Telecommunications Reporting Worksheets by the relevant deadlines in violation of sections 52.17(b), 52.32(b), 54.711(a), and 64.604(c)(5)(iii)(B) of the Commission's rules. Pacific sought cancellation or reduction of the forfeiture because it experienced personnel issues exacerbated by the COVID-19 pandemic which resulted in a two-and-a-half year period of noncompliance. The Company did not dispute that it violated the Commission's rules. The Bureau rejected the Company's arguments because the Company had a history of noncompliance (even prior to the relevant period covered by the forfeiture proceedings); it was required to know and abide by the Commission's rules; it had a responsibility to ensure it had the relevant staffing to comply; and it should have, but did not, seek a waiver of the filing deadlines.
- On November 21, 2024, the Enforcement Bureau released a Consent Decree executed with Evolve IP, LLC (Evolve) resolving an investigation into Evolve's failure to submit required documents to the Universal Service Administrative Company and in the Broadband Data Collection system as well as Evolve's failure to make full and timely contributions to the Universal Service Fund, Telecommunications Relay Service Fund, Local Number Portability, and the North American Numbering Plan administration, as required under the Communications Act and the Commission's rules. Evolve agreed to pay a \$275,000 civil penalty, enter into a three-year compliance plan, and an admission of liability.
- On November 1, 2024, the Bureau adopted a Consent Decree that resolved an investigation into whether Fuze, Inc. (Fuze) failed to submit requested documents to USAC as required under the Commission's rules for the USF administration. To settle the matter, 8x8, Inc., Fuze's parent

company, agreed on behalf of Fuze, to pay a \$300,000 civil penalty by December 1, 2024, and enter into a three-year compliance plan.

- On July 10, 2024, the Bureau released a \$100,00 NAL against Cause Based Commerce, Inc., for the Company's failure to cooperate with documentation requirements in apparent violation of section 54.711(a) of the Commission's rules. The total base forfeiture was \$50,000 for the Company's failure to provide timely documentation in support of its 2023 Annual Worksheet, and given the Company's history of repeated non-response failures, the Bureau applied a further upward adjustment to propose a total forfeiture of \$100,000.
- On June 28, 2024, the Bureau adopted a Consent Decree that terminated an investigation of PayG, LLC d/b/a Skyswitch, regarding the Company's failures to pay or to fully pay by payment deadlines assessments for the USF, TRS Fund, NANP and federal regulatory fee cost recovery requirements. To settle the matter, PayG agreed to pay a \$1,000,000 civil penalty in four installments of \$250,000, paid 30, 120, 210, and 300 days after the Bureau's adopting order, and enter a three-year compliance plan.
- On June 11, 2024, the Commission released a \$2,652,881 NAL against iGEM Communications LLC for the Company's failure to contribute fully and timely to the Universal Service Fund (USF), to pay timely contributions to the Telecommunications Relay Service (TRS) Fund, to pay timely assessments for Local Number Portability (LNP) administration, and to submit timely reports pursuant to the Commission's Broadband Data Collection (BDC) requirements. Consistent with Commission precedent, the NAL proposed a forfeiture of \$100,000 for each untimely paid USF contribution, plus 100 percent of the largest delinquency; \$50,000 for each year of untimely paid TRS Fund contributions; \$10,000 for each year of untimely paid LNP assessments; and \$15,000 for untimely filed BDC reports.
- On May 22, 2024, the Commission released a \$400,000 NAL against Telco Experts, LLC for the Company's failure to cooperate with documentation requirements and file accurate Telecommunications Reporting Worksheets in violation of sections 251(e)(2) and 254(d) of the Act, and orders issued pursuant to section 254(d) of the Act, and sections 1.1154, 52.17, 52.32, 54.706, 54.711, 64.604 of the Commission's rules. Consistent with Commission precedent, the NAL proposed a forfeiture of \$100,000 per documentation requirements violation given the repeated nature of the violations. The NAL also proposed a forfeiture of \$100,000 for the Company's failure to file an accurate 2023 Annual Worksheet.
- On May 22, 2024, the Commission released a \$3,175,209 NAL against TouchTone Communications, Inc. for the Company's failure to: file its Annual Worksheet, pay 13 invoices for USF contributions in a timely manner or in full, and to pay 2 TRS Fund contributions in 2023 in a timely manner or in full. The NAL proposed a forfeiture of \$50,000 for the Company's failure to file its 2023 Annual Worksheet on time, and \$50,000 for its TRS Fund payment violations. For its USF payment violations, the NAL proposed a forfeiture of \$100,000 for each unpaid or late-paid invoice, plus an upward adjustment of 100% of the Company's highest delinquency reached with USAC during the statute of limitations period.
- On May 17, 2024, the Bureau released a \$100,000 NAL against Communications Technologies, Inc. for the Company's failure to cooperate with documentation requirements in apparent violation of section 54.711(a) of the Commission's rules. The total forfeiture includes \$50,000 base forfeitures for each failure to submit documentation to USAC to verify the Company's 2023 Annual Worksheet by two different response deadlines on March 2, and May 28, 2023.
- On February 23, 2024, the Bureau released a \$100,000 Forfeiture Order against IK Communications, Inc. and IK Communications Corporation d/b/a Amantel for the untimely submission of Annual Telecommunications Reporting Worksheets and a failure to respond to a Bureau Letter of Inquiry.

- On February 23, 2024, the Bureau released a \$100,000 Forfeiture Order against Telnexus, LLC for failing to file its Annual Telecommunications Reporting Worksheets and a failure to respond to a Bureau Letter of Inquiry.
- On September 14, 2023, the Commission released an NAL for \$308,451 against Stage 2 Networks, LLC. The Commission proposed \$23,727, the statutory maximum forfeiture for interconnected Voice over Internet Protocol (iVoIP) service providers under 47 U.S.C. 503(b)(2)(D), for each of the following violations: eight failures to file Telecommunications Reporting Worksheets by the filing deadlines; two failures to file Customer Premises Network Information (CPNI) certifications by the filing deadlines; two failures to respond to Letters of Inquiry; and one failure to maintain current contact information in the Commission Registration System (CORES).
- On July 20, 2023, the Commission released an NAL for \$400,000 against Westel, Inc. for (a) three failures to file Worksheets, and (b) the failure to respond fully to the LOI. Given the repeated nature of the Worksheet filing violations, the Commission proposed a \$100,000 forfeiture for each violation. The Commission also proposed a \$100,000 forfeiture against Westel for the failure to comply fully with the LOI response obligations. Consistent with Commission precedent, the Commission applied an upward adjustment for the intentional and egregious failure to respond to the LOI.
- On July 14, 2023, the Commission released an NAL for \$1,000,000 against Enhanced Communications Group, LLC for (a) filing six inaccurate Annual Worksheets, and (b) four failures to comply with USAC requests to provide documentation supporting the Annual Worksheets. Consistent with Commission precedent, the Commission proposed a forfeiture of \$100,000 per violation given the repeated nature of the violations.
- On May 30, 2023, the Commission released an MO&O resolving a Petition for Reconsideration and a Petition for Stay of a 2015 Forfeiture Policy Statement. In the 2015 Forfeiture Policy Statement, the FCC adopting a “treble damages” methodology to determine forfeitures for violations of payment requirements for the USF, TRS Fund, LNP and NANP administration, and federal regulatory fees. The Commission, however, has not applied the 2015 Forfeiture Policy Statement to an adjudication of USF, TRS Fund, LNP, NANP or federal regulatory fee payment violations. In the MO&O, the FCC vacated the 2015 Forfeiture Policy Statement to enable the Commission to continue exercising the discretion needed to issue forfeiture penalties that specifically address the individualized circumstances of each future adjudication, as required by section 503(b)(2)(E) of the Act. The MO&O will enable the Commission to resume enforcing USF, TRS Fund, LNP, NANP, and federal regulatory fee payment violations, which had been on hold since the Petition for Reconsideration and a Petition for Stay of a 2015 Forfeiture Policy Statement.
- On May 30, 2023, the Commission released a second NAL against PayG, LLC d/b/a Skyswitch, proposing a \$1,445,085 forfeiture for the Company’s failures to pay or to fully pay by payment deadlines assessments for the USF, TRS Fund, NANP and federal regulatory fee cost recovery requirements. Prior to the second PayG NAL, the Commission’s last NAL for payment violations was issued in 2015. The second PayG NAL follows forfeiture methodology guidelines clarified in the Memorandum Opinion and Order (MO&O) discussed in the next bullet point. As discussed above, on June 28, 2024, the Bureau adopted a Consent Decree to resolve the investigation.
- On May 19, 2023, the Bureau released a \$100,000 NAL against RevTel Communications, LLC, for the failure to cooperate with documentation requirements in apparent violation of section 54.711(a) of the Commission’s rules. The total forfeiture includes a \$50,000 base forfeiture for failing to submit documentation to USAC to verify the accuracy of the Company’s 2022 Annual Worksheet by a May

22, 2022 deadline, and an upward adjustment of \$50,000 for the Company's history of repeated and ongoing failures to comply with USAC's documentation directives.

- On January 25, 2023, the Bureau released a \$100,000 NAL against Pacific Data Systems for the Company's failure to file a Quarterly Worksheet. The base forfeiture for the failure to file forms or information under section 1.80 of the Commission's rules is \$3,000, but given the importance of the Worksheet filing requirements, the Commission has consistently proposed a forfeiture of \$50,000 for each failure to file timely or accurate Worksheets. In this case, given the Company's history of repeated filing failures, the Bureau applied a further upward adjustment to propose a forfeiture of \$100,000 for the failure to file the Worksheet due on February 1, 2022.
- On September 14, 2022, the Commission released the first NAL against PayG, LLC d/b/a Skyswitch, which was the first Commission-level NAL for a contributions-related matter since 2015. The FCC proposed a \$153,000 forfeiture for the Company's failures (a) to respond to USAC requests for documentation supporting PayG's Worksheets, (b) to file accurate Worksheets, and (c) to update its contact information in the Commission Registration System (CORES). PayG paid the proposed forfeiture. Because payment requirements for the USF, Telecommunications Relay Service (TRS) Fund, Local Number Portability (LNP) and North American Numbering Plan (NANP) administration, and federal regulatory fees rely on the accuracy of revenues reported in Annual Worksheets, in the first NAL, the Commission reserved the right to take further enforcement action against PayG for violations of payment requirements arising under the Act. A second PayG NAL was issued on May 30, 2023, and discussed above.
- On April 1, 2022, the Bureau released an NAL proposing a \$75,000 forfeiture against Correct Solutions, LLC for its repeated failures to respond to directives from USAC, and to retain and provide USAC records that justify information reported in its 2019 and 2020 Annual Worksheets, in apparent violation of section 54.711(a) of the Commission's rules. Correct Solutions paid the NAL in full.
- On March 9, 2022, the Bureau released an NAL proposing a \$100,000 total forfeiture against Telnexus, LLC, which included a proposed forfeiture of \$75,000 for the Company's failure to file an Annual Worksheet and a proposed forfeiture of \$25,000 for Telnexus' failure to respond to a Bureau LOI. The base forfeiture for the failure to file forms or information under section 1.80 of the Commission's rules is \$3,000. Given the importance of the Worksheet filing requirements, however, the Commission has consistently applied an upward adjustment and proposed a forfeiture of \$50,000 for each failure of a service provider to file timely or accurate Worksheets. In this case, given the Company's history of repeated filing failures, the Bureau applied a further upward adjustment to propose a forfeiture of total \$75,000 for the failure to file the Worksheet due on April 1, 2021. The Bureau issued a \$100,000 Forfeiture Order on February 23, 2024.
- On February 17, 2022, the Bureau released an NAL proposing a \$100,000 forfeiture against IK Communications, Inc. and IK Communications Corporation, d/b/a Amantel (IK Communications) for (a) its failure to file timely six Annual Worksheets between April 1, 2016, and April 1, 2021, in apparent violation of section 54.711 of the Commission's rules, and (b) its failure to respond to a Bureau LOI in apparent violation of a Commission order issued pursuant to sections 4(i), 218, and 403 of the Communications Act of 1934, as amended. The Bureau issued a \$100,000 Forfeiture Order on February 23, 2024.
- In July 2021, the Bureau released an NAL against Peace Communications, LLC for its failure to file Quarterly and Annual Worksheets in apparent violation of section 54.711 of the Commission's rules. The Bureau proposed a forfeiture penalty against Peace Communications in the amount of \$50,000. This was the first enforcement action addressing Peace Communications' failure to timely file its

Quarterly and Annual Worksheets, which are used to determine USF contribution and other federal program assessments. On August 27, 2021, Peace Communications filed its response to the NAL. The Bureau issued a \$50,000 Forfeiture Order on November 29, 2023 and the Company paid the forfeiture.

- In April 2021, the Bureau released an Order and Consent Decree which entered into a \$216,000 settlement with Lunex Telecom, Inc. regarding the company's violations of the Commission orders and rules related to the filing of Worksheets, CPNI Certifications, Advanced Telecommunications Capability Data, and responses to Letters of Inquiry issued by the Bureau. In May 2021, the Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether Global Data Systems, Inc. violated Commission filing rules. To settle this matter, Global Data admitted that it failed to timely file Worksheets, CPNI Certifications, Advanced Telecommunications Capability Data, and a response to a Bureau Letter of Inquiry; implemented a compliance plan; and paid a \$180,000 civil penalty in 4 installment payments due in June, September and December 2021 and March 2022.

Suspensions and Debarments

- Since the beginning of 2008, the Commission has debarred 32 individuals and one company convicted of federal crimes relating to defrauding the government or engaging in similar acts through activities associated with or related to the federal low-income Lifeline support mechanism and the schools and libraries E-Rate support mechanism.

EB BRIEFING SHEET**SUBJECT:** TRS/VRS and Other Accessibility

SUMMARY: The Commission's rules require entities to meet a range of obligations to ensure that persons with disabilities have accessible communications products and services, and access to information. Equipment manufacturers (including hearing aids compatible (HAC) with wireless handsets), providers of advanced communications services (ACS), Telecommunications Relay Service (TRS) providers, and video programming distributors are examples of entities subject to the accessibility provisions of the Act and Commission's rules.

BACKGROUND AND KEY ISSUES:

- ***Section 225:*** Section 225(c) of the Act requires each common carrier providing voice transmission services to provide TRS in accordance with the standards set forth in Section 64.604 of the Commission's rules. The TRS rules also allow non-common carriers to be certified by the Commission to provide Internet-based TRS, which includes IP Relay and video relay services (VRS), and to obtain reimbursements from the TRS Fund for the costs of providing such services. All telecommunications service providers and VoIP providers pay into the TRS Fund to cover the costs of TRS.
- ***Section 255:*** Section 255 of the Act requires that manufacturers of telecommunications equipment and providers of telecommunications services make their products and services accessible to persons with disabilities to the extent readily achievable. Parts 6 and 7 of the rules implement these requirements. Effective October 8, 2013, the Commission began enforcing Section 255 pursuant to the Twenty-first Century Communications and Video Accessibility Act of 2010 (CVAA) Section 717, described below, where informal complaints must be resolved within 180 days after a 30-day period of dispute resolution assistance.
- ***Section 716:*** Section 716 of the Act requires that manufacturers of equipment used for advanced communications services and providers of advanced communications services ensure that the equipment, software, and services that such entities offer for sale or otherwise distribute in interstate commerce are accessible to and usable by individuals with disabilities, unless it is not achievable. Pursuant to CVAA Section 717, described below, informal complaints must be resolved within 180 days after a 30-day period of dispute resolution assistance.
- ***Section 717:*** Section 717 of the Act provides that any person alleging a violation of section 255, 617, or 619 of Act by a manufacturer of equipment or provider of service subject to such sections may file a complaint (formal or informal) with the Commission. The filed complaint must be adjudicated and within 180 days of filing of the complaint, an order concluding the case must be issued.
- ***Section 718:*** Section 718 of the Act requires that manufacturers of telephones used with public mobile services that include an Internet browser or providers of mobile services that arrange for the inclusion of a browser in telephones to sell to customers, shall ensure that the functions of the browsers are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable.
- ***Closed Captioning:*** Section 79.1 of the rules requires all new nonexempt video programming (English and Spanish) aired on television must be provided with captions. The rules allow for complaints to be filed either with the video programming distributor or directly with the Commission. Section 79.4 of the rules governs Internet delivered video programming, requiring captions on all programming previously broadcast with captions.
- ***Emergency Information:*** Section 79.2 of the rules requires that video programming distributors (VPDs) make emergency information accessible to persons with disabilities. If information is

distributed in the audio portion of programming, the VPD must provide persons with hearing disabilities a visual presentation of the information distributed aurally to other viewers. This access can be accomplished either by closed captioning or by using another method of visual presentation. If emergency information is displayed in the video portion of a broadcast, the VPD must make this programming accessible to viewers with visual disabilities. Part 11 of the rules also requires Emergency Alert System (EAS) participants to take certain steps to ensure that EAS alerts are accessible to persons with disabilities. Among other things, EAS participants are required to monitor and maintain equipment utilized to disseminate EAS alerts and to ensure that EAS messages meet certain technical standards, e.g., font size, color, contrast, speed, placement, etc.

- ***Wireless Handset Hearing Aid Compatibility Requirements:*** Section 20.19 of the rules specifies technical standards that digital wireless handsets must meet to be considered compatible with hearing aids operating in acoustic coupling and inductive coupling (telecoil) modes. In addition, that rule establishes deadlines by which manufacturers and service providers are required to offer specified numbers of hearing aid-compatible digital wireless handsets per air interface. The rules also require manufacturers and service providers to label the handsets with the appropriate technical rating and to explain the technical rating system in the owner's manual or as part of the packaging material for the handset. In addition, the Commission has adopted rules that require these entities to submit periodic status reports on their compliance with the hearing aid compatibility requirements and to maintain a list of hearing aid-compatible handset models and certain information regarding those models on their publicly-accessible web sites.

ENFORCEMENT ACTIONS:

TRS/VRS

- On July 9, 2024, the Bureau entered into a \$34.6 million settlement with CaptionCall, LLC resolving an investigation into compliance with TRS privacy requirements that require TRS providers to maintain the confidentiality of call content. Under the settlement, CaptionCall will pay a civil penalty of \$5 million, repay \$12 million to the TRS Fund, relinquish claims to funds of \$13.55 million associated with compensation for IP CTS minutes, and make an investment in privacy enhancement valued at least \$ 4 million. The settlement includes a compliance plan that address system and process changes designed to prevent future violations.
- On July 8, 2022, the Bureau entered in a settlement with MachineGenius, Inc., resolving an investigation into the Company's failure to collect compliant self-certifications from IP CTS users. Under the settlement, MachineGenius will pay a civil penalty of \$400,000 and implement a remediation plan to ensure compliant self-certifications are collected from all users.
- On December 3, 2021, the Bureau entered into a settlement with CaptionCall, LLC/Sorenson Communications, LLC, resolving investigations into compliance with the IP CTS incentives rules and registration rules. Under the settlement, CaptionCall will pay \$28 million to the TRS Fund and \$12.5 million fine to the US Treasury, implement a compliance plan to prevent future violations associated with its registration process and marketing, submit reports of its compliance, and report incidents of non-compliance.

Section 255:

- On July 8, 2024, the Bureau released an order finding that Assurance Wireless failed to make its service accessible and usable by individuals with disabilities because the handsets provided as the input and control mechanism for the service did not allow individuals with vision disabilities the ability to access the service. The determination was based on an informal complaint filed pursuant to the CVAA informal complaint rules.

- On June 9, 2022, the Commission released an order finding that Verizon failed to establish that its Premium Visual Voicemail service was accessible to individuals with disabilities. The determination was made based on an informal complaint filed pursuant to the CVAA informal complaint rules.
- On July 8, 2022, the Bureau issued a Notice of Apparent Liability against Verizon Wireless for a failure to provide the Commission with a complete response and documents related to the Bureau's investigation of a CVAA informal complaint and Verizon's compliance with the accessibility rules. The NAL proposed a fine of \$100,000.
- On August 18, 2021, the Commission released an order finding that ViaTalk violated section 6.11(a) of the Commission's rules by failing to provide a consumer with disabilities access to product support communications. The order results from an informal complaint filed alleging, among other things, that ViaTalk violated section 255 of the Act. The order proposes a remedy for ViaTalk to come into compliance and gives ViaTalk an opportunity to comment on the proposed remedy.
- On August 18, 2021, the Bureau issued a Citation Order to ViaTalk for violating section 255 of the Act and sections 6.11(a) and 14.31(b) of the Commission's rules. The Bureau found that ViaTalk had failed to ensure that individuals with disabilities had access to information provided to other customers and failed to file its annual compliance certification except in 2020. The Citation directs ViaTalk to file its 2021 annual compliance certification within 30 days.
- On November 29, 2021, the Bureau issued an order directing ViaTalk, LLC to implement the remedy proposed in an August 18, 2021 order which found ViaTalk failed to comply with section 6.11(a) of the Commission's rule. The order required ViaTalk to provide a consumer with disabilities access to product support communications

Closed Captioning:

- On March 14, 2024, the Bureau entered into a settlement with Maine Family Broadcasting, Inc. (MFB), licensee of WBGR-LD to terminate an investigation into WBGR's failure to pass through closed captioning received in programming intact to receiving households. Under the terms of the settlement, MFB will pay a \$2,500 civility penalty and implement a compliance program designed to ensure the appropriate monitoring of equipment and captions distributed.
- On September 29, 2021, the Bureau entered into a settlement with Pluto, Inc. and ViacomCBS to terminate an investigation into Pluto's failure to include closed captioning on video programming distributed via the Internet. Under the settlement, Pluto will pay \$3.5 million fine to the US Treasury and implement a compliance plan to ensure captions are distributed on applicable programming.

ENFORCEMENT ADVISORIES:

- In January 2021, the Bureau released an Enforcement Advisory reminding EAS Participants of their obligation to comply with the EAS rules, including ensuring that EAS Alerts are accessible to persons with disabilities. The Enforcement Advisory emphasized that EAS Participants should be maintaining equipment, transmit national, monthly, and weekly tests, meet technical standards established to ensure that persons with hearing and visual disabilities have access to emergency alerts, and report national EAS test results to the Commission. The Enforcement Advisory noted that the Enforcement Bureau may treat each failure to either transmit EAS messages, file EAS test information in the Reporting System, or file accurate information in the Reporting System as a separate violation for purposes of calculating the proposed forfeiture amount.

- In July 2021, the Bureau released an Enforcement Advisory reminding EAS Participants to ensure that emergency alerts are visually and aurally accessible. The Enforcement Advisory emphasized requirements that govern how emergency alerts must be displayed/disseminated to ensure that individuals who are deaf or hard of hearing and individuals who are blind or visually impaired have access to emergency information and reminds EAS Participants that they may face substantial monetary penalties if they fail to make emergency alerts accessible.

EB BRIEFING SHEET

SUBJECT: Interference Resolution and Public Safety

BUREAUS/OFFICES: Enforcement Bureau

SUMMARY: The Enforcement Bureau, through its field offices, supports the Commission's public safety goals, including investigations and resolution of interference to public safety communications and critical infrastructure. Such interference complaints come from a variety of sources, but the Bureau's highest priority is responding to complaints from those that protect the public and preserve security (e.g., Federal Aviation Administration (FAA) air traffic control and navigation, U.S. Coast Guard search-and-rescue operators, Emergency Medical Service (EMS) technicians, police, and firefighters). In addition, the Bureau investigates complaints regarding tower lighting outages and other defective lighting and marking of antenna structures that can cause air hazards.

BACKGROUND AND KEY ISSUES:

- The Bureau works with federal, state, and local public safety agencies to resolve harmful interference to public safety communications and critical infrastructure communication systems. EB field agents determine the cause of interference using their radio frequency expertise and specialized instruments and equipment (e.g., radio receivers, spectrum analyzers, field strength meters, and radio direction-finding vehicles and other equipment). Agents use instruments to quantify and identify incidental or intentional radio frequency energy and signal transmissions. In addition, they use direction-finding equipment to identify the source of radio frequency interference.
- The Bureau works closely with the FAA, the Department of Defense, and other federal agency and public safety stakeholders to investigate and mitigate against harmful interference. EB also investigates complaints from the FAA and others concerning tower lighting outages or defective marking and lighting of antenna structures that are potential violations of the Commission's rules and could cause hazards to aircraft.
- Upon requests from the Public Safety and Homeland Security Bureau (PSHSB), EB works with the Department of Homeland Security's Federal Emergency Management Agency, as directed by the President, in support of the National Response Framework, Emergency Support Function (ESF) #2 – Communications in emergency response and restoration efforts (most often in response to hurricanes).
- Upon requests from the PSHSB, EB works with the Department of Homeland Security under the direction of the United States Secret Service to support National Special Security Events, such as the State of the Union, United Nations General Assembly meetings, NFL Super Bowl, Presidential Inauguration, and the Republican and Democratic National Conventions.
- EB works with the Department of Homeland Security's Customs and Border Protection on cross-border interference matters and Immigration and Customs Enforcement on matters involving importation of uncertified and unauthorized intentional, unintentional, and incidental radiators that can cause interference to licensed services.
- EB coordinates on Global Positioning System (GPS) interference issues with the FAA National Operations Control Center, the U.S. Coast Guard Navigation Center, and the U.S. Air Force.
- If requested by PSHSB, EB field agents ensure the White House has a method to communicate to the nation in emergencies by performing operational checks of Emergency Alert System equipment.
- EB protects the public by ensuring compliance with rules aimed at preventing the public from overexposure to radio frequency radiation, electrocution from AM radio towers due to fencing issues, and from interference to frequencies used for distress transmissions. In addition to working with local public safety entities and utilities to resolve interference to their communications systems, the Bureau also assists

licensees that lack the authority, expertise, or the funds to identify and resolve interference quickly and on their own.

- The Bureau also investigates and acts on cases where technical deficiencies of transmitters that do not require a license to operate (such as Wi-Fi devices, telephone handsets, etc.), cause interference to non-broadcast operations, including air traffic control frequencies.
- EB field agents determine the cause of the interference using their expertise and specialized equipment. EB field agents are equipped with radio receivers, spectrum analyzers, field strength meters, and radio direction-finding equipment that can receive, track, locate, and measure radio transmission sources.

STATISTICS:

- As of March 7, 2025, in CY 2025, EB field agents responded to 45 public safety incidents involving interference allegations and 7 public safety incidents that did not involve allegations of interference.
- In CY 2024, EB field agents responded to 197 public safety incidents involving interference allegations and 109 public safety incidents that did not involve allegations of interference.
- In CY 2023, EB field agents responded to 238 public safety incidents involving interference allegations and 25 public safety incidents that did not involve allegations of interference.
- In CY 2022, EB field agents responded to 195 public safety incidents involving interference allegations and 34 public safety incidents that did not involve allegations of interference.
- In CY 2021, EB field agents responded to 260 public safety incidents involving interference allegations and 32 public safety incidents that did not involve allegations of interference.

ENFORCEMENT ACTIONS:

- On January 3, 2025, the Commission released a Forfeiture Order affirming a \$34,000 proposed forfeiture against Jason M. Frawley for willfully and repeatedly operating a radio station without authorization and interfering with the radio communications of the United States Forest Service.
- On September 18, 2024 the Enforcement Bureau issued a Notice of Harmful Interference to Dmitriy Groysman for operating in the 813-817 Hz band and causing harmful interference to the Massachusetts State Police.
- On June 5, 2023, the Enforcement Bureau issued a Notice of Unauthorized Operation and Harmful Interference to Stacey Snell for harmful interference and unauthorized transmissions on frequency 155.610 MHz used for police dispatch communications in Herkimer County, New York.
- On January 28, 2022, the Commission released an Order to Dismantle an unlit antenna structure in Pine Bluff, Arkansas, because the FAA declared that it was a menace to aviation.
- On March 28, 2022, the Bureau issued a Citation and Order to Massey, Wood and West, Inc. and MWW Realty Corp. (MWW), owners of an antenna structure in Mechanicsville, Virginia, for failing to comply with the Commission's part 17 rules pertaining to antenna structure lighting and monitoring, failing to notify the FAA about lighting outages, and failing to notify the FCC of a change in antenna structure ownership information. MWW dismantled the antenna structure.
- On June 8, 2022, the Commission released a Notice of Apparent Liability for Forfeiture that proposed a forfeiture of \$34,000 against Jason Frawley, the licensee of an amateur radio station and owner/operator of a communications company with eight microwave licenses and a business license, for apparently interfering with radio communications that were guiding fire suppression aircraft combating a fire in 2021 near Elk River, Idaho.

- On April 15, 2021, the Bureau entered into a Consent Decree with DWireless for \$11,000 to settle an investigation into whether DWireless operated two Unlicensed National Information Infrastructure (U-NII) devices in an unauthorized manner that caused interference to an FAA terminal doppler weather radar station serving the San Juan International Airport in San Juan, Puerto Rico.
- On November 12, 2021, the Bureau entered into a Consent Decree with SPB, LLC, owner of an antenna structure in Greenwood, Mississippi, in which SPB, LLC admitted that it failed to light an antenna structure, agreed to implement a compliance plan, and agreed to pay a \$1,400 penalty.

EB BRIEFING SHEET**SUBJECT:** 911

BACKGROUND AND KEY ISSUES: The Commission seeks to ensure 911 call completion from the 911 caller at one end to the appropriate Public Safety Answering Point (PSAP) at the other end.

Section 9.4 of the Commission's rules requires all telecommunications carriers to transmit all 911 calls to a PSAP, to a designated statewide default answering point, or to an appropriate local emergency authority.

Commercial mobile radio service (CMRS) providers have similar requirements as well as E911 and location requirements, pursuant to section 9.10 of the Commission's rules. Sections 9.10(b) and 9.11(a)(2)(ii) of the Commission's rules impose the same obligations on CMRS providers and interconnected voice over Internet protocol providers, respectively.

The Commission requires (in section 4.9 of the Commission's rules) communications providers to provide certain notifications when 911 and other outages occur. These notification requirements ensure that carriers provide the Commission with timely information about the causes and impacts of 911 outages they experience so the Commission can monitor trends and take action if needed. The notification requirements also ensure that carriers and 911 providers quickly notify PSAPs with pertinent information about 911 outages that potentially impact the PSAP.

Additionally, under section 9.19 of the Commission's rules, the Commission has put in place requirements designed to improve the reliability and resiliency of 911 communications networks nationwide by requiring covered 911 service providers to certify annually that they have taken reasonable measures to provide reliable 911 service by either implementing certain industry-backed "best practices" or by implementing alternative measures that are reasonably sufficient to ensure reliable 911 service.

ENFORCEMENT ACTIONS:

- On August 26, 2024, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether AT&T Enterprises, LLC (AT&T) violated sections 4.9(f), 4.9(h), 9.4, 9.10(b), and 9.11(b)(2)(ii) of the Commission's rules in connection with the failure to transmit approximately 400 calls to 911 and to make timely notifications to eight PSAPs as part of an outage experienced by AT&T on August 22, 2023, in parts of Illinois, Kansas, Texas, and Wisconsin. To resolve this matter, AT&T agreed to implement a compliance plan and to pay a \$950,000 civil penalty.
- On August 22, 2024, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether and CSC Wireless, LLC, d/b/a Altice Mobile (Altice) violated section 4.9(e) of the Commission's rules in submitting network outage reports in connection with outages that occurred on March 18 and July 19, 2023, respectively. In the Consent Decree, Altice admitted that it violated the network outage reporting requirements set forth in the Commission's rules, agreed to implement a three-year compliance plan, and pay a \$96,000 civil penalty.
- On July 29, 2024, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether and Charter Communications, Inc. (Charter) violated the Commission's 911 rules in connection with a network outage experienced by Charter on February 19, 2023, two additional outages on March 31, 2023, and April 26, 2023, and hundreds of planned maintenance-related outages that Charter failed to report to the Commission. To resolve this matter, Charter agreed to a Consent Decree including admitting that it violated section 4.9(g) of the Commission's rules requiring the timely notification of reportable outages to PSAPs and the filing of Network Outage Reporting System reports with the Commission, the implementation of a robust compliance plan, including cybersecurity provisions related to compliance with the Commission's 911 rules, and agreed to pay a \$15,000,000 civil penalty.

- On June 25, 2024, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether and Cellco Partnership d/b/a Verizon Wireless (Version Wireless) violated sections 9.4 and 9.10 of the Commission's rules in connection with a 911 outage that occurred on December 21, 2022. To resolve this matter, Verizon Wireless agreed to the terms of the Consent Decree, including implementing a compliance plan and paying a \$1,050,000 civil penalty.
- On April 24, 2023, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether Shenandoah Telecommunications Company (Shentel) violated section 9.11 of the Commission's rules in connection with failed 911 calls between April 6, 2022, and April 22, 2022, in four West Virginia counties. The failed 911 calls had one-way audio, meaning that the public safety answering point operators could not hear the 911 callers. To resolve this matter, Shentel agreed to implement a compliance plan and pay a \$227,200 civil penalty.
- On July 21, 2023, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether Frontier Communications Parent, Inc. (Frontier) violated section 9.4 of the Commission's rules in connection with failure to transmit 911 calls following vandalism to Frontier's wireline network. To resolve the matter, Frontier agreed to implement a compliance plan and pay a \$24,000 civil penalty.
- On October 17, 2023, the Commission released a Notice of Apparent Liability for Forfeiture against Lumen Technologies, Inc., proposing an \$867,000 forfeiture for apparently violating the Commission's 911 call transmission and PSAP notification rules related to two separate outages in North Dakota and South Dakota that impacted 911 calls.
- On June 2, 2022, the Enforcement Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether Liberty Mobile USVI, Inc. (Liberty) violated sections 4.9 and 4.11 of the Commission's rules in connection with its failure to timely report to the Commission an outage it experienced on its mobile network in St. Croix, U.S. Virgin Islands. Liberty implemented a compliance plan and agreed to pay a \$48,000 civil penalty.
- On October 14, 2022, the Enforcement Bureau released five Adopting Orders and Consent Decrees that resolved investigations into covered 911 service providers' (Virgin Islands Telephone Corporation d/b/a Viya, Otelco Telephone, LLC, Highland Telephone, LLC, Mud Lake Telephone Cooperative Association, Inc., and Consolidated Communications, Inc.) failure to timely file annual required 911 service reliability certifications for 2021, in violation of section 9.19 of the Commission's rules. Each provider agreed to pay a civil penalty and abide by a compliance plan to ensure it meets its filing responsibilities going forward.

EB BRIEFING SHEET

SUBJECT: Misuse of Emergency Alert System (EAS) Codes and Attention Signal

SUMMARY: Section 11.45(a) of the Commission’s rules states that, “[n]o person may transmit or cause to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test of the EAS,” with narrow exceptions for testing and for EAS participants to use the EAS Attention Signal and a simulation of the EAS codes as provided by FEMA in PSAs provided by federal, state and local government entities, or non-governmental organizations, in certain specified types of public service announcements to raise public awareness about emergency alerting. Section 11.45(b) requires an EAS Participant to notify the FCC by email when it has transmitted a false EAS Tone, within 24 hours of discovering such a transmission. Section 10.520(d) prohibits any person from transmitting the Wireless Emergency Alert (WEA) common audio attention signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test, or in the context of a PSA provided by federal, state, local, tribal and territorial entities, or non- governmental organizations in coordination with those entities, to raise public awareness about emergency alerting. Thus, if advertisements, promotional announcements, or other programming includes the EAS codes or EAS or WEA Attention Signals (or simulations thereof) not in connection with an actual emergency, authorized EAS or WEA test, or authorized PSA, they are illegal. A “simulation” of the EAS codes or EAS or WEA Attention Signals includes not only recordings of actual EAS codes or EAS or WEA Attention Signals, but also sounds that mimic or are substantially similar to them such that an average listener could reasonably mistake the sounds for an actual EAS code or EAS or WEA Attention Signals. In addition, such false use of the EAS codes or EAS or WEA Attention Signals may be considered a “false distress signal,” which is prohibited under Section 325(a) of the Act.

BACKGROUND AND KEY ISSUES:

- Since 2013, the Commission has received an increasing number of complaints alleging that EAS or WEA tones or simulations thereof are being used as attention-getting devices in various advertisements and promotions.
- The Commission regards misuse of EAS codes and EAS or WEA Attention Signals as very serious violations, because such actions raise substantial public safety concerns.
 - Misuse of the codes and Attention Signals raises the risk of creating public alarm and confusion as to whether an emergency event is taking place. This is particularly true for audience members not actively focused on the programming, in another room, or with visual impairments. They may be easily alarmed by use of Attention Signals even if the program material at issue is clearly intended to be an advertisement, promotion, or a joke.
 - This risk is particularly high in areas of the country that rely on the EAS and WEA to alert the public of destructive weather events that can move quickly or arise with little or no warning (e.g., tornados, ice storms, hurricanes, etc.).
 - Moreover, using the EAS or WEA outside of an actual emergency or authorized test creates a “cry wolf” scenario that undermines the integrity of the EAS or WEA by potentially desensitizing the public to potentially life-saving alerts.

For this reason, the Commission’s rules plainly and strictly reserve the use of the EAS codes and EAS or WEA Attentions Signal for legitimate uses.

ENFORCEMENT ACTIONS:

- On January 8, 2025, the Commission issued a Notice of Apparent Liability against Corridor Television, L.L.P., for failing to participate in three Nationwide Tests of the EAS, failing to file EAS Test Reporting System Form Three, and submitting incorrect or misleading information in ETRS filings subsequent to Nationwide Tests of the EAS. The Commission proposed a \$369,190 penalty. On February 7, 2025, Corridor filed a response to the Notice of Apparent Liability.
- On December 20, 2024, the Enforcement Bureau released a consent decree to resolve three investigations into whether Paramount Group (the parent of the CBS entities involved) violated section 11.45 of the Commission's rules by transmitting or causing to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in the absence of an actual emergency, authorized Emergency Alert System test, or qualified public service announcement. To settle these investigations, Paramount agreed to (i) admit liability with respect to two of the investigations; (ii) admit facts relating to the other investigation; (iii) implement a compliance plan; and (iv) pay a civil penalty of \$244,952.
- On December 5, 2024, the Enforcement Bureau released a consent decree to resolve its investigation into whether Charter Communications, Inc. (Charter) violated sections 11.35, 11.51, 11.52, and 11.56 of the Commission's rules by operating portions of its cable systems without the ability to transmit Emergency Alert System (EAS) alerts when it was upgrading its EAS equipment in anticipation of a December 12, 2023 compliance deadline for several new EAS requirements. To settle this matter, Charter agreed to implement a compliance plan and to pay a settlement amount of \$1,100,000. This was a joint investigation of the Spectrum Enforcement Division and the Office of the Field Director.
- On October 17, 2024, the Commission issued a Notice of Apparent Liability against ESPN, Inc., for transmitting EAS codes during promotional programming concerning the start of the 2023-2024 National Basketball Association season in the absence of an actual emergency. The Commission proposed a penalty of \$146,976, the statutory maximum for the six violative instances.
- On January 24, 2023, the Commission issued a Notice of Apparent Liability against Fox Corporation for transmitting EAS tones during a Fox NFL promotional segment in the absence of an actual emergency. The Commission proposed a \$504,000 penalty against FOX. Penalty was paid in full.
- On August 6, 2021, the Enforcement Bureau issued a Notice of Apparent Liability against ESPN, Inc. for apparently broadcasting EAS tones during the program, "30 for 30: Roll Tide/War Eagle," which was included in ESPN's programming stream sent to cable systems and other multichannel video programming distribution systems on October 20, 2020. The Bureau proposed a \$20,000 fine against ESPN. Penalty was paid in full.
- On December 10, 2021, the Enforcement Bureau issued a Notice of Apparent Liability against Beasley Media Group Licenses, LLC for apparently broadcasting EAS tones during a radio skit during the "Doug Basham Radio Show." The Bureau proposed a \$20,000 fine against Beasley. Penalty was paid in full.

ENFORCEMENT ADVISORY:

- On August 15, 2019, the Enforcement Bureau released an Enforcement Advisory to remind the industry about the existing law as it applies to the misuse of EAS tones. The advisory states that we remain concerned about the misuse of the EAS codes and EAS and WEA Attention Signals, and simulations thereof, to capture audience attention during programs and at any other time that there is no genuine alert, authorized test, or authorized PSA about the EAS, or WEA, that is accompanied by an appropriate disclaimer.

EB BRIEFING SHEET**SUBJECT:** Jammers

SUMMARY: The Communications Act of 1934, as amended, (Act) prohibits the operation, manufacture, importation, marketing, and sale of equipment designed to jam or otherwise interfere with authorized radio communications, such as radar, global positioning system (GPS), and cell phone communications. These jamming devices pose significant risks to public safety and potentially compromise other radio communications services.

BACKGROUND AND KEY ISSUES:

- Section 301 of the Act requires a valid FCC authorization or license for the operation of radio transmitting equipment. Unlike other radio transmitting equipment, jamming equipment cannot be authorized by the FCC because the main purpose of jamming equipment is to interfere with radio communications.
- Section 302(b) of the Act prohibits the manufacture, importation, sale, offer for sale, shipment, or operation of devices that do not comply with the equipment authorization rules. Jammers do not comply with the rules because they are designed to jam or disrupt authorized communications.
- Section 333 of the Act prohibits willful or malicious interference with any radio communications of any station licensed by or authorized under the Act or operated by the United States Government.
- Consequently, the operation of jamming equipment violates Sections 301 and 333 of the Act. The manufacture, importation, sale, or offer for sale, shipment, or use of jamming equipment violates Section 302(b) of the Act.
- As a result of past enforcement efforts, jammers are rarely marketed by domestic entities and now are almost exclusively marketed online by foreign retailers. When the retailer is located outside of U.S. territory, *the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* may apply and require that Commission documents only be served in a manner prescribed by authorities in the retailer's country of residence.
- The Bureau has released Enforcement Advisories specifically designed to inform retailers, importers, consumers, and state and local government agencies that jammers are illegal and may not be operated, marketed or imported into the United States. The Advisories warn that violators risk substantial civil and criminal penalties.
- The Bureau maintains a Jammer Enforcement webpage (<https://www.fcc.gov/general/jammer-enforcement>) that provides the applicable laws in consumer-friendly language. This website was significantly updated in April 2020 to reflect the launch of the Bureau's Public Safety Interference (PSIX-ESIX) Portal and to provide consumers with better instruction on how to troubleshoot and report a loss or interference with service.

STATISTICS:

- As of March 7, 2025, in CY 2025 EB field agents have investigated 68 complaints concerning the alleged use of jammers.
- In CY 2024 EB field agents investigated 107 complaints concerning the alleged use of jammers.
- In CY 2023 EB field agents investigated 133 complaints concerning the alleged use of jammers.
- In CY 2022, EB field agents investigated 79 complaints concerning the alleged use of jammers.
- In CY 2021, EB field agents investigated 59 complaints concerning the alleged use of jammers.

ENFORCEMENT ACTIONS:

We continue to investigate jammer-related complaints and take appropriate enforcement action. In this regard, the Bureau coordinates closely on jammer enforcement issues with various federal, state, and local agencies, including assistance with jammer seizures.

The Bureau curbs the importation of jammers by engaging online marketplaces and, in some instances, the payment processing industry, to help limit illegal online advertising and sales to U.S. consumers. As a consequence, the most prominent multi-seller marketplaces independently search for and remove jammer listings that have been uploaded by retailers onto their platform. Similarly, U.S.-based payment processors will refuse to conduct business with known jammer websites, effectively preventing them from accepting payment via credit cards.

- On January 27, 2022, the Commission adopted a Memorandum Opinion and Order denying Ravi's Import Warehouse, Inc.'s (Ravi) Application for Review in connection with the company's violation of the Commission's signal jamming device rules. The MO&O upheld a prior order in which the Bureau affirmed a \$22,000 forfeiture against Ravi's for the unauthorized operation of a signal jamming device. On April 25, 2018, the Enforcement Bureau, Region Two Field Office issued a \$22,000 fine against Ravi for operating a cellular phone jammer in its commercial establishment located in Dallas, Texas. On April 10, 2017, an AT&T representative complained that an AT&T base station was receiving interference, possibly from a signal located within Ravi's commercial establishment. In response to the agent's inquiries, the owner of Ravi admitted to using a signal jammer to prevent her employees from using mobile phones while at work. Thereafter, the AT&T representative confirmed the base station was no longer receiving interference from equipment operated at Ravi's commercial establishment.
- On August 29, 2022, the Enforcement Bureau issued a Notice of Unauthorized Operation and Harmful Interference to Kimani Barley for operating a device designed to jam GPS signals.

INTER-AGENCY COORDINATION: The Bureau often responds to requests from U.S. Customs and Border Protection (CBP) agents to verify whether devices being held at ports of entry are illegal jammers. If the Bureau is able to determine that a device is a jammer, CBP is informed and can then use its own authorities to prohibit entry into the United States.

EB BRIEFING SHEET

SUBJECT: Unauthorized Operations and Other Wireless Service Issues (Including Orbital Debris & Environmental Review)

SUMMARY: Section 301 of the Communications Act of 1934, as amended (the Act) prohibits the use or operation of a radio frequency station except in accordance with a Commission-granted authorization. Enforcement Bureau investigations in this area have focused on the various service stations operating without Commission authority or in a manner inconsistent with the terms of the underlying authorization/license, including Commercial Mobile Radio Service stations (CMRS), Private Land Mobile Radio Service (PLMRS) stations, Personal Communications Service wireless radio stations, General Mobile Radio Service (GMRS) stations, public coast stations, and satellite earth stations.

The Commission has also established construction and discontinuance requirements, among other things, pursuant to the rules established for a particular licensed service. These requirements promote productive use of spectrum, encourage provision of service to customers in a timely manner, and promote the provision of innovative services. EB is responsible for investigating licensee failures to comply with construction and/or discontinuance rules—actions which undermine these important goals.

BACKGROUND AND KEY ISSUES: Section 301 of the Act requires a valid FCC authorization or license for the operation of radio transmitting equipment. Additionally, section 1.903(a) of the Commission's rules provides that stations in the Wireless Radio Services must be used and operated pursuant to the rules pertaining to their particular service and with a valid Commission-granted authorization/license. Licensees that want to operate after their licenses' expiration must affirmatively request continued operating authority from the Commission. If a licensee fails to file a timely renewal application, the Commission requires such a licensee to seek temporary or new operating authority. Also, before starting construction on certain wireless facilities, section 1.1307 of the Commission's rules requires each licensee to assess whether its facility may have a significant impact on the environment or historic properties and prepare an environmental assessment when applicable. EB/SED enforces the Commission's service and licensing rules, particularly in areas involving tower construction and approvals, licensee failures to meet construction and discontinuance requirements, and failures to operate wireless stations within the terms of the Commission authorization/license and/or service rules, including the unauthorized continuation of operation after expiration of the authorization/license.

PUBLIC ENGAGEMENT:

- On November 29, 2023, the Bureau Chief spoke at the United Nations Conference on Space Law and Policy: "The Outer Space Treaty for the 21st Century." The Bureau Chief's presentation provided an overview of FCC enforcement, the FCC's licensing and satellite regulatory framework, and recent FCC enforcement actions, including the Bureau's work in enforcing the FCC's orbital debris rules.
- On November 2, 2023, the Bureau participated in the Wireless Telecommunications Bureau's annual "Environmental Compliance Workshop." The Bureau's presentation, "Environmental Rule Overview & Enforcement" and subsequent QA panel was part of the day-long workshop at HQ to a virtual and in-person audience of several hundred FCC applicants, environmental consultants, State Historic Preservation Office (SHPO) staff, Tribal Historic Preservation Office (THPO) staff, and federal agencies that fund or permit wireless facilities.
- On September 13, 2022, the Bureau participated in the Wireless Telecommunications Bureau's annual "Environmental Compliance Workshop." The Bureau's presentation, "Environmental Rule Overview & Enforcement" and subsequent QA panel was part of the day-long workshop at HQ to a virtual and in-person audience of several hundred FCC applicants, environmental consultants, State Historic Preservation Office (SHPO) staff, Tribal Historic Preservation Office (THPO) staff, and federal agencies that fund or permit wireless facilities.

ENFORCEMENT ACTIONS:

- On August 12, 2024, the Bureau released an Adopting Order and Consent Decree that resolved an investigation into whether Intelsat License LLC to resolve the Bureau's investigation into whether Intelsat violated the Commission's rules related to the unauthorized operation of a space station. To resolve this matter, Intelsat admitted that it violated section 301 of the Communications Act of 1934, as amended (Act), and the Commission's rules by deploying its Galaxy 35 satellite to an unauthorized orbital location. Intelsat agreed to implement a three-year compliance plan and to pay a \$160,000 civil penalty.
- On October 2, 2023, the Commission released the agency's first space debris Consent Decree to settle EB's investigation into a satellite license violation by DISH Operating L.L.C. when it failed to properly deorbit its EchoStar-7 satellite. The settlement includes an admission of liability from the company and an agreement to adhere to a compliance plan and pay a penalty of \$150,000.
- On May 30, 2023, the Bureau released a Notice of Apparent Liability for Forfeiture Jayme John Leon for unauthorized Citizens Band Radio Service (CB) operation, and for intentional interference with CB communications. Leon used his CB station to make one-way transmissions of nonverbal, indecipherable sound effects over long periods of time. These one-way transmissions were unauthorized in apparent violation section 301 of the Act and interfered with other users' access to the relevant CB channel in apparent violation of section 333 of the Act and sections 95.305, 95.933 and 95.957 of the Commission's rules.
- On December 19, 2022, the Bureau entered into an Order and Consent Decree to resolve an investigation into whether Cellco Partnership d/b/a Verizon Wireless violated sections 1.1307 and 1.1312 of the Commission's rules in connection with its construction activities for wireless telecommunications facilities before completing the required environmental or historic preservation reviews and without onsite monitoring as requested by the affected tribes. Verizon Wireless admitted liability, agreed to pay a \$950,000 civil penalty, and to implement a robust three-year compliance plan.
- On September 1, 2022, the Bureau entered into an Order and Consent Decree to resolve an investigation into whether James Valley Cooperative Telephone Company violated sections 1.1307, 1.1312, and 17.4 of the Commission's rules in connection with its construction of wireless telecommunications facilities prior to completing the required environmental and historic preservation reviews, and prior to following the prescribed procedures under the Commission's antenna structure registration rules. In addition to admitting liability, James Valley Cooperative Telephone Company agreed to implement a compliance plan to ensure future compliance and pay a \$38,000 civil penalty.
- On June 8, 2022, the Bureau proposed a forfeiture of \$34,000 against Jason Frawley, licensee of an amateur radio station and owner/operator of a communications company with eight microwave licenses and a business license, for apparently interfering with radio communications that were guiding fire suppression aircraft combating a fire in 2021 near Elk River, Idaho, in violation of sections 301 and 333 of the Act and sections 1.903(a) and 97.101(d) of the rules.
- On November 2, 2021, the Bureau entered into an Order and Consent Decree to resolve an investigation into whether Fort Myers Broadcasting Company violated sections 1.1307 and 1.1312 of the Commission's rules in connection with its construction activities for a wireless telecommunications facility before completing the required environmental review. Fort Myers

Broadcasting Company admitted liability, and agreed to pay a \$20,000 civil penalty and to implement a three-year compliance plan.

- On April 15, 2021, the Bureau entered into a Consent Decree with DWireless for \$11,000 to settle an investigation that DWireless operated two Unlicensed National Information Infrastructure (U-NII) devices in an unauthorized manner that caused interference to the terminal doppler weather radar station serving the San Juan International Airport in San Juan, Puerto Rico.
- On March 12, 2021, the Bureau imposed a forfeiture of \$20,000 on OSNET Wireless, Corp. for modifying network equipment to operate in restricted portions of the 2300 MHz band, where a Commission license is required, and for operating that network equipment without a license from the Commission.

EB BRIEFING SHEET**SUBJECT:** Equipment Marketing

SUMMARY: Equipment marketing cases involve the marketing of unauthorized radio frequency (RF) devices in the United States. Section 302 of the Communications Act of 1934, as amended (Act), and the associated Commission rules, outline the requirements for marketing RF devices. Additionally, the Secure Equipment Act of 2021, codified in 47 U.S.C. § 1601 *et seq.*, mandates that the FCC ensure that new telecommunications and video surveillance equipment marketed by prohibitive sources do not enter the stream of commerce because such equipment poses an unacceptable risk to the national security of the United States or the safety of United States persons. Violations of section 302 of the Act and the Commission's equipment marketing rules can range from the marketing of a device that has not been authorized (by either certification or Supplier's Declaration of Conformity procedures), to the marketing of a device that has not been properly labeled or is missing the required user information disclosures. Enforcement of Commission rules requiring that devices be properly authorized, labeled, and furnished with the proper user information disclosures prior to marketing in the United States is crucial to preventing harmful interference to commercial and public safety wireless services and to Federal communications systems.

BACKGROUND AND KEY ISSUES: Section 302 of the Act authorizes the Commission to promulgate regulations governing the interference potential of devices that emit RF energy and can cause harmful interference to radio communications. The Commission adopted rules to ensure that RF devices comply with the Commission's technical standards, as well as labeling and information disclosure requirements, to prevent harmful interference from occurring once devices are marketed to the public. One of the primary ways in which the Commission ensures compliance is through the equipment authorization program for RF devices, which is codified in part 2 of the Commission's rules. Specifically, under section 2.803, RF devices must comply with the Commission's equipment authorization, labeling, user information disclosure, and other requirements before they can be imported, sold, leased, or advertised for sale or lease, in the United States.

ENFORCEMENT ACTIONS:

- On June 14, 2024, the Commission proposed a collective penalty of \$367,436 against ASUSTeK Computer, Inc. and its wholly owned subsidiary, Asus Computer International, for marketing WiFi devices in apparent violation of the Commission's equipment marketing rules by modifying equipment to exceed power limits without the required authority; and marketing equipment for more than a year after it became aware that the equipment was not compliant in apparent violation of section 302(b) of the Act, and sections 2.803(b), 2.1043(a), and 15.407(a)(5) of the Commission's rules.
- On December 14, 2023, the Commission released a Notice of Apparent Liability for Forfeiture against Sound Around, Inc. In the Notice of Apparent Liability, the Commission finds that Sound Around, Inc. marketed 33 models of radio frequency devices that were apparently not authorized in violation of section 302 of the Act and section 2.803 of the Commission's rules, and also finds that Sound Around apparently violated a Commission order, and therefore the Act, by failing to fully respond to a Letter of Inquiry and Further Letter of Inquiry.
- On March 29, 2022, the Enforcement Bureau released an Order and Consent Decree terminating the investigation of whether Rexing, Inc. marketed unauthorized automotive dash cameras in violation of the Commission's equipment marketing rules by failing to authorize its devices, in violation of section 2.803 of the Commission's rules. The company also failed to retain the required test measurement data for each model, in violation of section 2.938. The company agreed to pay a civil penalty of \$75,000 (in four installments) and implement a three-year compliance plan.
- On August 1, 2022, the Commission released a Forfeiture Order in the amount of \$685,338 against Sound Around, Inc. for marketing 32 models of wireless microphones that were noncompliant or not

authorized in violation of section 302 of the Act and sections 2.803 and 74.851 of the Commission's rules. Sound Around marketed the wireless microphones on its website even though the microphones did not have a certification or could operate contrary to their certifications violating the Commission's equipment marketing rules.

- On September 2, 2022, the Enforcement Bureau issued a Citation to Health and Medical Sales, Inc. dba Healthandmed.com for unlawfully marketing an unauthorized radio frequency device and failed to respond to a Federal Communications Commission (Commission or FCC) order. The Enforcement Bureau directed Healthandmed.com to cease selling unauthorized equipment, indicating that failure to comply may result in civil monetary penalties.
- On October 12, 2022, the Enforcement Bureau issued a Citation to Ride208, LLC for marketing equipment that operated in the Family Radio Service (FRS) and General Mobile Radio Service (GMRS) in violation of section 302(b) of the Communications Act and Part 2 of the Commission's rules. The Enforcement Bureau directed Radio208, LLC to cease selling unauthorized equipment, indicating that failure to comply may result in civil monetary penalties.
- On November 2, 2022, the Enforcement Bureau released an Order and Consent Decree terminating the investigation into whether Hill & Smith, Inc. (H&S) marketed unauthorized light-emitting diode (LED) signs in violation of the Commission's equipment marketing rules. In addition to admitting it violated the equipment marketing requirements set forth in the Commission's rules by marketing RF equipment prior to authorization, H&S agreed to implement a three-year compliance plan to ensure future compliance and pay a \$47,600 civil penalty.
- On October 7, 2022, the Enforcement Bureau issued a Citation to B&H Foto & Electronics Corporation for illegally marketing unauthorized equipment in violation of section 302(b) of the Communications Act of 1934, as amended (Act) and section 2 of the Commission's rules. The Enforcement Bureau directed BSW to cease marketing the equipment, indicating that failure to comply might result in monetary penalties.
- On December 28, 2022, the Enforcement Bureau issued a Citation to Broadcast Supply Worldwide, Incorporated (BSW) for illegally marketing unauthorized equipment in violation of section 302(b) of the Communications Act of 1934, as amended (Act) and sections 2 and 15 of the Commission's rules. The Enforcement Bureau directed BSW to cease marketing the equipment, indicating that failure to comply might result in monetary penalties.

EB BRIEFING SHEET

SUBJECT: Unlicensed Broadcast Stations (Pirate Radio)

SUMMARY: On January 24, 2020, the PIRATE Act became law, codified in Section 511 of the Act. The new law increases fines on unlicensed station operators to \$100,000 per day per violation, up to a maximum of \$2 million, subject to annual inflation adjustments. In addition to tougher fines on violators, the law requires the FCC to conduct sweeps in the five markets where pirate radio is the biggest problem. Situations involving unlicensed radio stations generally concern an individual operating a station without an FCC license or authorization exceeding the unlicensed radiated emission low-power limits found in Part 15 of the Commission's rules. In areas of concentrated pirate activity, the Enforcement Bureau's actions against pirate operators have become more aggressive, as the Bureau is actively implementing its new approach for deterring pirate activity, including holding landowners liable for providing specific material support to pirate radio stations operating on their property as now authorized under section 511 of the Act.

BACKGROUND AND KEY ISSUES:

- The Bureau investigates and acts on cases of unlicensed broadcasting in response to complaints from licensed broadcasters and the public. When unlicensed broadcast stations cause interference to licensed broadcast operations that prevents listeners from hearing the programming on those stations and potentially important Emergency Alert System (EAS) warnings aired by those broadcasters.
- Parties found operating radio stations without FCC authorization could be subject to a variety of enforcement actions, including seizure of equipment, imposition of monetary forfeitures, ineligibility to hold any FCC license, injunctive relief, and criminal penalties.
- The PIRATE Act granted the Commission authority to pursue enforcement sanctions against any party that "suffers to be done," (i.e., facilitates, supports, permits or allows), pirate radio activities on property that they own or control. This provides the Commission with the ability to take enforcement action against property owners and property managers that, after receiving notice of pirate radio transmissions emanating from their properties continue to allow such activity. Commission staff has devised a template to inform property owners and property managers of apparent pirate radio broadcasts from their property and to describe the potential consequences to the property owner or manager if such activity does not cease. The FCC Field Director issued the first such notices, based on the template, to certain property owners or managers in New York City on December 17, 2020. Subsequent investigation indicated that the pirate radio stations were not operating from those locations. From December 17, 2020, through November 14, 2024, the Enforcement Bureau has issued 110 Notices of Illegal Pirate Radio Broadcasting.
- Section 511 rulemaking. The PIRATE Act directed the Commission to adopt rules providing that, absent good cause, the Commission will proceed directly to issue a Notice of Apparent Liability for Forfeiture for violations of the PIRATE Act without first issuing a Notice of Unauthorized Operation. The Enforcement Bureau (Bureau), in conjunction with the Office of Managing Director, adopted rules implementing that directive on December 17, 2020. In addition, the Commission updated its rules to reflect the new maximum forfeitures that the Commission may impose as sanctions for pirate radio broadcasting.
- The Public Safety and Homeland Security Bureau's High Frequency Direction-Finding (HFDF) Center also independently detects and tracks HF pirate radio cases. The Public Safety and Homeland Security Bureau refers these cases to EB field agents for assistance in locating the source and pursuing enforcement action as appropriate.
- In addition to the FCC's administrative warnings and sanctions, EB, in coordination with the Office of General Counsel, may refer a case to the Department of Justice (DOJ) to initiate an *in rem* seizure or injunction pursuant to Section 510(a) or Section 401(a) of the Communications Act, respectively. The

decision to pursue an *in rem* seizure or an injunction rests with DOJ. Seizures require substantial resources, in terms of investigations and notice, litigating the matter in federal district court as well as arranging for U.S. Marshals and other law enforcement personnel to conduct the seizure.

- In addition to efforts by the FCC and DOJ, Florida, New York, and New Jersey have made operation of a pirate radio station a criminal offense under their respective state laws. In New York, FCC field agents have worked cooperatively with local law enforcement in the past to assist local prosecutions against pirate operators.

STATISTICS:

- As of March 7, 2025 CY 2025 EB has received 7 complaints of pirate radio activity and has issued 6 Notices of Illegal Pirate Radio Broadcasting.
- In CY 2024 EB received 69 complaints of pirate radio activity and issued 31 Notices of Illegal Pirate Radio Broadcasting.
- In CY 2023, EB received 80 complaints of pirate radio activity and issued 48 Notices of Illegal Pirate Radio Broadcasting.
- In CY 2022, EB received 86 complaints of pirate radio activity and issued 31 Notices of Illegal Pirate Radio Broadcasting.
- In CY 2021, EB received 72 complaints of pirate radio activity and issued 0 Notices of Illegal Pirate Radio Broadcasting.
- In CY 2020, EB received 85 complaints of pirate radio activity and issued 3 Notices of Illegal Pirate Radio Broadcasting.

ENFORCEMENT ACTIONS:

- On February 27, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$60,000 against Aaron Streeter for operating the pirate radio station “Da Pound FM” on 89.1 MHz in Miami Gardens, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On February 27, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$325,322 against Abdias Datis for operating the pirate radio station “Unique FM,” on 91.7 MHz in Miami, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On January 6, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$40,000 against Efrain Gonzalez for operating the pirate radio station “Lapoderosa 89.1 FM,” on 89.1 MHz (Station) in Waterbury, Connecticut without a Commission license, in apparent violation of section 511 of the Act.
- On January 6, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$60,000 against Wilfredo Ayala for operating the pirate radio station “La Tropica Radio,” on 94.5 MHz (Station) in Hartford, Connecticut without a Commission license, in apparent violation of section 511 of the Act.
- On January 6, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$40,000 against James Baran for operating a pirate radio station on 90.7 MHz in Geneva-on-the-Lake, Ohio, without a Commission license, in apparent violation of section 511 of the Act.

- On January 6, 2025, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$60,000 against Carlos Alberto Vazquez for operating the pirate radio station “Radio Union Familiar,” on 99.1 MHz in Painesville, Ohio without a Commission license, in apparent violation of section 511 of the Act.
- On December 11, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$40,000 against Djovany Pierre and Mario Turner for operating the pirate radio station “Radio Tele Brockton” or “Brockton Heat” on 96.5 MHz in Brockton, Massachusetts without a Commission license, in violation of section 511 of the Act.
- On December 11, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$40,000 against Joao Vieira for operating the pirate radio station “Brockton FM” on 102.1 MHz in Brockton, Massachusetts without a Commission license, in violation of section 511 of the Act.
- On December 11, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$120,000 against Renold David for operating the pirate radio station “Lotnivo FM” on 101.9 MHz in Brockton, Massachusetts without a Commission license, in violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$358,665 against Cameron Brown for operating the pirate station “The Plug” on 89.5 MHz in Miami-Dade County, Florida without a Commission license, in violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$358,665 against Brindley Marshall for operating the pirate radio “Hot 97.7” on 97.7 MHz in Miami, Florida without a Commission license, in violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted a Forfeiture Order affirming a fine of \$120,000 against Abdias Datis for operating the pirate radio station “Unique FM” on 91.7 MHz in Miami, Florida without a Commission license, in violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$40,000 against Raul Alcantara for operating the pirate radio station “Sabor FM” on 88.9 MHz in the Bronx, New York without a Commission license, in apparent violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted Notice of Apparent Liability for Forfeiture proposing a fine of \$920,000 against Masner Beauplan for operating the pirate radio Station “Radio Leve Kanpe” on 91.7 MHz in Irvington and Maplewood, New Jersey without a Commission license, in apparent violation of section 511 of the Act.
- On September 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a fine of \$40,000 against Wilner Baptiste for operating the pirate radio station “M-One Radio Live” on 94.1 MHz in Spring Valley, New York without a Commission license, in apparent violation of section 511 of the Act.
- On August 1, 2024, the Commission affirmed a fine of \$2,316,034 against Johnny Peralta for operating the pirate radio Station “La Mia Radio” on 105.7 MHz in the Bronx, New York without a Commission license, in apparent violation of section 511 of the Act.
- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$597,775 against Jean Marius for operating the pirate station “Radio Tele Planet Compas”

in Mattapan, Brockton, and Randolph, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.

- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$120,000 against Renold David for operating the pirate station “Lotvino FM” in Brockton, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.
- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$40,000, jointly and severally, against Djovany Pierre and Mario Turner for operating the pirate station “Radio Tele Brockton” or “Brockton Heat” in Brockton, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.
- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$40,000, against Joao Vieira for operating the pirate station “Brockton FM” in Brockton, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.
- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$40,000, against Robert Bellinger for operating the pirate station “Three Bays Radio” in Cotuit, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.
- On April 25, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$20,000, against Shane Kelly for operating the pirate station “The Test” in Hyannis, Massachusetts without a Commission license, in apparent violation of section 511 of the Act.
- On February 24, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$40,000 against Brigido Danerys Gonzalez for operating the pirate station “La Bakana” in Hazelton, Pennsylvania without a Commission license, in apparent violation of section 511 of the Act.
- On January 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$120,000 against Abdias Datis for operating the pirate station “Unique FM” in Miami, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On January 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$358,665 against Cameron Brown for operating the pirate station “The Plug” in North Miami, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On January 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$ \$358,665 against Brindley Marshall for operating the pirate station “Hot 97.7 FM” in Miami, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On January 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$358,665 against Wilfrid Salomon for operating the pirate station “Radio ideal” in Lauderdale Lakes, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On January 26, 2024, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$2,391,097 against Fabrice Polynice for operating the pirate station “Radio Touche Douce” in Miami, Florida without a Commission license, in apparent violation of section 511 of the Act.
- On November 15, 2023, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$2,316,034 against Johnny Peralta for operating the pirate station “La Mia

Radio” in the Bronx, New York without a Commission license, in apparent violation of section 511 of the Act.

- On November 15, 2023, the Commission adopted a Notice of Apparent Liability for Forfeiture proposing a forfeiture of \$2,316,034 against Dexter Blake for operating the pirate station “Linkage Radio” in Mount Vernon, New York without a Commission license, in apparent violation of section 511 of the Act.
- On November 15, 2023, the Commission adopted a Notice of Apparent Liability for Forfeiture (NAL) proposing a forfeiture of \$1,780,000 against Matthew Bowen for operating the pirate station “Triple9HD” in Brooklyn, New York without a Commission license, in apparent violation of section 511 of the Act.
- On October 13, 2023, the Commission adopted a Forfeiture Order against César Ayora and Luis Angel Ayora imposing a \$2,316,034 forfeiture, jointly and severally, for operating the pirate station, “Radio Impacto 2” in Queens, New York without a Commission license, in apparent violation of section 511 of the Act. The Commission had issued an NAL against César Ayora and Luis Angel Ayora for the same amount on March 15, 2023.
- On October 13, 2023, the Commission adopted a Forfeiture Order against Thomas Barnes imposing an \$80,000 forfeiture for operating the pirate station, “Eastern Oregon Pirate Radio” in La Grande, Oregon without a Commission license, in apparent violation of section 511 of the Act. The Commission had issued an NAL against Barnes for the same amount on March 15, 2023.

EB BRIEFING SHEET

SUBJECT: Sponsorship Identification/Payola/Underwriting

SUMMARY: Sections 317 and 507 of the Communications Act of 1934, as amended (Act), and sections 73.1212 and 76.1615 of the Commission's rules generally require that when money, services, or other valuable consideration has been received or promised to a broadcast licensee or cable operator for the airing of program material, the broadcast station or cable system must disclose that fact and identify who paid or promised to provide consideration at the time the material is aired.

Section 399B of the Act, implemented by sections 73.503 and 73.621 of the Commission's rules, defines an advertisement as programming material broadcast in exchange for any remuneration and intended to promote any service, facility or product of for-profit entities, or the expression of the views of any person on any matter of public importance or interest, or to support or oppose any political candidacy, and section 399B(a)(2) of the Act provides that noncommercial educational stations may not broadcast advertisements.

BACKGROUND AND KEY ISSUES:

- **Section 317 of the Act** requires broadcasters to disclose to viewers or listeners that content is being broadcast in exchange for money, services, or other valuable consideration. The announcement must be made when the content is broadcast. A broadcast licensee must exercise "reasonable diligence" to obtain the information necessary to air such disclosures from its employees and from other people with whom it deals regarding programming. The Commission has adopted rules—sections 73.1212 and 76.1615—setting forth broadcasters' and cable operators' responsibilities. Violations of these rules are usually punishable by imposition of a monetary forfeiture.
- **Section 507 of the Act** provides that, when payment or other consideration is provided to a broadcaster in exchange for including material in programming, that payment or agreement must be disclosed in advance of the broadcast. Both the person making or agreeing to provide the consideration and the recipient are obligated to disclose the payment or agreement. Violators can incur criminal penalties from DOJ prosecution, including imprisonment of up to one year and/or fines of up to \$10,000, as well as FCC administrative forfeitures.
- **Sponsorship Identification Rules:** The sponsorship identification rules impose upon broadcast licensees and cable operators an obligation of disclosure in connection with political material and program matter dealing with controversial issues. The Commission has noted that, particularly in the case of such programming, audience members are entitled to know "when the program ends and the advertising begins." In contrast to the general disclosure requirement that a single announcement must be made at the time the material is aired, for political or controversial programming of more than five minutes in duration, the announcement must be made at the beginning and conclusion of the airing of the material. The Commission recently modified the sponsorship identification rules to adopt specific disclosure requirements for broadcast programming that is sponsored, paid for, or provided by a foreign government or its representative pursuant to leasing agreements. These rules became effective July 19, 2021 by publication in the Federal Register on March 19, 2021. On July 12, 2022, the Court of Appeals for the D.C. Circuit vacated one element of the new requirements – the requirement for licensees to independently verify the status of their lessees by checking the DOJ's Foreign Agents Registration Act website and the FCC's U.S.-based foreign media outlets reports. The other new requirements were not challenged and remain in effect. On June 10, 2024, the Commission released rule modifications to the sponsorship identification requirements for foreign government-provided programming, which require a public disclosure to be made, at the time of broadcast, identifying the foreign source of such programming (Second Report and Order). The Second Report and Order adopted a revised approach that provides radio and television broadcast licensees with two options for demonstrating that they have met their duty of inquiry in seeking to obtain the information needed to determine whether programming is sponsored, paid

for, or furnished by a foreign governmental entity. In addition, the Second Report and Order specified the types of programming encompassed by the foreign sponsorship identification rules and clarified the obligations of section 325(c) permittees under the rules. The rule changes became effective on August 15, 2024.

- Payola is the unreported payment to, or acceptance by, employees of broadcast stations, program producers or program suppliers of any money, service or valuable consideration to achieve airplay for any programming. On February 6, 2025, the Enforcement Bureau issued an Enforcement Advisory reminding broadcast licensees about payola and the Commission's sponsorship identification rules in connection with the covert manipulation of radio airplay by a broadcast station licensee or broadcast station personnel based on an artist's agreement to participate in a broadcast station's promotion or event.

News-Related Sponsorship Identification Issues: In addition to traditional pay-for-play complaints, the Commission has also received complaints alleging sponsorship identification rule violations during news programming. Specifically, complaints allege that broadcasters are selling "value added advertising" that includes sponsored news stories in addition to the advertising time purchased. The broadcaster then runs the additional news story featuring the advertised product, service, or entity featured in the paid advertising, but allegedly does not provide sponsor information with the news story. Other complaints allege that broadcasters have entered into agreements with sponsors to run stories during news programming featuring the sponsors or promoting their positions, without disclosing those arrangements.

- We have also received complaints and are aware of press reports alleging that paid spokespersons are appearing on news broadcasts to promote products and services but that the licensees of stations featuring these spokespersons fail to provide sponsorship announcements to viewers to inform viewers or listeners that the appearances are paid for. Some of the complaints suggest that the spokespersons and/or their PR firm representatives fail to report the compensated nature of the spokespersons' appearances, in violation of section 507 of the Act.

ENFORCEMENT ACTIONS:

- **Underwriting.** On July 7, 2023, the Enforcement Bureau entered into a Consent Decree to resolve the Commission's investigation into whether Payson Council for the Musical Arts, Inc., licensee of low power FM station KRIM-LP, Payson, Arizona, violated the Commission's underwriting laws by broadcasting announcements on behalf of for-profit entities in exchange for consideration. Plymouth admitted that it broadcast prohibited commercial advertisements in exchange for consideration and agreed to implement a compliance plan and pay a \$20,000 civil penalty and a suspended civil penalty of \$41,500 in the event of default.
- On May 10, 2023, the Enforcement Bureau issued a Forfeiture Order affirming a July 2, 2020 Notice of Apparent Liability for Forfeiture. The Forfeiture Order imposed a \$15,000 penalty against Plymouth Gathering, Inc., licensee of low power FM (LPFM) station KELS-LP, Greeley, Colorado, for broadcasting promotional announcements on behalf of for-profit entities in exchange for consideration, in violation of the FCC's underwriting laws. The Forfeiture Order was paid.

EB BRIEFING SHEET

SUBJECT: Broadcast Obscenity, Profanity, and Indecency

SUMMARY: Title 18, section 1464 of the United States Code, and section 73.3999 of the Commission's rules bar the broadcast of indecent and/or profane matter between the hours of 6 a.m. and 10 p.m. The Commission may revoke or decline to renew a station license, impose a monetary forfeiture, or issue an admonishment for such broadcasts. Also, Title 18, section 1468(a), and Title 47, section 559 of the United States Code prohibit obscene matter in both broadcast and subscription programming services (e.g., cable and DBS) at all times. The Commission refers obscene material to DOJ for potential prosecution pursuant to a Memorandum of Understanding.

BACKGROUND/KEY ISSUES:

- **Obscenity:** Obscene speech is not entitled to First Amendment protection and cannot be broadcast or distributed over cable or satellite facilities at any time. Under Supreme Court case law, to be obscene: (1) an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest; (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, as a whole, must lack serious literary, artistic, political, or scientific value.
- **Indecency:** Indecent speech is protected by the First Amendment. Nonetheless, the federal courts have upheld Congress's authority to restrict the broadcast of indecent speech during times of day when children are more likely to be in the audience. Under the Commission's rules, no radio or television station may broadcast indecent material during the period from 6 a.m. to 10 p.m. The Commission has defined indecency as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." To determine whether material within the subject matter scope of the definition is patently offensive, the Commission applies three key factors to assess whether: (1) the material is sufficiently graphic or explicit, (2) the material dwells on or repeats sexual or excretory references or the references are fleeting, and (3) the material is presented in a pandering or titillating manner or in a manner that would shock the audience. No one factor is determinative; it is a balancing test.
- **Profanity:** Prior to 2004, the Commission had only discussed "profane language" as relating to religiously offensive or blasphemous material. In the 2004 [Golden Globe Awards Order](#), however, the Commission explained that the term "profane" also includes those words that are so highly offensive that their mere utterance in the context presented may, in legal terms, amount to a "nuisance." The FCC warned broadcasters that, depending on the context, it would consider the "F-Word," and other words (or variants thereof) that are as highly offensive as the "F-Word," to be "profane language" that cannot be broadcast between 6 a.m. and 10 p.m. In the television indecency *Omnibus Order* (2006), the FCC also warned broadcasters that they may be subject to enforcement action for their future airing of programming containing the "S-Word," or variations of the word, which it considered to be "profane language." In the *Omnibus Order*, the Commission also established a presumption that its regulation of profane language would be limited to the universe of words that are sexual or excretory in nature or are derived from such terms. In *Fox Television Stations v. FCC* (2007), the Second Circuit expressed doubt about the FCC's new approach to profanity. Although the Commission has not issued any orders announcing a change in policy regarding profanity, briefs filed on the Commission's behalf no longer argue that certain words meet the aforementioned definition of "profane."
- **Latest Court Decisions:** A recap of the most recent major Court proceedings concerning the Commission's application of the indecency rule follows below.

- On June 21, 2012, the U.S. Supreme Court issued its ruling in *FCC v. Fox Television Stations, Inc. (Fox II)*. *Fox II* addressed the Second Circuit's decision in *Fox Television Stations v. FCC* regarding the use of fleeting expletives during the "Billboard Music Awards" and the Second Circuit's decision in *ABC, Inc. v. FCC*, regarding a momentary display of nudity during an episode of "NYPD Blue." The Court found that the Commission had not provided sufficient notice to the broadcasters in question about changes in long-standing Commission policy concerning "fleeting" expletives and momentary nudity. However, because the Court resolved the case on fair notice grounds under the Due Process Clause, it specifically declined to address the First Amendment implications of the Commission's indecency policy or reconsider the indecency enforcement regime as a whole.
- Shortly thereafter, on June 29, 2012, the Supreme Court declined to hear an appeal of the Third Circuit's decision in *CBS Corporation v. FCC* (concerning the Janet Jackson Super Bowl Half Time Show), in which the Third Circuit adhered to its previous decision reversing the FCC's imposition of a forfeiture on the grounds that the FCC's order reflected an unexplained change in policy.
- On September 21, 2012, the Department of Justice filed to voluntarily dismiss its District Court action to collect the forfeiture imposed on Fox Television in connection with the 2003 *Married by America* case, which was granted by the District Court. The dismissal ended the last judicial proceeding concerning the enforcement of the FCC's indecency rules.

ENFORCEMENT ACTIONS:

- On March 23, 2015, the Commission issued an NAL proposing to fine station WDBJ(DT), Roanoke, Virginia, \$325,000 for apparently violating the indecency laws by airing a news report at approximately 6 p.m. on July 12, 2012, that contained graphic sexual images taken from an adult film website. WDBJ paid the proposed forfeiture.
- **Public Notice on Broadcast Indecency.** On April 1, 2013, the Office of General Counsel and the Enforcement Bureau released a Public Notice (PN), which described then-Chairman Genachowski's instructions to Commission staff to commence a review of the Commission's broadcast indecency policies and enforcement of those policies to ensure they are fully consistent with vital First Amendment principles. In addition, the Chairman directed the Bureau to focus its indecency enforcement resources on egregious cases and to reduce the backlog of pending broadcast indecency complaints. The PN further notes that the Bureau is actively investigating egregious indecency cases and will continue to do so.
- The PN also invited public comment on whether the full Commission should make changes to its current broadcast indecency policies or maintain them as they are. The PN specifically invited comment on the treatment of isolated (or "fleeting") expletives and isolated (non-sexual) nudity, along with any other aspect of the Commission's substantive indecency policies. The Commission received 102,000 filings in response to the PN.

EB BRIEFING SHEET**SUBJECT:** CALM Act (Loud Commercials)

SUMMARY: The CALM Act was enacted on December 15, 2010, in response to consumer complaints about “loud commercials.” The CALM Act directs the Commission to incorporate into its rules by reference and make mandatory a technical standard that was developed by the Advanced Television Systems Committee (ATSC). The ATSC’s A/85 Recommended Practice (RP) is designed to prevent digital television commercial advertisements from being transmitted at louder volumes than the program material they accompany. A Second Report and Order, which took effect on June 4, 2015, modifies the RP to account for periods of silence within associated programming and its effect on the “average” loudness of commercials. The Enforcement Bureau is responsible for enforcing the rules as implemented in the Report and Order, which specified that enforcement actions would be based on patterns or trends in complaints filed with the Commission.

On May 10, 2022, Representative Eshoo and Senator Whitehouse sponsored a bill in the House, H.R. 7703, that proposes to amend the CALM Act to include video streaming services, modify the original safe harbor language, provide additional instruction regarding enforcement, and require the Government Accountability Office to submit a report to Congress on the Commission’s enforcement of the CALM Act. On March 30, 2023, the bill was introduced in the Senate and referred to the Committee on Commerce, Science, and Transportation (S. 1127). To date, there has been no further legislative action on the proposed bill.

On February 10, 2025, the FCC opened MB Docket No. 25-72, “Updates to the Commission’s Rules Implementing the Commercial Advertisement Loudness Mitigation (CALM) Act.” MB Docket No. 25-72 includes a tentative Notice of Proposed Rulemaking that would solicit feedback from stakeholders about additional actions the FCC could take to minimize the issue of loud commercials. Specifically, it asks consumers to offer suggestions that could be taken to improve the complaint intake process, and asks industry if there are components of the FCC’s regulations that need to be updated to reflect new industry practice or improvements in technology.

BACKGROUND AND KEY ISSUES: On December 13, 2011, the Commission released a Report and Order adopting rules to implement the CALM Act, which took effect on December 13, 2012. They require digital TV broadcasters, digital cable operators, satellite TV providers, and other digital multichannel video programming distributors (MVPDs) to ensure that the commercials they transmit to viewers comply with the technical standard.

The Rules:

- The RP provides a set of methods for industry to measure and control the loudness of digital programming, including commercials.
- The rules apply to all commercial television stations and all MVPDs.

Enforcement and Compliance:

- As described in the Report and Order, enforcement actions will be based on consumer complaints, rather than by the Commission monitoring the loudness of commercials, or auditing stations or MVPDs for compliance.
- The Report and Order and the Commission’s consumer outreach materials inform consumers how to file complaints and what information must be included in the complaint.
- Recognizing that commercials can seem loud subjectively, without violating the rules, the Report and Order focused on patterns or trends of complaints as the basis for enforcement action, rather than pursuing individual, isolated complaints.
- In the event the Enforcement Bureau notifies a station or MVPD of a pattern or trend of complaints, the station or MVPD must demonstrate compliance with the rules. Stations and MVPDs have two choices

for demonstrating compliance with the rule: (1) by demonstrating actual compliance or (2) by demonstrating ongoing compliance with the RP.

- Actual Compliance: Stations or MVPDs choosing to demonstrate actual compliance with the RP must show that the specific commercials covered by the FCC enforcement inquiry complied with the RP.
- Ongoing compliance: The process for demonstrating ongoing compliance varies depending on whether the station or MVPD is directly inserting a commercial, or if it is airing commercials embedded in a programming stream by a network or programmer.
 - For locally inserted commercials, a station or MVPD will be “deemed in compliance” when it installs, utilizes, and maintains, in a commercially reasonable manner, equipment and software to comply with the RP.
 - For embedded commercials, a station or MVPD may show that it qualifies for a “safe harbor” or use a real-time processor. Under the safe harbor, stations and MVPDs have different responsibilities based on the size of the entity and whether a programmer has certified that its programming complies with the RP.
 - Certified Programming: All stations and MVPDs will be in the safe harbor for commercials in programming that the program provider certifies comply with the RP. A certifying programmer must make its certifications widely available to all distributors.
 - Noncertified Programming: For commercials in noncertified programming, larger stations and MVPDs must perform annual 24-hour spot checks and take action to correct any violations of the RP. Smaller stations and MVPDs are excused from annual spot checks.
 - Spot Checks: Any station or MVPD that is notified by the Commission of a pattern or trend of complaints must, within 30 days, perform a 24-hour spot check of the programming being transmitted at that time on the channel or program stream at issue to verify ongoing compliance.

ENFORCEMENT ACTIONS: The Enforcement Bureau coordinates with Consumer and Governmental Affairs Bureau (CGB) in reviewing complaints that may implicate the CALM Act. CGB, which first receives the complaints from consumers, forwards those that appear to provide specific information about the complained-of commercial. Since the rules took effect, CGB has referred thousands of complaints to the Enforcement Bureau (EB). EB staff reviews and sorts the complaints to detect any pattern or trend. Based on the information then available, EB reviews the complaints to identify potential trends or patterns. After this review, EB would open an investigation to determine whether the entities in question have complied with CALM Act requirements. In the past, these investigations have prompted broadcasters to conduct a spot check, which then results in compliance. The Commission has also periodically reported to Congress about these matters.

EB BRIEFING SHEET

SUBJECT: Dispute Resolution

SUMMARY: Sections 208 and 224 of the Act authorize the Commission to adjudicate formal complaints concerning alleged violations of the Act, as well as access to, and the reasonableness of, rates, terms, and conditions for pole attachments. The Market Disputes Resolution Division (MDRD) is tasked with handling these complaints. In addition, MDRD assists parties in resolving disputes informally via mediation, as an alternative to formal complaint processes.

BACKGROUND AND KEY ISSUES: Through the work of MDRD, the Enforcement Bureau resolves complex competitive disputes among telecommunications carriers, cable systems, utility pole owners, and others. MDRD has addressed disputes involving a wide range of issues, including tariffs, inter-carrier compensation, interconnection, merger conditions, retention marketing, traffic pumping, traffic blocking, wireless roaming, pole access, pole attachment rates, and payphone compensation.

Both formal and informal procedures are available for resolving these matters, including:

- ***Formal Common Carrier Complaints:*** Under Sections 207-208 of the Act and Sections 1.720-1.740 of the Commission's rules, a person claiming to be damaged by any common carrier is entitled to bring a formal complaint before the Commission. Formal complaint proceedings before MDRD are similar in many ways to a civil proceeding in federal court (e.g., similar pleading cycle, discovery, etc.). Some of these formal matters come to MDRD as the result of a primary jurisdiction referral from a U.S. District Court. Formal complaint cases are ultimately resolved by Bureau or Commission-level orders.
- ***Informal Common Carrier Complaints:*** Alternatively, a person claiming to be damaged by a common carrier may file an informal complaint with the Commission pursuant to Sections 207-208 of the Act and Sections 1.716-1.718 of the rules. This simpler, more abbreviated procedure can offer a more cost effective option for the parties seeking to reach a negotiated settlement. If, however, the parties are unable to resolve the dispute informally, the complainant may file a formal complaint pursuant to 47 CFR § 1.718. If the formal complaint is filed within six months of the carrier's response to the informal complaint, the formal complaint will be deemed to relate back to the [filing date](#) of the informal complaint.
- ***Pole Attachment Complaints:*** Under Section 224 of the Act and Sections 1.720-1.740 and 1.1401-1.1415 of the Commission's rules, a cable television system operator, a utility, a telecommunications carrier, or an association of such entities may file a complaint alleging that it has been denied access to a utility pole, duct, conduit, or right-of-way and/or that a rate, term, or condition for a pole attachment is not just and reasonable. *See* 47 CFR § 1.1402(d). Pole attachment complaints are subject to the same basic set of procedural rules as formal common carrier complaints (*see* 47 CFR §§ 1.720-1.740) as well as a few additional rules that specifically address pole attachment complaints (*see* 47 CFR §§ 1.1401-1.1415).
- ***RBAT:*** On December 15, 2023, the Commission released an Order in WC Docket No. 17-84 establishing the Rapid Broadband Assessment Team (RBAT). The RBAT's mandate is "to prioritize and expedite the resolution of pole attachment disputes that are alleged to impede or delay the deployment of broadband facilities and to provide coordinated review and assessment of such disputes." 47 CFR § 1.1415(a). Staff from MDRD and the Wireline Competition Bureau serve on the RBAT. Among other things, the RBAT determines whether a complaint or portion of a complaint should be accepted on the Accelerated Docket (*see* below). MDRD currently has three ongoing RBAT mediations involving pole deployments in Montana, Texas, and Alabama.
- ***Accelerated Docket Complaints:*** Parties to a formal complaint proceeding against common carriers, or a pole attachment complaint proceeding against a cable television system operator, a utility, or a telecommunications carrier, may request that the complaint be included on the Bureau's Accelerated

Docket. Commission staff has discretion to decide whether a complaint, or portion of a complaint, is suitable for inclusion on the Accelerated Docket (*see* 47 CFR § 1.736(d)), and those matters accepted onto the Accelerated Docket are litigated and resolved on an expedited schedule, per Section 1.736 of the rules.

- **Mediation:** MDRD also mediates disputes. Parties' participation in the mediation process is both voluntary and confidential. Mediation can be initiated via an informal complaint, an Accelerated Docket request, formal complaint, or a stand-alone mediation request (*see* 47 CFR § 1.737). Mediation has led to successful and timely resolution of many disputes, thereby conserving the resources of the parties and the Commission.
- The Bureau adjudicates all Section 208 and 224 complaints as they arise, and endeavors to facilitate settlements among all parties that opt to participate in mediation.

The following are recent orders addressing formal complaint matters filed with the Bureau:

- ***UPM v. Digicel Haiti.*** On March 19, 2024, the Commission dismissed with prejudice a complaint that UPM filed against Digicel Haiti. UPM alleged that Digicel Haiti (a Haitian mobile services provider) unlawfully cut off UPM's use of Digicel Haiti SIM cards, which were exclusively marketed and sold in Haiti and which UPM used to provide wholesale international roaming service to its carrier customers for calls to Haiti. The Commission found that Digicel Haiti did not offer a common carrier or telecommunications service in the United States, and is thus not subject to the Commission's jurisdiction under the Act with regard to the claims in UPM's Complaint. Moreover, even assuming jurisdiction exists, as an independent and alternative basis, the Commission denied UPM's claims because UPM failed to demonstrate that Digicel Haiti's conduct was unjust, unreasonable, or unreasonably discriminatory. UPM filed a Petition for Reconsideration on April 18, 2024, which the Commission denied in an Order on Reconsideration on December 11, 2024. In January 2025, UPM filed a Petition for Review of the Commission's order in the United States Court of Appeals for the Ninth Circuit.
- ***CenturyLink v. Peerless.*** On March 28, 2023, the Enforcement Bureau granted in part a complaint by CenturyLink, finding that Peerless unlawfully billed for over-the-top VoIP traffic and tandem charges not included in Peerless's tariff. Peerless filed a Petition for Reconsideration on April 27, 2023, challenging the ruling. On April 3, 2024, the Commission adopted an Order dismissing the Petition for Reconsideration on procedural grounds and, alternatively, denying it on the merits. On May 3, 2024, Peerless filed a Petition for Review in the United States Court of Appeals for the Seventh Circuit challenging the Bureau's and the Commission's decisions. The parties subsequently settled their dispute.
- ***AT&T v. AEP.*** On July 26, 2023, the Enforcement Bureau granted in part and denied in part a complaint brought by AT&T against AEP Texas alleging that AEP charged unjust and unreasonable rates for AT&T's attachments on AEP poles. The Bureau ordered the parties to negotiate new rate terms in their pole attachment agreement and the amount of any refund due in accordance with the order. Both parties filed Applications for Review but were ultimately able to reach a settlement.

- ***AT&T v. Florida Power and Light II.*** On June 8, 2022, the Commission denied AT&T's Application for Review of an August 16, 2021 Enforcement Bureau Order granting in part and dismissing in part a second complaint brought by AT&T against Florida Power. The order dismissed with prejudice the second complaint to the extent it raised a closely related claim that properly should have been alleged in the first complaint. The order granted AT&T's claim that Florida Power acted unreasonably by sending AT&T a notice of abandonment of poles that was contrary to the joint use agreement. On June 9, 2022, the Florida Public Service Commission (Florida PSC) certified to the Commission pursuant to 47 U.S.C. § 224(c) that it regulates pole attachments, and as a result, the Commission no longer has jurisdiction over the matters raised in this proceeding.
- ***AT&T and MCI v. Wide Voice, LLC.*** On June 9, 2021, the Commission released an order granting in part AT&T and Verizon's complaint alleging that Wide Voice, a competitive LEC, carried out a scheme to preserve tandem charges derived from access stimulation. The Commission held that Wide Voice violated section 201(b) by attempting to evade the access stimulation rules in order to continue to charge the IXC's for terminating switched access tandem switching and terminating switched access transport; by causing call congestion between the IXC's and Wide Voice; and by unilaterally designating of a new point of interconnection in a remote location without demonstrating a net public benefit. Wide Voice subsequently filed a Petition for Reconsideration, which the Commission denied on September 28, 2021. Wide Voice appealed, and on March 7, 2023, in a unanimous decision, the United States Court of Appeals for the Ninth Circuit affirmed the Commission's order.
- ***AT&T v. Duke Energy Progress.*** On September 21, 2021, the Enforcement Bureau released an order holding that the rates AT&T pays to attach facilities to Duke poles in North Carolina and South Carolina were unjust and unreasonable under section 224 and the Commission's rules and orders. The order also resolved several disputed issues in order to assist the parties in negotiating a rate and calculating the refund owed to AT&T under the relevant pole attachment rate formula. AT&T filed an Application for Review of the Bureau's order and Duke filed a Petition for Reconsideration of the order. On November 18, 2022, the Commission issued an Order on Reconsideration and Review which the parties appealed to the United States Court of Appeals for the Fourth Circuit. The court dismissed the appeal in January 2024 following the parties' settlement.
- ***AT&T v. Florida Power and Light.*** On May 20, 2020, the Enforcement Bureau released an order holding that the rate AT&T paid to attach to FPL's poles was unjust and unreasonable. The order instructed the parties to confer in an attempt to resolve their remaining disputes and to report their progress to the Commission. The parties were not able to settle the case based on the guidance in the May 2020 order. Thus, on January 14, 2021, the Bureau issued a further order resolving the parties' disputes as to proper calculation of the reduced rate and finding that AT&T is entitled to a refund of any overpayments. On August 16, 2021, the Bureau released an order dismissing without prejudice the remainder of the complaint (for the period December 2018 forward). AT&T filed an Application for Review of the Bureau's orders, which, on June 8, 2022, the Commission granted in part and denied in part.
- ***Verizon Maryland v Potomac Edison.*** On November 23, 2020, the Commission released an order granting in part a complaint by Verizon, an ILEC, challenging the pole attachment rates in its joint use agreement with Potomac Edison, an electric utility. The Commission held that the rates Verizon pays to attach facilities to Potomac Edison's poles were unjust and unreasonable under section 224 and the Commission's rules and orders. The order also determined the maximum pole attachment rate Potomac Edison may charge Verizon based on the relevant pole attachment rate formula. The parties each filed a Petition for Reconsideration of the order. On March 31, 2022, the Commission released an Order denying Verizon's Petition and granting in part Potomac Edison's Petition. The Commission also granted in part Verizon's request for clarification.

EB BRIEFING SHEET**SUBJECT:** Auctions

Auction 903: The Connect America Fund (CAF) Phase II (CAF-II) Auction (Auction 903) was conducted to award financial support to service providers who committed to increasing broadband services in areas of great need. The Commission took steps to protect the integrity and proper functioning of Auction 903 by requiring auction participants to meet all auction requirements and by establishing penalties for default.

Several winning bidders defaulted on the payments for their winning bids.

Auction 105: Auction 105 involved the auction of 22,631 county-based Priority Access Licenses (PALs) in the 3550-3650 MHz portion of the 3.5 GHz band, frequently referred to as the Citizens Broadband Radio Service.

Auction 904: The Rural Digital Opportunity Fund (RDOF) Phase 1 Auction (Auction 904) was conducted to bring high-speed fixed broadband to rural locations and small businesses. Auction 904 was conducted between the dates of October 29, 2020, and November 25, 2020, and ultimately awarded support to connect more than five million homes and businesses that were previously unserved.

BACKGROUND AND KEY ISSUES:

- **Auction 903:** The Commission conducted Auction 903 between July 24, 2018 and August 21, 2018, to allocate CAF-II monetary support to certain eligible areas across the United States. Auction 903 was slated to award up to \$198 million in annual support, a total of \$1.98 billion over ten years, in ongoing high-cost universal service support to service providers that committed to offering voice and broadband services in unserved areas. Using a multiple-round, reverse auction, Auction 903 was intended to close the digital divide for all Americans, including those in the rural areas of our country.
- In establishing procedures for Auction 903, the Commission was explicit as to the requirements a bidder must meet and the consequences for falling short of those requirements, including the penalties for default. In a February 1, 2018 Public Notice (*Phase II Auction Procedures Public Notice*), the Commission established a bidding process with clear dates and deadlines. Each bidder was first required to file FCC Form 183 (Short-Form Application) no later than March 30, 2018. Bidders were required to provide information in the Short-Form Application that demonstrated their baseline financial qualifications and technical capabilities in order to establish eligibility. After reviewing the Short-Form Applications, the Commission announced the applicants qualified to participate in Auction 903.
- Once Auction 903 bidding began, the Commission conducted a multi-round, descending clock auction. The minimum geographic areas established by the Commission for bidding in Auction 903 were Census Block Groups (CBGs) that contained one or more eligible census blocks, identified in a list released by the Commission's Wireline Competition Bureau (WCB) in December 2017. The list of CBGs included approximately 214,000 eligible census blocks, located in approximately 30,300 CBGs.
- **Auction 105:** Section 1.2105(c)(1) of the Commission's Rules provides that, subject to specified exceptions, an applicant for a Commission auction may not convey certain information to other auction applicants during the "quiet period" which commences on the deadline for filing a short-form application and terminates on the deadline for winning bidders to submit their down payments. This "Prohibited Communications Rule" applies to any communications by an applicant that conveys, in any manner, the substance of its own, or one another's, or any applicant's bids or bidding strategies. Although a statement that an applicant has applied to participate in the auction will not violate the rule, an applicant's public statement that it intends to stop bidding in an auction or that it does not intend to place bids could give rise to a finding of a section 1.2105 violation. The deadline for filing short form applications for Auction 105 was 6:00 p.m. ET on May 7, 2020. Bidding in the auction began on July 23, 2020 and ended on August 25, 2020. The deadline for winning bidders to submit their required down payments was 6:00 p.m. ET on September 17, 2020.

- **Prohibited Communications:** Section 1.2105(c)(1) of the Commission's Rules provides that, subject to specified exceptions, an applicant for a Commission auction may not convey certain information to other auction applicants during the "quiet period" which commences on the deadline for filing a short-form application and terminates on the deadline for winning bidders to submit their down payments. This "Prohibited Communications Rule" applies to any communications by an applicant that conveys, in any manner, the substance of its own, or one another's, or any applicant's bids or bidding strategies. Although a statement that an applicant has applied to participate in the auction will not violate the rule, an applicant's public statement that it intends to stop bidding in an auction or that it does not intend to place bids could give rise to a finding of a section 1.2105 violation. Section 1.2105(c)(4) requires any applicant that makes or receives a communication that appears to violate section 1.2105(c) to report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.
- **Auction 904:** On August 1, 2019, the Commission adopted a NPRM proposing to establish the \$20.4 billion Rural Digital Opportunity Fund (RDOF) to bring high speed fixed broadband service to rural homes and small businesses that lack it. On January 30, 2020, the Commission adopted the Rural Digital Opportunity Fund Report and Order, which establishes the framework for the Rural Digital Opportunity Fund, building on the success of the CAF Phase II auction by using reverse auctions in two phases. The Phase I auction, which began on October 29, 2020, and ended on November 25, 2020, awarded support to bring broadband to over five million homes and businesses in census blocks that were entirely unserved by voice and broadband with download speeds of at least 25 Mbps. Phase II will cover locations in census blocks that are partially served, as well as locations not funded in Phase I. The Rural Digital Opportunity Fund will ensure that networks stand the test of time by prioritizing higher network speeds and lower latency, so that those benefitting from these networks will be able to use tomorrow's Internet applications as well as today's.

ENFORCEMENT ACTIONS:

- In December 2024, the Enforcement Bureau released a Forfeiture Order imposing a \$56,370.71 penalty against ClearSKY Systems, Inc. (ClearSKY) for violating section 1.21004(a) of the Commission's rules and the procedures established for Auction 903. ClearSKY argued that the NAL was not issued in a timely manner and that the Company's violations did not disrupt the Auction 903 process. The Enforcement Bureau concluded that the NAL was issued in a timely manner within one year of the public notice announcing ClearSKY's default on its bids and that the Company failed to cure the deficiencies in its Long-Form Application in a timely manner.
- In July 2024, the Enforcement Bureau released a Memorandum Opinion and Order (MO&O) denying a Petition for Reconsideration (Petition) submitted by AMG Technology Investment Group, LLC (AMG). AMG filed its Petition after the Bureau issued a Forfeiture Order affirming a \$100,000 forfeiture against the company for violating section 1.21002(b) for engaging in prohibited communications with AT&T Services, Inc. during the Auction 903 quiet period, and for violating section 1.21002(c) for failing to notify the Commission of such communications in a timely manner. The Bureau concluded in its MO&O that section 2462 was inapplicable to forfeiture proceedings and that section 503 of the Communications Act of 1934, as amended, provided the relevant statute of limitations for such proceedings and denied the Petition.
- In April 2024, the Enforcement Bureau released Forfeiture Orders against AT&T Services, Inc. and AMG Technology Investment Group, LLC for violating the Commission's prohibited communication rules

during Auction 903. The Bureau imposed a \$75,000 forfeiture against AT&T and a forfeiture of \$100,000 against AMG for prohibited communications during the quiet period of the auction process.

- In May 2023, the Commission released a NAL proposing \$8,778,527.39 in fines against 22 applicants in Auction 904 for apparently violating Commission requirements by defaulting on their bids between May 3, 2022 and December 16, 2022. Two applicants also failed to submit their audited financial paperwork, resulting in an additional monetary liability. The FCC provided clear guidance in its rules and notices on the monetary forfeitures associated with defaults in Auction 904. The bid defaults prevented 2,994 census block groups in 31 states and an estimated 293,128 locations from receiving new investments in broadband infrastructure.
- In December 2023 the Commission released a Notice of Apparent Liability (NAL) proposing \$22,446,000 in fines against two applicants in the Rural Digital Opportunity Fund Phase I Auction (Auction 904) for apparently violating Commission requirements by defaulting on their bids on August 10, 2022, and May 23, 2023, in apparent violation of the Commission's rules. The FCC provided clear guidance in its rules and notices on the monetary forfeitures associated with defaults in Auction 904. The Commission found that Etheric Communications LLC (Etheric) apparently committed 244 violations by defaulting on 244 CBGs subject to forfeiture. The Commission found that a forfeiture amount of \$732,000 against Etheric was appropriate. In addition, LTD Broadband LLC's (LTD) application was lacking in a number of ways. The Commission found that LTD apparently committed 7,238 violations by defaulting on 7,238 CBGs subject to forfeiture. The Commission found that a forfeiture amount of \$21,714,000 against LTD was appropriate.
- In January 2022, the Enforcement Bureau released an Order and Consent Decree settling the investigation into whether Lumen Technologies, Inc. violated section 1.2105(c) of the Commission's rules by engaging in prohibited communications during Auction 105. Pursuant to the Consent Decree, Lumen will implement a compliance plan and will pay a \$75,000 settlement fee.
- In May 2022, the Enforcement Bureau released an NAL against LTD Broadband LLC for violating section 1.21002 of the Commission's rules by engaging in prohibited communications during Auction 904. The NAL proposed a forfeiture of \$100,000.
- In July 2022, the Commission released a NAL proposing \$4,353,773.87 in fines against 73 applicants in the Auction 904 for apparently violating Commission requirements by defaulting on their bids between July 26, 2021, and March 10, 2022. The FCC provided clear guidance in its rules and notices on the monetary forfeitures associated with defaults in Auction 904. The bid defaults prevented 1,702 census block groups with 129,909 estimated locations in 36 states from seeing timely new investments in broadband infrastructure.
- In February 2021, the Enforcement Bureau released a Notice of Apparent Liability (NAL) against ClearSky Systems, Inc. for defaulting on nine of its winning bids in Auction 903 and for its failure to submit audited financial records as required as a condition of participating in Auction 903. The NAL proposed a forfeiture penalty of \$56,370.71.
- In August 2021, the Enforcement Bureau released two Orders and Consent Decrees settling the investigations into whether Router12 Networks LLC and Nikola Engineering, Inc d/b/a Nikola Broadband violated section 1.2105(c) of the Commission's rules by engaging in prohibited communications during Auction 105. Router12 admitted that it violated section 1.2105(c) of the Commission's rules by engaging in and failing to report prohibited communications; implemented a compliance plan; and is paying a \$50,000 civil penalty in installments. Nikola admitted that it violated section 1.2105(c) of the Commission's rules by engaging in prohibited communications. Nikola implemented a compliance plan and is paying a \$30,000 civil penalty in installments.

EB BRIEFING SHEET

SUBJECT: Equal Employment Opportunity

SUMMARY: Sections 334, 554 and 634 of the Communications Act as well as Sections 73.2080 and 76.71-77 of the Commission's rules provide authority for the agency's oversight of the Equal Employment Opportunity (EEO) compliance of broadcasters, multichannel video programming distributors (MPVDs) and, through subsequent Commission orders, satellite digital audio radio services licensees (SDARS). Those rules require routine compliance reviews by FCC staff of broadcasters twice during their license terms (mid-term and license renewal) and once every five years for MVPDs. In addition, the Commission conducts random audits each year of approximately five percent of all broadcasters and MVPDs. The public can also file EEO complaints with the Commission based on the contents of broadcaster and MVPD public files or allegations of rule violations.

BACKGROUND AND KEY ISSUES:

The Commission has historically regulated the employment practices of broadcast and MVPD licensees, and prohibited discrimination on the basis of race, national origin, color, religion or gender (and, for MVPDs, also age). Court challenges in the 1990s placed certain limits on the FCC's ability to assess compliance with these rules, prompting the adoption of new rules in 2003 that specifically govern licensee recruitment processes as well as impose reporting and recordkeeping obligations in order to ensure equal opportunity in employment.

(b) (5)

STATUS:

- EEO Specialist staff reviewed the following filings:
 - Broadcast Mid-Term Review. The Enforcement Bureau began the four-year broadcast EEO mid-term review cycle in June 2023. EEO Specialists review the two most recent annual EEO Public File Reports posted by broadcast licensees in the FCC's online public inspection file database to ensure compliance with FCC EEO rules. TOTAL REVIEWED TO DATE: : 1,897 stations.
 - Broadcast Equal Employment Opportunity Program Report (FCC Form 396-B). The Enforcement Bureau completed the four-year FCC Form 396-B cycle in April 2023. EEO Specialists review FCC Form 396-B in connection with all broadcast station license renewal applications, which requires a broadcast station to submit information concerning compliance with the FCC's EEO rules. TOTAL REVIEWED (June 2019-April 2023): 13,838 Forms 396-B.
 - Multichannel Video Program Distributor (MVPD) EEO Program Annual Report (FCC Form 396-C). The Enforcement Bureau reviews the FCC Form 396-C annually, which is a series of questions concerning compliance with the FCC's EEO rules. A portion of 396-C respondents are also targeted for supplemental investigation, a Supplemental Investigation Sheet (SIS). 2024 TOTALS: 528 Forms 396-C with 123 SIS responses.
 - Broadcast & MVPD EEO Audit. The Enforcement Bureau conducts inquiries of five percent of broadcast and MVPD employment units at random annually, or if it has evidence of a possible violation of EEO rules, requiring respondents to submit records demonstrating compliance with the FCC's EEO rules. 2024 Totals: 400 broadcast audit responses & 30 MVPD audit responses.

- EEO Attorney staff released the following enforcement actions:
 - In October 2023, the Enforcement Bureau released a Notice of Apparent Liability (NAL) against Rocking M Media, LLC and Melia Communications, Inc. proposing a \$25,000 penalty for violations of the Commission's EEO rules, including the failure to recruit and recruit adequately, failure to upload multiple annual EEO Public File Reports on a timely basis, and failure to maintain the required records. The Bureau affirmed the findings in the NAL and issued a \$25,000 Forfeiture Order on February 23, 2024. Once the licensees' bankruptcy proceedings have concluded, the FCC will assess whether it can collect the forfeiture amount.
 - In February 2022, the Commission released a Notice of Apparent Liability (NAL) against Cumulus Licensing LLC for failing to upload an annual EEO public file report to the online public inspection files and websites belonging to five radio stations and failing to analyze the stations' EEO program. The NAL proposed a forfeiture penalty of \$32,000. The Commission affirmed the findings in the NAL and, on January 16, 2024, issued a \$26,000 Forfeiture Order, rescinding the \$6,000 penalty for failure to analyze the licensee's EEO program as the company may not have had the requisite notice of the imposition of a separate forfeiture associated with that particular violation. The Company paid the forfeiture.

Media Bureau Briefing Sheets**March 2025****Table of Contents**

SUBJECT	PAGE NUMBER
Artificial Intelligence in Political Ads	1
ATSC 3.0- Next Gen	2
Broadcast Localism	6
Eliminating Junk Fees	7
Equal Employment Opportunity Issues	8
Foreign Sponsorship ID	10
Independent Programming	13
LPFM Service	14
Media Ownership Rules: Quadrennial Review	15
MVPD Definition	18
National Television Ownership and UHF Discount	19
Program Carriage	21
Program Originating Boosters	22
Retransmission Consent	24
Section 621 Cable Franchising	27
Twenty-First Century Communications and Video Accessibility Act	28

MB BRIEFING SHEET

SUBJECT: Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements (MB Docket No. 24-211)

SUMMARY: On July 10, 2024, the Commission adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on measures to provide greater transparency regarding the use of AI-generated content in political advertising. Specifically, the NPRM proposes to require radio and television broadcast stations; cable operators, Direct Broadcast Satellite (DBS) providers, and Satellite Digital Audio Radio Service (SDARS) licensees engaged in origination programming; and permit holders transmitting programming pursuant to section 325(c) of the Act, to:

- provide an on-air announcement for all political ads that include AI-generated content disclosing the use of such content in the ad; and
- include a notice in their online political files for all political ads that include AI-generated content disclosing that the ad contains such content.

The NPRM does *not* propose to ban or otherwise restrict the use of AI-generated content in political ads. Rather, it seeks to ensure that listeners and viewers are informed when political ads include such content so that the public can evaluate such ads for themselves.

STATUS: Comments for this proceeding were due September 19, 2024; reply comments were due October 11, 2024.

MB BRIEFING SHEET

SUBJECT: ATSC 3.0 – Next Gen TV (MB Docket No. 16-142)

SUMMARY: ATSC 3.0 (Next Gen TV) is the newest broadcast TV transmission standard, developed by the Advanced Television Systems Committee (ATSC) with the intent to merge the capabilities of over-the-air broadcasting with the broadband information delivery methods of the Internet using the same 6 MHz channels presently allocated for digital television (DTV). ATSC 3.0 also could let broadcasters provide consumers with more vivid pictures and sound, such as 4K or High Dynamic Range (HDR), as well as superior reception, mobile viewing capabilities, enhanced public safety capabilities (e.g., emergency alert “wake up” ability), enhanced accessibility features, hyper-localized content (e.g., geo-targeted weather, targeted emergency alerts, and hyper-local news), personalized content, and interactive educational children’s content.

The Commission authorized broadcasters to use the Next Gen TV standard on a voluntary basis in 2017, while requiring stations, with very limited exceptions, to continue to air their primary streams using the current-generation TV transmission standard through “local simulcasting” to minimize viewer disruption. The Next Gen TV standard is not backward-compatible with existing TV sets or receivers. Accordingly, viewers will be unable to watch ATSC 3.0 transmissions on their existing televisions without additional equipment/accessory devices, imposing an expense on consumers who currently rely on over-the-air programming. Next Gen TV broadcasters are encouraged, but not required, to simulcast their 3.0 multicast streams in a 1.0 format.

Over the last year and a half, Commission staff participated in the “Future of TV” initiative, a public-private, inter-industry initiative led by NAB that was intended to establish consensus around a roadmap for a transition to ATSC 3.0 that serves the public interest. That effort resulted in a report filed with the Commission on January 17, 2025. NAB recently filed a Petition for Rulemaking asking the Commission to establish a timeline to complete the transition.

BACKGROUND:

- *First Report and Order:* On November 20, 2017, the Commission released a Report and Order and Further Notice of Proposed Rulemaking, FCC 17-158, authorizing broadcasters to use the Next Gen TV standard (“ATSC 3.0”) on a voluntary basis, while they continue to deliver current-generation digital television (DTV) service (“ATSC 1.0”) to their viewers via local simulcasting. Among other things, the rules: (1) Require the ATSC 1.0 simulcast signal to cover the full-power station’s entire community of license and in order to receive expedited processing, any loss of ATSC 1.0 simulcast service must not be more than 5% of the existing population served; (2) Require that the programming aired on the 1.0 simulcast channel be “substantially similar” to the programming aired on the 3.0 channel – i.e. the programming must be the same, except for programming features that are based on the enhanced capabilities of ATSC 3.0, advertisements, and promotions for upcoming programs.
- *Second Report and Order and Order on Reconsideration:* On June 16, 2020, the Commission released a Second Report and Order and Order on Reconsideration, FCC 20-72, resolving the remaining issues raised in the Further Notice, as well as dismissing/denying the petitions for reconsideration of the First Report and Order.
- *Third Report and Order and Fourth Further Notice of Proposed Rulemaking:* On June 23, 2023, the Commission released a Third Report and Order and Fourth FNPRM, FCC 23-53., that adopted rules permitting the licensing of simulcast and non-simulcast multicast streams (called “multicast

licensing”) and extended the sunset dates for another four years – until July 17, 2027 – for the “substantially similar” requirement and the requirement for Next Gen TV stations to comply with the A/322 standard. The Fourth FNPRM sought comment to further the agency’s understanding of the current marketplace for ATSC 3.0 Standard Essential Patents (SEPs) and the ability of third parties to develop products that rely upon them. It also seeks comment on the impact on consumers if the Commission were to adopt, or not adopt, rules to require essential patent holders in 3.0 technology to commit to licensing them on reasonable and non-discriminatory (RAND) terms. The Commission received 13 comments and nine reply comments before the comment cycle closed on Oct. 16, 2023.

1. NAB’s 2025 Petition for Rulemaking: On February 26, 2025, the National Association of Broadcasters (NAB) filed a Petition for Rulemaking (“Petition”) in the Next Gen TV docket asking the Commission to “establish a clear timeline to complete the transition” to ATSC 3.0. NAB argues that “[w]ithout decisive and immediate action, the transition risks stalling and the realistic window for implementation could pass. Reaching the finish line requires industry-wide coordination and engagement—something individual broadcasters cannot do alone.” Some of the proposals in the Petition include:

- End substantially similar simulcasting before the scheduled sunset, permitting broadcasters to immediately air existing programming and/or new program offerings only in 3.0
- Loosen coverage requirements for host stations during the transition period, permitting 1.0 simulcasts to serve fewer existing viewers
- Prohibit commercial full power stations from broadcasting in 1.0 after a specified date
 - Top 55 markets end 1.0 service in February 2028
 - All remaining markets end 1.0 service in February 2030
 - Would permit limited exemptions
- Adopt mandates on TV manufacturers
 - 3.0 tuners in all new TVs by February 2028
 - Requirements on setup and controls to make broadcasting more prominent
- Consider additional rule changes regarding MVPD carriage, privacy, accessibility, and encryption

ATSC 3.0 DEPLOYMENT STATUS:

Certified Equipment: “Certified” devices have been approved by CTA to use the NEXTGENTV logo, but displaying encrypted channels requires going through a separate process with a different third party.

- TV Sets: More than 100 models currently available from Hisense, Samsung, Sony, TCL, and LG (although LG is not currently manufacturing new NextGen sets due to a patent infringement case). It also appears that these are generally more expensive, higher-end TV sets. For example, the lowest-end SONY we have seen currently retails for \$548. Samsung removed 3.0 from all but its highest-end and most expensive sets for the 2025 model year. While broadcasters maintain that all the TV sets on the market support encrypted channels without an internet connection, reports from users are mixed.
- Accessory Devices (set-top-boxes (STBs), gateway devices, etc.): We are not aware of any truly low-cost accessory devices. For example:
 - SiliconDust HDHomerun-4K Gateway Device: \$199.00; does not currently support decryption, likely will require internet access to do so.
 - Zapperbox STB: \$250.00; requires an Internet connection to support decryption.
 - ADTH/Tolka STB: \$90; requires an Internet connection to support decryption.

- Zinwell STB: \$149.00; claims to not require an Internet connection to support decryption, but there are conflicting reports about this.
- GTMedia HDTV Converter X1 STB: \$130; decryption is supported but unclear how, and there are many user complaints about poor functionality of the device generally.
- GTMedia HDTV Mate ATSC 3.0 USB device: \$60; connects to USB devices such as cell phones, but does not support decryption and software works poorly.

Licensed Markets: Based on our records as of March 4, 2025, the Commission has licensed at least one station to commence ATSC 3.0 operations in a total of 92 DMAs, though some of those DMAs have only low-power 3.0 stations. In 82 DMAs, at least one station has been licensed to operate in ATSC 3.0 and is airing the programming of a full power television station:

1. Albany-Schenectady-Troy, NY;	26. Green Bay-Appleton, WI;	48. Norfolk-Portsmouth-Newport News, VA;
2. Albuquerque-Santa Fe, NM;	27. Greensboro-High Point-Winston-Salem, NC;	49. Oklahoma City, OK;
3. Atlanta, GA;	28. Greenville-New Bern-Washington, NC;	50. Omaha, NE;
4. Austin, TX;	29. Greenville-Spartanburg, SC-Asheville, NC-Anderson, SC;	51. Orlando-Daytona Beach-Melbourne, FL;
5. Baltimore, MD;	30. Harrisburg-Lancaster-Lebanon-York, PA;	52. Philadelphia, PA;
6. Baton Rouge, LA	31. Hartford-New Haven, CT;	53. Phoenix, AZ;
7. Boston (Manchester), MA;	32. Honolulu, HI;	54. Pittsburgh, PA;
8. Buffalo, NY;	33. Houston, TX;	55. Portland-Auburn, ME
9. Birmingham, AL;	34. Indianapolis, IN;	56. Portland, OR;
10. Charleston-Huntington, WV;	35. Jacksonville, FL	57. Raleigh-Durham, NC;
11. Charleston, SC;	36. Kansas City, KS-MO;	58. Reno, NV;
12. Charlotte, NC;	37. Las Vegas, NV;	59. Richmond-Petersburg, VA;
13. Chicago, IL;	38. Little Rock-Pine Bluff, AR;	60. Roanoke-Lynchburg, VA;
14. Cincinnati, OH;	39. Los Angeles, CA;	61. Rochester, NY;
15. Columbus, OH;	40. Louisville, KY;	62. Sacramento-Stockton-Modesto, CA;
16. Dallas-Ft. Worth, TX;	41. Miami-Ft. Lauderdale, FL;	63. Salt Lake City, UT;
17. Dayton, OH;	42. Minneapolis-St. Paul, MN;	64. San Antonio, TX;
18. Davenport, IA-Rock Island, IL-Moline, IL	43. Mobile, AL-Pensacola, FL;	65. San Diego, CA;
19. Denver, CO;	44. Myrtle Beach-Florence, SC	66. San Francisco-Oakland-San Jose, CA;
20. Detroit, MI;	45. Nashville, TN;	67. Santa Barbara, CA;
21. Des Moines-Ames, IA;	46. New Orleans, LA;	68. Seattle, WA;
22. El Paso (Las Cruces), TX;	47. New York, NY;	69. Shreveport, LA;
23. Flint-Saginaw-Bay City, MI;		70. South Bend-Elkhart, IN;
24. Fresno-Visalia, CA;		71. Springfield, MO;
25. Grand Rapids-Kalamazoo-Battle Creek, MI;		72. Springfield-Champaign, IL;
		73. Springfield-Holyoke, MA;

74. St. Louis, MO;	77. Tampa-St. Petersburg-	80. Washington, DC;
75. Syracuse, NY;	Sarasota, FL;	81. West Palm Beach-Ft.
76. Tallahassee, FL-	78. Tucson, AZ;	Pierce, FL; and
Thomasville, GA;	79. Waco-Temple-Bryan,	82. Wichita-Hutchinson Plus,
	TX;	KS.

In addition, there are 10 DMAs with at least one licensed LPTV station that has been licensed to operate in ATSC 3.0, but is not airing the programming of a full power television station:

1. Bend, OR;
2. Boise, ID;
3. Chattanooga, TN;
4. Colorado Springs-
Pueblo, CO;
5. Fort Wayne, IN;
6. Medford-Klamath Falls,
OR;
7. Memphis, TN;
8. Panama City, FL;
9. Savannah, GA;
10. Wilmington, NC.

MB BRIEFING SHEET

SUBJECT: Broadcast Localism – Priority Application Review for Broadcast Stations that Provide Local Journalism or Other Locally Originated Programming (MB Docket No. 24-14)

SUMMARY: On January 10, 2024, the Commission adopted a Notice of Proposed Rulemaking which proposes to prioritize processing review of certain applications filed by commercial and noncommercial radio and television broadcast stations that provide an average of at least three hours per week of locally originated programming. The Commission proposes that any kind of activity involved in creating audio or video programming that occurs within the “local” market, as defined in the proceeding, would be sufficient, and seeks comment on this proposal. The Commission also seeks comment on how to define the “local” market for purposes of the proposed processing priority.

The NPRM tentatively concludes that our proposal would apply only to those applications for which processing is not immediately available because the application has a hold, petition to deny, or other pending issue that requires further staff review. Applications without holds or other processing issues requiring additional staff review would be acted upon consistent with current routine processing procedures. The NPRM also proposes that the decision by a licensee to elect to certify that the station meets the local programming guideline be purely voluntary. Applications that do not include a certification will not be scrutinized or processed differently as a substantive matter than applications with a certification, other than the prioritization proposal discussed in the NPRM. Such prioritization would be granted to renewal applicants, as well as applicants for assignment or transfer of license, that certify they provide locally originated programming.

BACKGROUND: The Commission’s goal is to provide additional incentive to stations to provide programming that responds to the needs and interests of the communities they are licensed to serve. The Commission proposes this processing priority in order to further encourage radio and TV stations to serve their community of license with local journalism or other locally originated programming.

STATUS: Comment periods have closed. Comments were due March 11, 2024 and reply comments were due April 8, 2024.

MB BRIEFING SHEET

SUBJECT: Cable and Satellite TV Junk Fees (MB Docket No. 23-203 and MB Docket No. 23-405)

SUMMARY: The Commission has two proceedings aimed at reducing junk fees on cable and satellite bills:

“All-In” Cable and Satellite Pricing.

- In June 2023, the Commission released an NPRM that proposed to require cable operators and direct broadcast satellite (DBS) providers to specify the ‘all-in’ price for service in their promotional materials and on subscribers’ bills. The Commission expressed concern that cable operators and DBS providers charged subscribers unexpected “fees” (for example, for broadcast television programming and regional sports programming listed separately from the monthly subscription rate for video programming service) that were actually charges for the video programming service for which the subscriber pays.
- In March 2024, the Commission adopted a Report and Order, FCC 24-29, to require cable and DBS providers to specify the “all-in” price clearly and prominently for video programming services in their promotional materials and on subscribers’ bills.
- The “All-In” rule requires compliance by December 19, 2024, except for cable operators with annual receipts of \$47 million or less, which have until March 19, 2025 to comply.

STATUS: On May 17, 2024, a coalition of local governments filed a petition for reconsideration to seek clarification of language in a footnote of the “All-In” order; that petition remains pending.

Early Termination Fee (ETF) and Billing Cycle Fee (BCF) Prohibition.

- Early termination fees (ETFs) require subscribers to pay a fee for terminating a video services contract prior to its expiration date, making it costly for consumers to switch services during the contract term. Billing cycle fees (BCFs) require video service subscribers to pay for a complete billing cycle even if the subscriber terminates service prior to the end of that billing cycle.
- In December 2023, the Commission released an NPRM, FCC 23-106, that proposed to adopt customer service protections that would (1) prohibit cable operators and DBS service providers from imposing a fee for the early termination of a cable or DBS video service contract, and (2) require cable and DBS service providers to grant subscribers a prorated credit or rebate for the remaining whole days in a monthly or periodic billing cycle after the cancellation of service.

STATUS: The record for the ETF and BCF Prohibition NPRM closed on March 5, 2024.

MB BRIEFING SHEET

SUBJECT: EEO Issues (MB Docket 98-204; MB Docket No. 19-177)

SUMMARY: On February 22, 2024, the Commission reinstated the collection of workforce composition data from broadcasters on Form 395-B, but the R&O is not effective and there are two separate court challenges pending in the 5th Circuit. A separate proceeding that sought comment in 2019 on how the Commission could make improvements to EEO compliance and enforcement remains pending.

BACKGROUND:

Collection of Workforce Data (MB Docket No. 98-204): On February 22, 2024, the Commission adopted a Fourth Report & Order/Order on Reconsideration (FCC 24-18), reinstating the collection of workforce composition data from broadcasters on Form 395-B, and seeking comment to refresh the record regarding the reinstatement of collection of MVPD workforce data on Form 395-A. While the R&O was effective as of June 3, 2024, compliance will not be required until OMB completes review.

Litigation Status: The item is subject to two separate challenges in the 5th Circuit.

(1) National Religious Broadcasters and American Family Association jointly filed petition for review in 5th Circuit, as did the Texas Broadcasters Association. These cases have been consolidated. On June 27, 2024, National Religious Broadcasters and American Family Association, along with the Texas Broadcasters Association, filed with the Commission a Request to Stay the effective date of the order pending resolution of the judicial proceedings. Petitioners filed their joint brief on August 28, 2024. The Commission's brief was filed on September 27, 2024. On October 4, 2024, NAACP, *et al.* filed as intervenors in support of the Commission. Petitioners filed their reply brief on October 18, 2024. Petitioners filed 28(j) Letters on December 17, 2024 and January 24, 2025. The Commission responded to the December 17, 2024 28(j) Letter on December 23, 2024. DOJ Responded to the January 24, 2025 28(j) Letter on January 30, 2025. Oral argument was held on February 4, 2025.

(2) On July 28, 2024, theDove Media Inc. filed a petition for review in the 9th Circuit that was subsequently transferred to the 5th Circuit. On September 30, 2024, the Commission filed a motion seeking to hold theDove's petition in abeyance pending resolution of the *NRB, et al. v. FCC* case and theDove opposed the petition. On October 22, 2024, the 5th Circuit denied the Commission's petition to hold theDove's petition in abeyance. TheDove's opening brief was filed on November 12, 2024. The Commission's filed its brief on December 12, 2024. TheDove filed its reply brief on January 2, 2025 and a 28(j) letter on February 24, 2025. Oral argument was scheduled for March 31, 2025. On March 7, 2025, however, the court notified the parties that it would place the case into abeyance until it decided the National Religious Broadcasters *et al.* litigation (discussed above).

Petitions for Reconsideration: Three petitions for reconsideration of the order were filed by religious groups with the Commission. One of these groups (the Catholic Radio Association) requested a stay of the order pending resolution of an issue raised in its reconsideration petition. NAB has filed a partial petition for reconsideration asking that the Form 395-B data not be made publicly available.

EEO Proceeding (MB Docket No. 19-177): On June 21, 2019, the Commission released an NPRM seeking comment on how the Commission could make improvements to equal employment opportunity (EEO) compliance and enforcement. Pursuant to an extension of the comment deadline, comments were due on September 20, 2019, and replies on November 4, 2019. This proceeding remains pending.

MB BRIEFING SHEET

SUBJECT: Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20-299)

SUMMARY: In April 2021, the Commission adopted rules to require sponsorship ID disclosures on programming provided by foreign governmental entities. The Commission's rules require broadcast licensees to (1) inform entities of the rules prior to entering into a lease agreement, (2) inquire whether the lessee (or anyone else involved in the production/distribution of the programming that has provided an inducement to air the programming) is a "foreign governmental entity" as defined in our rules; and (3) memorialize these inquiries. The original rules also required broadcast licensees to review two government webpages to verify the lessees' responses. This specific portion of the rules was vacated by the Court of Appeals for the D.C. Circuit in June 2022. The Commission released a *Second NPRM* in October 2022 to address the court's decision. On June 10, 2024, the Commission released a *Second Report & Order* addressing the issues raised in the *Second NPRM* and a Petition for Clarification that had been filed by Network Affiliates after the *First Report & Order* was released.

BACKGROUND:

- *First Report and Order:* On October 16, 2020, the Commission voted unanimously to adopt the *First NPRM* proposing specific disclosure requirements for broadcast programming that is paid for or provided by a foreign governmental entity. The proceeding was initiated based on reports of undisclosed foreign government-sponsored broadcast programming. On April 22, 2021, the Commission unanimously adopted the *First Report & Order* amending the Commission's pre-existing sponsorship ID rules (*i.e.*, 47 CFR § 73.1212) to require a specific disclosure that indicates the entity and country involved, if the programming is aired pursuant to a lease agreement and the direct or indirect provider of the programming qualifies as a "foreign governmental entity." The rule defines a "foreign governmental entity" as a government of a foreign country, a foreign political party, certain agents of foreign principals, and U.S.-based foreign media outlets, based on provisions of and definitions contained in the Foreign Agents Registration Act (FARA) (22 U.S.C. § 611) and the Communications Act of 1934, as amended. The *First Report & Order* significantly modified the requirements proposed in the *First NPRM* in response to commenters. While the *First NPRM* had proposed imposing the disclosure requirement on all foreign government-provided programming, the *First Report & Order* narrowed the scope of the requirement to only apply to leased programming, concluding that to date reported problems had only arisen in the context of leased programming. Similarly, the *First Report & Order* modified certain "reasonable diligence" requirements, such as dropping the proposal for an internet search, in response to commenter concerns.
- *Petition for Clarification from Network Affiliates:* On July 19, 2021, the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates (collectively, the "Network Affiliates") filed a petition for clarification of the Order seeking a clarification that long-form advertising/infomercials were not included within the category of "leases." The Media Bureau placed the petition on Public Notice on August 3, 2021. Comments were filed on September 2, 2021 (only the Network Affiliates and Meredith Corp. submitted comments), and Replies were due by September 17, 2021, though none were filed.
- *NAB/NABOB/MMTC Seek Judicial Review:* On August 13, 2021, the National Association of Broadcasters (NAB), Multicultural Media, Telecom and Internet Council (MMTC), and National Association of Black Owned Broadcasters (NABOB) jointly filed a petition for review with the D.C. Circuit of the Commission's Order, asserting that the Order's reasonable diligence requirements violated section 317 of the Communications Act, the Administrative Procedures Act, and were

unconstitutional. On June 12, 2022, the D.C. Circuit vacated the portion of the Commission's Order that required broadcasters to verify a lessee's status as a "foreign governmental entity," by checking the Department of Justice's FARA website and the Commission's reports of U.S.-based foreign media outlets. According to the court, the requirement to check these sites exceeded the Commission's authority pursuant to section 317 of the Act. The Order's other requirements remain intact.

- *Second NPRM*: In the wake of the D.C. Circuit's June 2022 decision, the Commission unanimously adopted a *Second NPRM* on October 4, 2022, that sought to fill the gap left by the D.C. Circuit's vacatur. The *Second NPRM* proposed a certification requirement to memorialize that the broadcaster has informed an entity seeking to lease time on its station of the foreign sponsorship identification rules and obtained, or sought to obtain, a certification from the lessee stating whether the lessee is or is not a "foreign governmental entity." The Commission also proposed that the lessee submit a certification providing its response and the broadcaster would place both certifications in its public file along with its lease agreement, which the broadcaster already is required to place in its public file. The *Second NPRM* also included a request for comment on the TV Affiliates Associations Petition for Clarification.
- *Second Report & Order*: On June 10, 2024, the Commission released a *Second Report & Order* that sought to address many of the concerns raised in response to the *Second NPRM*. The *Second Report & Order* allows licensees to pursue one of two approaches to address the gap left by the D.C. Circuit's vacatur of the independent verification requirement. Neither of these two options imposes an investigatory duty upon licensees or holds them "responsible for the truth of the information they obtain," as described by the D.C. Circuit in *NAB v. FCC*. Under the first option, both the licensee and the lessee must complete a written certification either using the standardized certification language contained in the order or using their own language, as long as the certifications written in their own language contain the inquiries set out in section 73.1212(j)(3), pursuant to the *First Report & Order*. Under the second option, the licensee must ask the lessee to provide screenshots showing the search results generated by the lessee's search for its own name on two federal government websites (similar to the idea raised by a judge during oral argument before the D.C. Circuit in *NAB v. FCC*). In all other respects, under this second option, the licensee must follow the other requirements contained in the existing foreign sponsorship identification rules.

The *Second Report & Order* also: (1) grandfathers lease agreements already in existence at the time of the compliance date of the new rules for the duration of the lease term, determining that existing leases will have to comply with the new rules at the time of renewals or when the parties enter into a new agreement, whichever is earlier; (2) clarifies that the foreign sponsorship identification rules will not apply to sales of advertising for commercial goods and services as set forth in section 73.1212(f) of the Commission's rules; (3) finds that the foreign sponsorship identification rules will not apply to political candidate advertisements, because there are already protections in place to limit contributions by foreign nationals to political candidate campaigns, but because no similar protections are in place for issue advertisements and paid PSAs, the foreign sponsorship identification rules will apply to such programming; (4) determines that it is inconsistent with the goal of disclosing the source of foreign government-provided programming, and in some instances the First Amendment, to exclude locally produced and/or locally distributed programming and religious programming from the foreign sponsorship identification rules. While certain sections of the *Second Report & Order* went into effect on August 15, 2024, compliance with most sections of the order will not be required until OMB completes its review. There were no petitions for reconsideration filed regarding the *Second Report & Order*.

Litigation Status. On September 13, 2024, NAB filed a petition for review of the *Second Report & Order* in the D.C. Circuit. Parties have completed the briefing process. Oral argument is scheduled for April 7, 2025.

MB BRIEFING SHEET

SUBJECT: Fostering Independent Sources of Video Programming (MB Docket No. 24-115)

SUMMARY: On April 19, 2024, the Commission issued a Notice of Proposed Rulemaking seeking comment on the obstacles faced by independent video programming vendors in securing carriage on multichannel video programming distributors (MVPDs) and online platforms. In order to alleviate marketplace obstacles that may hinder independent programmers from reaching consumers, the NPRM proposes to prohibit two types of contractual provisions in program carriage agreements between independent programmers and MVPDs: (i) most favored nation (MFN) provisions, and (ii) unreasonable alternative distribution method (ADM) provisions. The NPRM also seeks comment on current program bundling practices.

BACKGROUND:

- The NPRM proposes to define an “independent video programming vendor” as “a non-broadcast programmer that is not vertically integrated with a multichannel video programming distributor or is not horizontally integrated with a broadcast network or entity that holds broadcast station licenses.”
- The NPRM proposes to define an “MFN provision” as “a provision that entitles a multichannel video programming distributor to contractual rights or benefits that an independent video programming vendor has offered or granted to another multichannel video programming distributor or online video distributor, either conditionally or unconditionally.” For purposes of this definition, the term “conditionally” would mean “subject to the multichannel video programming distributor’s acceptance of terms and conditions that are integrally related, logically linked, or directly tied to the grant of such rights or benefits in the other multichannel video programming distributor’s or online video distributor’s agreement.” The term “unconditionally” would mean “without obligating the multichannel video programming distributor to accept any such terms or conditions.”
- The NPRM proposes to define an “alternative distribution method provision” as “a provision that prohibits or restricts an independent video programming vendor from exhibiting its programming on alternative, non-traditional video distribution platforms (such as online video distributors) for a specified period of time following the programming’s original linear airing, or until certain conditions are met.”
- Under the proposed prohibition on unreasonable ADM provisions, the issue of whether a particular ADM clause is “unreasonable” would be fact-specific and decided in the context of a program carriage complaint proceeding brought under section 616 of the Act.

STATUS: Comments were due June 6, 2024. Replies were due July 8, 2024.

MB BRIEFING SHEET

SUBJECT: December 2023 Low Power FM (LPFM) Filing Window

SUMMARY: On June 22, 2023, the Media Bureau released a Public Notice to announce the dates of the upcoming LPFM filing window. On July 31, 2023, the Bureau released a further Public Notice to provide an overview of the procedures, filing requirements, and comparative selection process for the LPFM filing window. On October 17, 2023, the Media Bureau released an additional Public Notice rescheduling the filing window from November 2023 to December, 2023. The LPFM filing window opened on Wednesday, December 6, 2023, and closed on Friday, December 15, 2023. Interested parties filed 1,336 applications during the filing window.

STATUS: As of March 3, 2025, Media Bureau's Audio Division has granted 767 applications and dismissed 428 applications. Forty-three (43) pending applications are in mutually exclusive groups. Ninety-eight (98) singleton applications remain pending.

BACKGROUND: Due to the noncommercial nature of the LPFM service, MX applications for new LPFM station licenses are not subject to auction, but are resolved by applying comparative procedures, which include a detailed point system to compare competing MX applications. On October 16, 2024, the Commission released a Public Notice that identified the tentative selectees in all of the pending MX groups and provided a 30 day deadline for petitions to deny, a 60 day window for applicants to file major amendments, and a 90 day deadline for voluntary time-share agreements.

In advance of the filing window, the Commission amended its rules and procedures for filing LPFM applications and selecting and licensing competing LPFM applications. The Bureau's July 31, 2023, Public Notice explained the new procedures and requirements and provided detailed instructions on completing and filing the Schedule 318 application in the December 2023 window.

MB BRIEFING SHEET

SUBJECT: Media Ownership Rules: 2018 Quadrennial Review (MB Docket No. 18-349); 2022 Quadrennial Review (MB Docket No. 22-459)

SUMMARY: The Commission is required by Section 202(h) of the Telecommunications Act of 1996, as amended in 2004, to review each of its media ownership rules, except for the national television ownership cap, every four years to determine whether each rule is “necessary in the public interest as the result of competition” and to “repeal or modify any regulation [the Commission] determines to be no longer in the public interest.” Three structural ownership rules remain in place and subject to the quadrennial review process (and are described in the attachment to this briefing sheet): the Local Television Ownership Rule; the Local Radio Ownership Rule; and the Dual Network Ownership Rule. On December 22, 2023, the Commission adopted a Report and Order concluding the 2018 Quadrennial Review by retaining the existing rules with some modifications. On December 22, 2022, the Media Bureau issued a Public Notice commencing the 2022 Quadrennial Review and seeking comments.

STATUS:

2018 Proceeding: Four petitions for review of the 2018 Quadrennial Review Report and Order have been filed by the following entities and consolidated in the Eighth Circuit Court of Appeals. Briefing is complete and oral argument in the case is scheduled for March 19, 2025.

2022 Proceeding: Comment periods on the 2022 Quadrennial Review Public Notice closed in March 2023.

BACKGROUND:

2018 Proceeding: On December 12, 2018, the Commission adopted a Notice of Proposed Rulemaking to initiate the 2018 Quadrennial Review. The NPRM sought comment on whether to retain, modify, or eliminate three structural rules subject to quadrennial review—the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Ownership Rule. In addition, the NPRM sought comment on several diversity-related proposals offered in the record of the 2010/2014 Quadrennial Review proceeding. In June 2021, following the Supreme Court’s decision in *FCC v. Prometheus Radio Project*, the Commission issued a Public Notice soliciting renewed comments in the 2018 Quadrennial Review proceeding.

On December 22, 2023, the Commission adopted a Report and Order concluding the 2018 Quadrennial Review. Specifically, the Commission made permanent the interim contour-overlap methodology for determining ownership limits under the Local Radio Ownership Rule in areas outside defined Nielsen Audio Metro markets. The Report and Order also modified the methodology for determining a station’s audience share ranking under the Local Television Ownership Rule by requiring the aggregation of audience share from multicast streams, updating the relevant television ratings daypart used, and averaging ratings data over a 12-month period. Finally, the Report and Order prohibited entities from acquiring the network affiliation of an additional top-four ranked station in a market and placing that affiliation on a multicast stream or low power television station in a manner to circumvent the rule. In conjunction with this change, existing dual affiliations that utilize multicasting or low power stations are subject to Commission review upon transfer. The rule changes became effective on March 18, 2024.

Four petitions for review of the 2018 Quadrennial Review Report and Order have been filed by (1) Nexstar Media Group, (2) Zimmer Radio of Mid-Missouri, (3) Beasley Media Group and Tri-State

Communications, and (4) NAB. The petitions have been consolidated in the Eighth Circuit Court of Appeals. The court has granted motions to intervene in support of the petitioners by the four broadcast network affiliate associations (ABC, CBS, Fox, and NBC) as well as six radio companies (Connoisseur Media, Mid-West Management, Midwest Communications, Sun Valley Radio, Eagle Communications, and Legend Communications of Wyoming). The court also granted a motion by NCTA - The Internet & Television Association and the American Television Alliance to intervene in support of the Commission. In addition, six non-profit organizations (Common Cause, Free Press, musicFIRST Coalition, Future of Music Coalition, National Association of Broadcast Employees and Technicians—Communications Workers of America, and the United Church of Christ Office of Communication) jointly filed an amicus brief in support of the Commission. The briefing schedule is as follows: Petitioners' briefs were due by July 15, 2024; the Commission's response brief by September 13, 2024; reply briefs by October 15, 2024; and final briefs by November 18, 2024. Oral argument in the case is scheduled for March 19, 2025.

2022 Proceeding: On December 22, 2022, the Media Bureau issued a Public Notice commencing the 2022 Quadrennial Review and seeking comments. Comments were due by March 3, 2023 and reply comments by March 20, 2023.

ATTACHMENT: MEDIA OWNERSHIP RULES

Local TV Ownership Rule: A company can own two commercial TV stations in a DMA if:

- there is no digital noise limited service contour (NLSC) overlap between the two stations sought to be commonly owned; or
- no more than one of the two stations is among the DMA's top four rated stations (Top-Four Prohibition);
- provided, however, that applicants may seek case-by-case review of a transaction in order to account for circumstances in which strict application of the Top-Four Prohibition may be unwarranted.

Local Radio Ownership Rule: The number of radio stations in a radio market that may be commonly owned is tiered, depending on the total number of full-power commercial and noncommercial radio stations in the market:

- **45 or more radio stations:** an entity can own no more than eight commercial radio stations, no more than five of which may be in the same service (AM or FM).
- **30-44 radio stations:** an entity can own no more than seven commercial radio stations, no more than four of which may be in the same service.
- **15-29 radio stations:** one entity can own no more than six commercial radio stations, no more than four of which may be in the same service.
- **less than 15 radio stations:** one entity can own up to five commercial radio stations, no more than three of which may be in the same service, provided, however that an entity cannot own more than 50 percent of the radio stations in the market. Despite the latter provision, the rules do allow common ownership of an AM and an FM station in the same market.

Dual Network Ownership Rule: Mergers are prohibited among any of the top four national television broadcast networks (ABC, CBS, NBC, and Fox).

MB BRIEFING SHEET

SUBJECT: MVPD Definition NPRM (Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services, MB Docket No. 14-261)

SUMMARY: In 2014, the Commission sought comment on whether the Commission should interpret the definition of Multichannel Video Programming Distributor (“MVPD”) to include online video programming distributors, sometimes referred to as “virtual MVPDs,” or vMVPDs. Recently, the topic has seen renewed interest from broadcasters, who would be able to negotiate for retransmission consent payments with online video providers if the Commission were to interpret the definition of MVPD to include vMVPDs.

BACKGROUND: Section 602(13) of the Communications Act of 1934, as amended, defines “multichannel video programming distributor” as “[A] person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.” In the NPRM, the Commission sought comment on two opposing interpretations: (i) the “linear programming interpretation,” which would interpret the word “channels” to mean a linear stream of video programming, and (ii) the “transmission path interpretation,” which would interpret the word “channels” to mean a physical transmission path, like coaxial or fiber-optic cable, or a license to use electromagnetic spectrum as satellite providers do. Under the “linear programming interpretation,” vMVPDs like Frndly TV, Fubo, Hulu+ Live Programming, and SlingTV would meet the statutory definition of MVPD. Under the “transmission path interpretation,” they would not.

STATUS: The reply comment deadline was April 1, 2015. Interested parties continue to submit *ex parte* filings, and several Senators and members of the House of Representatives have written letters urging the Commission to either refresh the record or maintain the status quo.

MB BRIEFING SHEET

SUBJECT: National Television Ownership (MB Docket No. 17-318); UHF Discount (MB Docket No. 13-236)

SUMMARY: The national television ownership rule prohibits a single entity from owning broadcast television stations that, in the aggregate, reach more than 39 percent of the total television households in the nation. The rule also provides for a discount when calculating the reach of stations operating in the UHF spectrum band. The Commission eliminated this so-called “UHF discount” in August 2016, but it was reinstated on April 20, 2017 on reconsideration. On December 14, 2017, the Commission adopted a Notice of Proposed Rulemaking seeking comment on whether to modify or eliminate the 39 percent audience reach cap, including the UHF discount.

BACKGROUND: In 1985, the Commission adopted the national audience restriction limiting a single company or entity from owning broadcast television stations that collectively reached more than 25 percent of television households nationwide. In the 2004 Appropriations Act, Congress instructed the Commission to modify the national cap in its rules to the current level of 39 percent of TV households and removed the rule from the scope of Section 202(h), which requires that the Commission review its other media ownership rules every four years. The national audience restriction is intended to protect localism in the broadcast television industry.

In recognition of “inherent physical limitations” of the UHF band, namely that the delivery of analog television signals was more difficult in the UHF band than in the VHF band, resulting in significantly smaller coverage area and audience reach for UHF stations, the national audience rule includes the UHF discount. The discount provides that for purposes of determining compliance with the national audience restriction, a UHF station is attributed with only 50 percent of the television households in its market area.

As a result of the transition of full power television stations to digital broadcasting, UHF channels are no longer inferior to VHF signals. On August 24, 2016, the Commission adopted a Report and Order that eliminated the UHF discount while leaving the 39 percent national audience cap unchanged, consistent with the tentative conclusions in the underlying NPRM. In addition, the Report and Order grandfathered those existing station groups that would exceed the cap as a result of the elimination of the discount and declined to adopt a VHF discount. Following publication of the Report and Order in the Federal Register, parties jointly filed a petition seeking Commission reconsideration of the Report and Order. On December 21, 2016, the D.C. Circuit granted the Commission’s motion to hold the case in abeyance pending action by the Commission on the petition for reconsideration.

On April 20, 2017, the Commission adopted an Order on Reconsideration reinstating the UHF discount. In doing so, the Commission found that the Commission’s prior decision erred by eliminating the discount without considering whether the national television audience reach cap remained in the public interest. The Order on Reconsideration found that the UHF discount and national television ownership cap are inextricably linked and that, accordingly, the Commission should commence a rule making proceeding by the end of 2017 to consider the 39 percent national ownership cap together with the UHF discount.

On December 14, 2017, the Commission adopted a Notice of Proposed Rulemaking initiating a review of the 39 percent national audience reach cap together with the UHF discount. As a threshold matter, the Commission sought comment in the NPRM on its authority to modify the cap or the discount and whether it should modify or eliminate the cap. In addition, if a cap is retained, the Commission sought comment on how to calculate compliance with the cap, including whether to modify or eliminate the UHF discount.

Finally, the Commission sought comment on whether it should grandfather any non-compliant combinations, and if so, whether there should be any restrictions on their further transferability.

MB BRIEFING SHEET

SUBJECT: Program Carriage (MB Docket Nos. 07-42, 11-131, and 20-70)

SUMMARY: Section 616 of the Communications Act directs the Commission “to establish regulations governing program carriage agreements and related practices between cable television system operators or other multichannel video programming distributors and video programming vendors.” The program carriage rules adopted to implement this directive prohibit an MVPD from (i) requiring a financial interest in a program service as a condition for carriage; (ii) coercing a programmer to grant exclusive carriage rights; or (iii) discriminating against unaffiliated programmers on the basis of affiliation or non-affiliation.

In November 2020, the Commission released a Report and Order (R&O) revising the program carriage rules. The R&O revises the third prong of the program carriage statute of limitations, which provides that a complaint is timely if it is filed within one year of the complainant notifying the defendant of its intent to file a complaint with the Commission, regardless of when the alleged violation occurred. The R&O clarifies that the third prong applies only where there is not an existing program carriage contract or carriage offer and a defendant MVPD has denied or failed to acknowledge either a request for program carriage or a request to negotiate for program carriage. The R&O also revises the program carriage rules to provide that decisions on the merits issued by an ALJ in program carriage proceedings will not take effect before 50 days after issuance and decisions will be automatically stayed upon the filing of exceptions by an aggrieved party. The R&O establishes a 180-day aspirational shot-clock for circulating to the Commission a proposed ruling on review of an initial ALJ decision in program carriage proceedings that commences from the date that an aggrieved party appeals such initial decision.

STATUS: There currently is one pending program carriage dispute that has resulted in numerous complaints with two pending applications for review.

- On March 15, 2018, beIN Sports filed a complaint alleging that Comcast discriminated against it in violation of the program carriage rules and the program carriage conditions in the *Comcast-NBCU Order* by (i) relegating the beIN and beIN-E sports networks to lower penetration packages than Comcast’s affiliated sports networks, NBC Sports and NBC Universo; (ii) refusing to carry beIN and beIN-E in HD while carrying its similarly situated programming in HD; and (iii) failing to authenticate Comcast subscribers to beIN Sports’s website and online app as it does for its similarly situated programming. On August 2, 2018, the Bureau denied beIN Sports’s complaint for failure to establish a *prima facie* case.
- On December 13, 2018, beIN Sports filed a second complaint based on the same allegations but supported by new evidence. The Bureau released an Order on July 2, 2019, finding that beIN Sports made a *prima facie* case with respect to beIN but not with respect to beIN-E and failed on the merits of its case with respect to beIN because Comcast demonstrated a legitimate business reason for its different treatment of beIN and NBC Sports. beIN Sports filed an application for review on August 1, 2019.
- On February 5, 2019, beIN Sports filed a third complaint alleging discrimination based on an unreasonable refusal to deal. The Bureau dismissed the complaint on March 29, 2019, finding that beIN Sports failed to comply with procedural requirements. beIN Sports filed an application for review on April 29, 2019.

MB BRIEFING SHEET

SUBJECT: Program Originating Boosters (MB Docket No. 20-401; RM-11854)

SUMMARY: On April 2, 2024, the Commission released a Report & Order and Further Notice of Proposed Rulemaking, FCC 24-35, authorizing FM boosters to originate programming on a limited basis for three minutes of program origination per hour, and subject to the adoption of rules proposed in the FNPRM. The Commission stated that, while the FNPRM was pending, it would accept applications to authorize program originating boosters on an experimental basis pursuant to Part 5. As of October 2024, the Commission has granted experimental authorizations for three boosters licensed to one party. The Commission received comments on the FNPRM and two Petitions for Reconsideration of the R&O. The Commission approved a Second Report and Order and Order on Reconsideration at the November 2024 meeting that adopted final rules for program originating boosters to make them available on a permanent basis and denied the petitions for reconsideration.

BACKGROUND: On March 13, 2020, GeoBroadcast Solutions LLC (GBS) filed a petition for rulemaking seeking to amend section 74.1231(i) of the Commission's rules to permit FM booster stations to originate programming for a limited period of time during the broadcast hour (Petition). At the time the GBS filed the Petition, Commission rules required that an FM booster station retransmit all of an FM primary station's content on the same frequency as the primary station, to areas within the primary station's service contour shielded from the primary station signal by terrain or other factors. Under the GBS proposal, booster originated content would only be available in the specific part of the primary station's protected service contour served by the booster station; outside of the booster service area, listeners would continue to receive content from the booster's primary station.

On April 2, 2020, the Consumer and Governmental Affairs Bureau issued a public notice seeking comment on the Petition. The Petition attracted significant public participation, including from established industry stakeholders, broadcasters (large and small), civil rights advocates, radio engineers, and members of the listening public. The majority of commenters to the Petition supported it, although some raised issues they insisted should be addressed in the proceeding. Supporters included both broadcasters that had partnered with GBS in its initial tests of the technology, the National Association of Broadcasters (NAB), and the Multicultural Media, Telecom and Internet Council. Four large broadcast groups—Beasley Media Group, LLC; Cumulus Media Inc.; Entercom Communications Corp.; and iHeartCommunications Inc.—opposed the Petition pending additional real-world testing.

On December 1, 2020, the Commission released a Notice of Proposed Rulemaking (NPRM), FCC 20-166, proposing to amend section 74.1231(i). 86 comments and 23 reply comments were filed, although 52 of the initial comments were essentially identical in wording and filed by the same attorney. Many of the parties initially supporting the Petition, including NAB, Urban One, Inc., and one of GBS's two testing partners, reversed their original positions and filed comments opposing the NPRM. Additionally, associations representing broadcasters in 27 of the 50 states, plus the District of Columbia and Puerto Rico, opposed the NPRM; only the Florida Broadcasters' Association supported it.

On September 17, 2021, GBS filed a report on tests it conducted in San Jose, California. Those tests demonstrated the GBS system's ability to deliver geotargeted content and the ability to deliver an emergency alert over both the main FM station and the booster station. The tests did not address the Media Bureau's concerns about potential interference or other technical issues. GBS subsequently conducted and submitted results of additional tests that it conducted in Jackson, Mississippi pursuant to experimental authorizations. GBS contends that the Mississippi tests demonstrate the system's ability also to perform well in topography quite different from that under which it conducted the California tests.

The Bureau released a Public Notice on April 18, 2022 asking for comments on the test reports. The Bureau received approximately 28 comments and replies including from engineering firms, broadcast stations and their representatives, and members of Congress. Commenters were split between those favoring and those opposing program originating boosters.

On April 2, 2024, the Commission released a Report & Order and Further Notice of Proposed Rulemaking. The Report & Order and associated rule amendments became effective on May 16, 2024. Six entities filed comments on the Further Notice of Proposed Rulemaking. Among the commenters were NAB, NPR, and a coalition of organizations representing minority broadcasters. REC Networks and Press Communications, LLC each filed Petitions for Reconsideration of the Report & Order.

The November 2024 item adopted several proposals from the FNPRM including a notification requirement, a cap on the number of program originating boosters a full-power FM station may have, and the extension of the Commission's political programming requirements to program originating boosters. The item however, adopted a different method of notification than originally proposed, *i.e.*, a form rather than a letter to notify the Commission and notice to State Emergency Communications Committees to alert participants in the Emergency Alert System rather than notice directly to individual participants. The item agreed with the majority commenter view that the Commission should not adopt uniform standards for synchronization of booster and primary signals and, rather, should allow licensees to synchronize in a manner most appropriate to the characteristics and design of their particular systems.

STATUS: Some of the rules adopted in that item have taken effect while others are awaiting OMB approval.

MB BRIEFING SHEET

SUBJECT: Retransmission Consent Issues (MB Docket Nos. 10-71, 15-216, 20-31, 23-427, 24-20, and 24-280)

SUMMARY: The Commission currently has two active proceedings specifically related to blackouts resulting from a failure to reach retransmission consent:

- *Blackout Reporting Order.* On January 3, 2025, the Commission released an Order adopting new reporting requirements for blackouts that occur as a result of a breakdown in retransmission consent negotiations. Under the new rules, MVPDs must notify the Commission when a blackout of a broadcast television station, or stations, occurs on an MVPD platform for 24 hours or more due to a retransmission consent deal impasse. MVPDs will notify the Commission of the blackout and provide related information through a Commission-hosted, online reporting portal. Non-confidential blackout information will be available on the Commission's website for the public to view. These rules will be effective thirty days after both the Order is published in the Federal Register and the Media Bureau releases a public notice announcing that the online reporting portal is live.
- *Blackout Rebate NPRM.* On January 17, 2024, the Commission released an NPRM seeking comment on whether to require cable operators and satellite providers to issue rebates to consumers who face programming blackouts that result from failed retransmission consent negotiations or failed non-broadcast carriage negotiations. The comment period closed on April 8, 2024.

Additionally, there are four pending adjudications/enforcement actions:

- *The Deerfield Case.* On November 8, 2019, the Media Bureau issued a Memorandum Opinion and Order finding that 18 stations in nine station groups refused to negotiate, unreasonably delayed negotiations, and failed to respond to carriage proposals, each constituting a *per se* breach of the duty to negotiate retransmission consent in good faith. One station group admitted liability and settled, but eight station groups appealed. On September 15, 2020, the Commission issued a MO&O and NALF, upholding the Bureau decision and finding each of the stations apparently liable for the maximum penalty permitted by statute (\$512,228).
- *Comcast v. Mission Broadcasting.* On January 12, 2024, the Media Bureau issued a MO&O and NAL finding, among other things, that Mission breached its duty to negotiate retransmission consent in good faith under the "totality of the circumstances" test by conditioning retransmission consent on Comcast's acceptance of contract proposals that would foreclose the filing of future complaints with the Commission. The Bureau proposed a forfeiture of \$150,000 against Mission. Mission filed its response to the NAL in February 2024 and the proceeding is pending.
- *Hawaiian Telcom v. Nexstar.* On February 7, 2024, the Media Bureau issued a MO&O and NAL finding that Nexstar breached its duty to negotiate retransmission consent in good faith under the "totality of the circumstances" test by proposing terms for renewal of a retransmission consent agreement with Hawaiian Telcom (HT) that would have foreclosed HT from filing complaints with the Commission. The Bureau proposed a forfeiture of \$120,000 against Nexstar with respect to each of six continuing violations. Nexstar filed a response to the NAL in March 2024. HT separately filed an Application for Review of the Bureau's decision, which Nexstar opposed. The proceeding is pending.
- *DIRECTV v. Disney.* In September 2024, DIRECTV filed a complaint alleging that The Walt Disney Company (Disney) breached its duty to negotiate retransmission consent in good faith

under the “totality of the circumstances test” by proposing terms for renewal of a retransmission consent agreement with DIRECTV that would have foreclosed DIRECTV from filing complaints with the Commission. While the parties subsequently reached an agreement allowing DIRECTV to retransmit the signals of the eight television broadcast stations owned by Disney, the complaint proceeding remains pending.

BACKGROUND:

- Under Section 325(b)(1)(A) of the Communications Act (the Act), broadcast signals cannot be retransmitted without the broadcaster’s consent, otherwise known as “retransmission consent.” Section 325(b)(3) of the Act requires both television stations and MVPDs to negotiate retransmission consent in good faith.
- On March 9, 2010, MVPDs and consumer groups filed a Petition for Rulemaking asking the Commission to amend its retransmission consent rules to adopt dispute resolution mechanisms; to adopt rules that prevent broadcasters from requiring a broadcast signal to be tied to other content; and to provide for mandatory interim carriage in certain cases.
- On March 3, 2011, the Commission released an NPRM that considered revisions to its retransmission consent rules and stated that the agency lacks authority to require interim carriage or mandatory binding dispute resolution procedures.
- On March 31, 2014, the Commission adopted a Report and Order and FNPRM that (1) revised rules to provide that joint negotiation by stations that are ranked among the top four stations in a market as measured by audience share (“Top Four” stations) and are not commonly owned constitutes a violation of the statutory duty to negotiate retransmission consent in good faith and (2) sought comment on whether to modify or eliminate the Commission’s network program non-duplication and syndicated exclusivity rules (which permit a station to assert its contractual rights to exclusivity within a specific geographic zone to prevent a cable system from carrying the same network or syndicated programming aired by another station). The record in this proceeding remains open on the other issues discussed in the FNPRM.
- On December 4, 2014, the STELA Reauthorization Act of 2014 (STELAR) became law and included provisions related to retransmission consent, including: (1) a general prohibition on same-market TV broadcast stations from “coordinating negotiations or negotiating on a joint basis” unless they are under common *de jure* control; (2) a general prohibition on TV broadcast stations limiting an MVPD’s ability to carry into its local market television signals deemed “significantly viewed” or that the MVPD otherwise is allowed to carry, unless such stations are under common *de jure* control; and (3) a requirement for the Commission to commence a rulemaking to review its totality of the circumstances test for good faith negotiations by September 4, 2015. The Commission issued an order in 2015 to codify the prohibitions contained in STELAR and issued an NPRM re: the totality of the circumstances test as required. In 2016, then-Chairman Wheeler indicated publicly that, at that time, additional rules were not needed, but that the Commission will continue to use its existing authority when impasses occur.
- On December 20, 2019, Congress enacted the Television Viewer Protection Act of 2019 (TVPA) which revised Section 325(b) of the Act by allowing smaller MVPDs to negotiate collectively as a buying group for retransmission consent with large broadcast station groups. In May 2020, the Commission issued a Report and Order that: (i) defined “large station group” to mean an entity whose individual television station members collectively have a national audience reach of more than 20 percent; (ii) defined “qualified MVPD buying group” to mean an entity that negotiates on behalf of MVPDs that collectively serve no more than 25 percent of all households receiving service from any

MVPD in a given local market; and (iii) codified in its rules the provisions governing negotiation of retransmission consent between these groups.

MB BRIEFING SHEET

SUBJECT: Section 621 Cable Franchising Issues (MB Docket No. 05-311)

SUMMARY: On August 1, 2019, the Commission adopted a *Third Report and Order* that addressed issues raised by the remand from the United States Court of Appeals for the Sixth Circuit in *Montgomery County, Md. et al. v. FCC*. In *Montgomery County*, the court reviewed rules and guidance adopted by the Commission governing how local franchising authorities (LFAs) may regulate incumbent cable operators and the provision of non-cable services provided over cable systems. In response to the remand, the Commission better explained its reasoning for extending the rulings to incumbent cable operators and made two other significant rulings:

- **In-Kind, Cable-Related Contributions:** The Commission found that under Section 622 of the Act, in-kind, cable-related contributions required as part of a franchise agreement (e.g., free cable service provided to schools) must be counted toward the franchise fee cap at their “fair market value.” It codified this provision in 47 CFR § 76.42(a).
- **The “Mixed-Use” Rule (47 CFR § 76.43):** The Commission also found, under Section 624 of the Act, that LFAs are precluded from using their Title VI franchising authority to regulate the non-cable services (e.g., information services) of incumbent cable operators that do not provide telecommunications services. This decision was necessitated by the Sixth Circuit’s decision in *Montgomery County*.

The U.S. Court of Appeals for the Sixth Circuit issued a decision in May 2021 in *City of Eugene, Oregon, et al. v. FCC* in response to a challenge by LFAs to the Third R&O.

- The court largely upheld the Third R&O, except it agreed with LFAs that (1) the Commission erred in adopting a “fair market value” standard for valuing in-kind, cable-related contributions, (and proceeded to substitute its own standard – “marginal cost”); and that (2) the Commission’s formulation of the mixed-use rule does not follow from the Act’s specific language.
- But it upheld the mixed-use rule and did not vacate either rule or remand the decision to the Commission.

BACKGROUND:

- Under Section 621(a)(1) of the Act, a local franchising authority (LFA) may award one or more cable television franchises within its jurisdiction but may not grant an exclusive franchise or “unreasonably refuse to award an additional competitive franchise.”
- Section 622 allows LFAs to charge franchise fees and sets the upper limits of those fees. In particular, section 622(b) caps the fee at 5% of a “cable operator’s gross revenues derived . . . from the operation of the cable system to provide cable service” (“franchise fee cap”).
- **First R&O (2007):** The Commission interpreted the meaning of “unreasonable” for purposes of Section 621(a)(1). Among other things, the Commission placed limits on the franchise fees that LFAs can charge to new entrants and their regulation of new entrants’ mixed-use networks (i.e., facilities used to provide both cable services and non-cable services).
- **Second R&O (2007) and Order on Reconsideration (2015):** The Commission extended these rulings to incumbent cable operators, but in *Montgomery County, MD, et. al. v. FCC*, the Sixth Circuit vacated and remanded the Second R&O for inadequate explanation of the Commission’s reasoning for why and how it could extend the rulings to incumbents.

MB BRIEFING SHEET

SUBJECT: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) (MB Docket Nos. 11-43, 11-154, 12-107 and 12-108)

SUMMARY: The CVAA was enacted on October 8, 2010. Pursuant to the CVAA, the Media Bureau has conducted proceedings addressing (1) audio description, (2) closed captioning of Internet-protocol (IP) delivered video programming, (3) accessible emergency information, apparatus requirements for emergency information and audio description, and (4) accessible user interfaces and video programming guides and menus. Additionally, the Media Bureau and the Consumer and Governmental Affairs Bureau co-hosted three Video Programming Accessibility Forums, which covered the following topics: online closed captioning, online audio description, and accessible emergency information.

BACKGROUND:

Audio Description: “Audio description” is the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses in the program’s dialogue. Audio description makes television programming more accessible to persons with visual disabilities. The CVAA required that the Commission reinstate its audio description rules after the U.S. Court of Appeals for the D.C. Circuit vacated the Commission’s 2000 rules. The Commission reinstated the rules on October 8, 2011, and it has increased the scope of the audio description rules several times since the rules’ adoption. Specifically, the rules require:

- Commercial television broadcast stations that are affiliated with one of the top four commercial television broadcast networks and are located in the top 110 designated market areas (DMAs) to provide 50 hours of audio-described programming per calendar quarter during prime time or on children’s programming, and an additional 37.5 hours of audio-described programming per calendar quarter at any time between 6 a.m. and midnight. The requirements will extend to DMAs 111 through 120 on January 1, 2026, and they will continue extending to an additional 10 DMAs each year, concluding with DMAs 201 through 210 on January 1, 2035.
- The rules require the same amount of audio-described programming for each of the top five national nonbroadcast networks carried by multichannel video programming distributor (MVPD) systems with 50,000 or more subscribers. As of July 1, 2024, the top five national nonbroadcast networks subject to the audio description rules are HGTV, Hallmark, TLC, TNT, and TBS. On August 8, 2024, the Media Bureau granted a limited waiver request for TBS and TNT due to their repeat programming, subject to certain conditions.
- To the extent technically possible, all network-affiliated broadcasters (commercial or non-commercial) and all MVPDs must pass through any audio description provided with programming they carry.

IP Closed Captioning: Closed captioning is the visual display of the audio portion of video programming. The CVAA directed the Commission to revise its regulations to require closed captioning of IP-delivered video programming that is published or exhibited on television with captions after the effective date of the new regulations. The Commission adopted IP closed captioning requirements in 2012. The rules require video programming owners to send program files to video programming distributors and providers with all required captions, and they require distributors and providers to enable the rendering or pass through of all required captions to the end user. For devices, the Commission

adopted functional display standards to specify how covered apparatus must implement closed captioning, and it required apparatus to render or pass through closed captioning on each video output. All programming that is already in the video programming distributor's or provider's library before it is shown on television with captions ("archival programming") must be captioned within 15 days after the date it is shown on television with captions on or after March 30, 2016.

In 2014, the Commission adopted a Second Order on Reconsideration extending the IP closed captioning requirements to IP-delivered video clips if the video programming distributor or provider posts on its website or application a video clip of video programming that it published or exhibited on television in the United States with captions. The Commission found that compliance with the new requirements would be economically burdensome for video clips that are in the video programming distributor's or provider's online library before January 1, 2016 for straight lift clips and January 1, 2017 for montages, and thus exempted this class of video clips from coverage.

Accessible Emergency Information: In accordance with the CVAA, the Commission adopted accessible emergency information requirements and device requirements in 2013. The rules require the use of a secondary audio stream to convey televised emergency information aurally, when such information is conveyed visually during programming other than newscasts, for example in an on-screen crawl. The Commission's focus was *not* on emergency information provided visually during a regularly scheduled newscast or a newscast that interrupts regular programming because it previously required the aural presentation of that visual emergency information to be included as part of the primary program audio stream. For devices, the Commission required certain apparatus to make available the secondary audio stream, which was already being used to provide audio description and which will be used to provide aural emergency information.

In May 2018, the Bureau granted the American Cable Association's request for a permanent waiver of the emergency information pass-through requirement for analog-only cable systems that lack the equipment needed to pass through audible emergency information via a secondary audio stream. The Bureau also granted broadcasters a limited waiver allowing them to exclude school closing information from the requirement to provide aural emergency information on the secondary audio stream while the Commission considers this issue. Further, the Bureau has granted a series of requests filed by the National Association of Broadcasters for a temporary waiver of the rules requiring broadcasters to provide an aural representation of visual emergency information in non-newscast programming on a secondary audio stream. The current waiver expires on the sooner of May 27, 2025 or once there is a ruling on an NAB rulemaking petition to codify a rule change that would eliminate the need for a waiver.

User Interfaces, and Video Programming Guides and Menus: In 2013, the Commission adopted rules requiring the accessibility of user interfaces on digital apparatus and video programming guides and menus on navigation devices. Specifically, the rules require that digital apparatus subject to section 204 make appropriate built-in apparatus functions accessible to individuals who are blind or visually impaired. The rules also require that navigation devices subject to section 205 make on-screen text menus and guides used for the display or selection of multichannel video programming audibly accessible, and that they make the controls used to access covered functions accessible to individuals who are blind or visually impaired. Covered entities must also provide a mechanism reasonably comparable to a button, key, or icon for accessing closed and audio description.

Through a Second FNPRM adopted with the Second Report and Order in this proceeding, the Commission sought comment on a proposal to adopt rules that would require manufacturers and MVPDs to ensure that consumers are able to readily access user display settings for closed captioning and on the Commission's authority to adopt such rules under the Television Decoder Circuitry Act of 1990 (TDCA).

On July 19, 2024, the Commission adopted a Third Report and Order that requires manufacturers of covered apparatus and MVPDs to make closed captioning display settings readily accessible to individuals who are deaf or hard of hearing. Compliance is required by August 17, 2026.

OFFICE OF ECONOMICS AND ANALYTICS (OEA)**BRIEFING SHEETS****March 2025****Table of Contents**

SUBJECT	PAGE NUMBER
OEA's Divisions	1
FCC Spectrum License Auctions	2
FCC USF Auctions	6
Communications Marketplace Report	10
Broadband Data Collection and Mapping	11
Transactions	17

OEA BRIEFING SHEET

SUBJECT: Divisions in the Office of Economics and Analytics (OEA). OEA has four Divisions:

- Auctions Division (AD)
 - In consultation with WTB, MB, and WCB, AD serves as the Commission's principal resource with regard to all auction design and implementation issues, including auctions for spectrum licenses, broadcast construction permits, and universal service fund (USF) support.
- Data Division
 - Oversees the Commission's data governance practices; and implements the OPEN Data Govt Act and Broadband Data Act for the Commission.
- Economic Analysis Division
 - Performs cost-benefit analyses and economic review of transactions; produces the biennial Communications Marketplace Report and analysis for other statutorily-required reports, including the section 706 Report; provides economic and analytic support for policy making; and prepares an economic review of Commission-level items.
- Industry Analysis Division
 - Manages and implements data collections including the Broadband Data Collection, Affordable Connectivity Program (ACP) Transparency Data Collection, FCC Form 477 (Local Telephone Competition and Broadband Reporting), and several others; disseminates data and analyses to the public through reports and maps including USF monitoring reports; provides economic, statistical, engineering, and GIS expertise to inform Commission policy on many topics, such as Universal Service Fund contributions and support, and ACP funding.

OEA BRIEFING SHEET

SUBJECT: FCC Spectrum License Auctions – Various AU and EA Dockets

BACKGROUND AND KEY ISSUES: The Commission has used auctions since 1994 to award authorizations for the use of spectrum. More recently, the Commission has conducted auctions to repurpose spectrum to more efficient uses, including incentive auctions pursuant to authority granted by the Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act). See also the separate discussion regarding FCC Universal Service Fund auctions (briefing sheet starting at page 6).

Auction Authority: The Commission's general auction authority expired on March 9, 2023. Absent renewal of general auction authority, each spectrum license and broadcast permit auction would need to be authorized individually by Congress before the Commission could utilize auction funds to commence work on developing procedures and systems for that auction. In light of guidance from the Office of General Counsel, the Commission has paused planning for particular future auctions of spectrum licenses not specifically mandated by Congress. The continued lapse of this general authority also has implications for the Commission beyond the current pause. Prior to the lapse in authority, 14% of the Commission's overhead was supported by auctions funds through an allocation of shared costs. Nearly \$60 million in annual contract and IT system costs were supported by auctions program revenues in FY 2023, and over \$44.5 million in FY 2024. With the flexibility general authority afforded, the FCC had been able to address key policy goals as quickly as possible while still fulfilling its statutory requirement to provide time for interested parties to comment on auction procedures, develop business plans, assess market conditions, evaluate the availability of equipment, and make financing arrangements to bid. Proceeds from auctions of spectrum rights that are retained to develop, implement, and maintain the program also provide support for joint costs of spectrum auctions and related Commission operations, including systems for granting and recording licenses assigned by auction and auctions for universal service support.

In the Spectrum and Secure Technology and Innovation Act of 2024, Congress directed the Commission to initiate systems of competitive bidding to grant licenses for spectrum in its inventory as of December 23, 2024, in the AWS-3 spectrum bands (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) by June 23, 2026.

Spectrum Auctions: Section 309(j) of the Communications Act requires that the Commission resolve mutual exclusivity between license applications that it has accepted by using competitive bidding, unless a statutory exemption applies. While prior legislation has extended it several times, the Commission's general authority to assign licenses based on competitive bidding expired on March 9, 2023, pursuant to current subparagraph (j)(11). The subparagraph extends that authority with respect to spectrum bands to be identified in the future: (a) 30 megahertz to be identified pursuant to the Spectrum Pipeline Act (extended until September 30, 2025); and (b) spectrum between 3.1 to 3.45 GHz to be identified pursuant to the Infrastructure Investment and Jobs Act (extended until November 15, 2028). With respect to these specified spectrum bands, the Commission is awaiting action by the Department of Commerce before being in a position to adopt rules for licenses or applications. In addition, the Spectrum and Secure Technology and Innovation Act of 2024 states that the Commission shall initiate systems of competitive bidding

under section 309(j) to license AWS-3 spectrum in its inventory as of December 23, 2024, without regard to the provisions of section 309(j)(11).

- Since the first spectrum auction in July 1994, over 3,300 winning bidders (of over 5,700 qualified bidders) have won nearly 103,000 licenses or permits in 100 auctions.
- Through March 2023, the Commission had raised over \$233.5 billion for statutorily mandated uses, including:
 - \$39.8 billion for the Public Safety Trust Fund
 - this includes \$20 billion designated for deficit reduction
 - over \$100 billion for the General Fund
 - \$18.9 billion to the Digital Television Transition and Public Safety Fund
 - \$45.2 billion to the Spectrum Relocation Fund to meet federal incumbents' costs of relocation or spectrum sharing
 - this includes \$4.4 billion from Auction 105 and \$22.4 billion from Auction 110
 - \$10.0 billion in payments for winning reverse auction bids in the broadcast television incentive auction
 - \$1.75 billion to the TV Broadcasters Relocation Fund
 - \$37.1 million in incentive payments to clear 39 GHz spectrum for new licenses

Most Recent Spectrum Auctions Completed

Auction	Winning Bidders	Licenses Won	Net Winning Bids (after bidding credit discounts)	Fiscal Year
108 — 2.5 GHz Band	63	7,872	\$419,133,261	2022
110 — 3.45–3.55 GHz	23	4,041	\$22,418,284,236	2022
112 — Full Power TV	7	18	\$33,043,250	2022

- **3.45–3.55 GHz (Auction 110)** — Auction 110 offered 4,060 new flexible-use licenses in the 3.45–3.55 GHz band, subject to cooperative sharing requirements with federal incumbent users in the band. Each license authorizes use of ten megahertz of spectrum in one of 406 Partial Economic Areas (PEAs) in the contiguous United States. Licensees are subject to an aggregation limit in each PEA of 40 megahertz in the band.
 - Pursuant to the Commercial Spectrum Enhancement Act (CSEA), the Commission adopted a reserve price for Auction 110 to ensure that total cash proceeds from applicable spectrum equal at least \$14.8 billion, an amount that is 110% of the costs of relocation or sharing costs estimated by the National Telecommunications and Infrastructure Administration (NTIA). For the auction to conclude and new licenses to be assigned, winning bids in the aggregate, net of any applicable bidding credit discounts, had to equal at least the amount of the reserve price for the reserve to be met. The Commission announced that the estimated net bids exceeded the reserve after Round 40 on October 20, 2021. All the proceeds from the auction, including amounts above the reserve, were transferred to the Spectrum Relocation Fund to meet federal incumbents' costs of relocation or spectrum sharing in the band.

- Bidding in Auction 110 began on October 5, 2021, and concluded on January 4, 2022. Of 33 applicants that qualified to bid, 23 bidders placed winning bids on 4,041 licenses. The auction raised over \$22.4 billion in net bids, and gross bids exceeded \$22.5 billion. Commission staff have completed the statutorily required process to evaluate and grant such applications, where warranted.
- **Full Power Television Station Construction Permits (Auction 112)** — Auction 112 offered 27 construction permits for new full power television stations in communities without a licensee for the allotted station. Bidding in Auction 112 began on June 7, 2022, and concluded on June 15, 2022. After 40 rounds, seven bidders of the ten applicants that qualified to bid won 18 construction permits. The auction raised over \$33 million in net winning bids.
- **2.5 GHz Band (Auction 108)** — Auction 108 offered 8,017 new flexible-use geographic overlay licenses in the 2.5 GHz Band, extending from 2496 to 2690 MHz. Up to three blocks of spectrum—49.5 megahertz, 50.5 megahertz, and 17.5 megahertz blocks—licensed on a county basis, were offered. The overlay licenses were subject to protecting the licensed areas of incumbent licensees and successful Rural Tribal Priority Window applicants (Tribal Nations had a one-time licensing opportunity for unassigned 2.5 GHz spectrum over their rural Tribal lands).
 - Bidding in Auction 108 began on July 29, 2022, and concluded on August 29, 2022. Of the 82 applicants that qualified to bid, 63 bidders placed winning bids on 7,872 licenses. The auction raised over \$419.1 million in net bids, and gross bids exceeded \$427.7 million. The Commission granted several hundred licenses and announced that several thousand more were ready to grant prior to pausing work due to the lapse in authority to grant licenses using competitive bidding. On December 19, 2023, Congress passed legislation authorizing the Commission to process any remaining applications for licenses won in Auction 108 within 90 days. On February 29, 2024, the Wireless Telecommunications Bureau announced that it had completed processing all outstanding Auction 108 long-form applications and issued all licenses won in the auction.

Future Spectrum Auctions:

- **AWS-3 Bands (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) (Auction 113)** — On February 27, 2025, the Commission adopted a Notice of Proposed Rulemaking taking the first steps toward an auction that Congress mandated for spectrum in the Commission's inventory as of December 23, 2024, in the AWS-3 bands. The Notice proposed to harmonize outdated rules related to competitive bidding for licenses in the AWS-3 bands and to update general part 1 competitive bidding rules to reflect requirements of the Small Business Runway Extension Act of 2018. The Notice further sought comment on the possibility of a Tribal licensing window for any relevant portions of the AWS-3 licenses to be made available. On March 11, 2025, OEA and WTB released a Public Notice announcing Auction 113, which offers 200 licenses in the AWS-3 bands, and seeking comment on the procedures to be used for the auction.

Spectrum Auction-related Proceedings:

- **Protecting Against National Security Threats to the Communications Supply Chain through the Competitive Bidding Program FNPRM (EA Docket No. 21-233)** — The Commission requires applicants that participate in competitive bidding to make various certifications reflecting a range of public interests. As part of a larger June 17, 2021, Notice of Proposed Rulemaking and Notice of Inquiry that addresses national security concerns (*see* OET briefing sheet), the Commission sought comment on requiring any competitive bidding applicant to certify that its bids will not rely on financial support from entities that have been designated as a national security threat to the integrity of communications networks or the communications supply chain. On November 11, 2022, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking. The Further Notice in part sought comment on whether actions taken in the Report and Order affected the need for a potential competitive bidding application certification. The Further Notice observed that framing a certification to address the underlying concern without imposing an undue burden on or creating uncertainty for auction participants may prove difficult. The Further Notice, including the potential competitive bidding application certification, remains pending. Only one commenter addressed the potential certification in the comments and reply comments filed in response to the Further Notice. CTIA stated, that in light of the Report and Order, any need for the potential certification “appears to have gone away.” Moreover, “to the extent one is needed, [the Commission should] design a more tailored bidding certification.” None of the reply comments addressed the potential certification.

OEA BRIEFING SHEET

SUBJECT: FCC Universal Service Fund Auctions – Various AU Dockets, as well as Mobility Fund (WC Dockets 10-90 and 16-271; WT Docket 10-208; AU Dockets 12-25 and 13-53); 5G Fund (GN Docket 20-32, closing WT Docket 10-208); Rural Digital Opportunity Fund (WC Docket No. 19-126)

BACKGROUND: In 2011, as part of its efforts to update and reform the Universal Service Fund (USF), the Commission determined that it would use competitive bidding to distribute certain USF support. These auctions build on the Commission's successful experience with using competitive bidding to award authorizations for the use of spectrum (*see* the separate discussion regarding FCC spectrum auctions (briefing sheet starting at page 2)). The Commission has completed bidding in four reverse auctions for USF support and has adopted the use of an auction mechanism to distribute USF support to be provided by the 5G Fund. WCB, WTB, and OEA coordinate, where appropriate, on the implementation of auctions to assign USF support.

Completed Auctions for USF Support:

- **Mobility Fund Phase I Auction (Auction 901)** — This auction made available up to \$300 million in one-time support to accelerate deployment of networks for mobile voice and broadband services in areas unserved by 3G and 4G networks to further USF statutory objectives under Section 254 of the Act.
 - Auction 901 concluded in September 2012 with 33 winning bidders. The winning bidders were eligible to receive a total of up to \$300 million in one-time Mobility Fund Phase I universal service support to provide 3G or better mobile voice and broadband services covering up to 83,494 road miles in 795 biddable geographic areas located in 31 states and 1 territory. Bidders defaulted on winning bids for support totaling more than \$29 million, prior to authorization. Since April 2013, WTB and WCB have authorized initial disbursements for over \$270 million in winning bids. Of the authorized support, eight winning bidders subsequently defaulted in performance with respect to bids totaling over \$75.7 million. The final disbursement process has been concluded for 97.8% of Mobility Fund Phase I winning bids. The Bureaus and Universal Service Administrative Company (USAC) are actively evaluating the remaining final payment requests, which are the subject of waiver requests regarding the recipient's inability to timely meet performance requirements.
- **Tribal Mobility Fund Phase I (Auction 902)** — This complementary Mobility Fund Phase I auction made available up to \$50 million in one-time additional universal service funding to Tribal lands to improve mobile voice and broadband availability in these remote and underserved areas and to accelerate deployment of networks for mobile voice and broadband services in areas unserved by 3G or 4G networks.
 - Auction 902 concluded on February 25, 2014, with five winning bidders. The winning bidders were eligible to receive a total of up to \$50 million in one-time Tribal Mobility Fund Phase I universal service support to provide 3G or better mobile voice and broadband services covering a population of 56,932 in 80 biddable areas. These areas include 18 biddable areas on five Reservations or

Tribal lands in Arizona, Montana, New Mexico, and Utah; and 62 biddable areas in 49 Alaska Native Village Statistical Areas and 13 bidding areas otherwise in Alaska Native Regions. Since July 2014, the Bureaus have authorized support to all five winning bidders. One winning bidder subsequently defaulted on bids totaling over \$1.9 million. Support payments totaling over \$46.8 million have been disbursed, completing the disbursement process for 100% of the winning bids.

- **Connect America Fund Phase II (Auction 903)** — Auction 903 was the first Commission auction to award ongoing high-cost USF support. The Commission made eligible for Auction 903 high-cost census blocks in states where the price cap carriers declined an earlier offer of model-based support and other unserved areas nationwide (excluding NY, AK, PR, VI) that are not served by an unsubsidized service provider. Authorized winning bidders are required to offer voice and broadband service to fixed locations at or above specific performance levels, and file annual reports on their deployment progress. Authorized winning bidders may use any technology capable of providing the required service at the performance level specified by their bid.
 - Auction 903 concluded on August 21, 2018, with 103 winning bidders. The winning bidders are eligible to receive a total of up to \$1.49 billion over 10 years to provide fixed broadband and voice services to over 700,000 locations in 45 states. The Bureaus have authorized support totaling over \$1.47 billion over 10 years to over 700,000 locations.
- **Rural Digital Opportunity Fund Phase I (Auction 904)** — Building on the success of the Connect America Fund, the Commission created the Rural Digital Opportunity Fund in January 2020 to direct up to \$20.4 billion in support in two phases of ten years each for providers to deploy up to gigabit speed broadband networks in unserved rural areas. The goal is to connect millions of American homes and businesses to networks that can stand the test of time by prioritizing higher speeds and lower latency so that these customers will be able to use tomorrow's Internet applications, as well as today's. In Phase I, Auction 904 targeted \$16 billion in support to homes and businesses in census blocks that are entirely unserved by voice and broadband with speeds of at least 25/3 Mbps.
 - Bidding in Auction 904 began on October 29, 2020, and concluded on November 25, 2020. A total of 180 bidders won support to be distributed over the next 10 years for service to be provided across 49 states and the Commonwealth of the Northern Mariana Islands. A broad range of providers successfully competed in the Phase I auction, including cable operators, electric cooperatives, incumbent telephone companies, satellite companies, and fixed wireless providers. Competitive bidding allocated \$9.2 billion of the Phase I budget to support deploying high-speed broadband to over 5.2 million unserved homes and businesses, almost 99% of the locations available in the auction. Moreover, 99.7% of these locations will be receiving broadband with speeds of at least 100/20 Mbps, with an overwhelming majority (over 85%) getting gigabit-speed broadband. The 180 winning bidders in Auction 904 divided their winning bids among 417 long-form applicants that were required to file their post-auction long-form applications by January 29, 2021. The Commission processed those applications on a rolling basis. On December 20, 2023, the Commission announced the conclusion of the long-form application review, which resulted in 379 support recipients with authorized winning bids totaling over \$6 billion in

support over a ten-year term, covering just under 3.5 million locations in 48 states and one territory. The Commission also denied several waiver petitions by bidders that did not diligently pursue their applications.

- As stewards of USF support, the Commission has also taken efforts to ensure that the program provides funding to unserved areas that need broadband. As part of the process of optimizing the program to avoid funding deployment in areas that already receive service from an unsubsidized provider, the Commission sent letters to 197 applicants offering providers the opportunity to withdraw their funding requests in areas where there was evidence of existing service or questions of waste. In response, bidders chose not to pursue support in over 5,000 census blocks.
- Additionally, in July 2022, the Commission released a Notice of Apparent Liability and Forfeiture to 73 applicants that defaulted on their winning bids for support between July 2021 and March 2022, proposing fines totaling over \$4.35 million. Similarly, on May 1, 2023, the Commission released a second Notice of Apparent Liability, assessing forfeitures of over \$8 million to 22 applicants that defaulted on their bids between May and December of 2022.
- Between February 28, 2024 and October 15, 2024, the Commission released a series of public notices announcing that certain RDOF Census Block Groups are eligible for other funding because providers have notified the Commission that they will not fulfill their RDOF service commitments in these areas.
- On March 12, 2024, WCB released a temporary waiver of the Weiss Bank safety rating associated with letters of credit (LOC) for CAF II and RDOF funding after multiple support recipients that had previously obtained an LOC from a bank that met the required minimum safety rating had their respective banks fall below that rating. On June 6, 2024, the Commission adopted a Notice of Proposed Rulemaking seeking comment on changes to the rules for LOC requirements for recipients of high-cost support that would allow support recipients greater flexibility under such circumstances.
- Phase II of the Rural Digital Opportunity Fund is intended to be implemented after the Commission concludes its Broadband Data Collection (BDC) and creates new FCC broadband maps. At that time, the \$6.8 billion of Rural Digital Opportunity Fund Phase I support that was budgeted but not awarded in Auction 904 will be repurposed and added to the Phase II budget of \$4.4 billion, targeting up to a total of \$11.2 billion in support to partially-served areas (and the unserved areas that did not receive funding or were defaulted on during Phase I).

Future Auctions for USF Support:

- **5G Fund** — On October 29, 2020, the Commission released the *5G Fund Report and Order*, which established the 5G Fund, as a replacement to Mobility Fund Phase II, to distribute up to \$9 billion, using multi-round reverse auctions, in two phases, to retarget mobile high-cost support to bring voice and 5G mobile wireless broadband service to rural areas. The Commission decided it would use new, more precise, verified mobile coverage data gathered through the BDC to determine areas eligible for support in the 5G Fund Phase I auction. The Commission also adopted public interest obligations and performance requirements for 5G Fund support recipients as well as carriers continuing to receive legacy mobile high-cost universal service support.

- On August 29, 2024, the Commission released the *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*. The *Second Report and Order* resolved the issues raised in the *5G Fund Further Notice of Proposed Rulemaking*, including: (1) defining the areas that will be eligible for 5G Fund support; (2) reassessing the budget for Phase I of the 5G Fund; (3) adjusting the metric for accepting bids and identifying winning bids in a 5G Fund auction; (4) aggregating areas eligible for 5G Fund support to minimum geographic areas for bidding; (5) measuring a 5G Fund support recipient's compliance with its public interest obligations and performance requirements based on the modified metric for accepting bids and identifying winning bids; (6) modifying the schedule for transitioning from mobile legacy high-cost support to 5G Fund support, consistent with recent legislative amendments; (7) requiring each 5G Fund Phase I auction applicant to certify, under penalty of perjury, that it has read the public notice adopting procedures for the auction, and that it has familiarized itself with those procedures and any requirements, terms, and conditions related to the support made available for bidding in the auction; (8) requiring 5G Fund support recipients to implement cybersecurity and supply chain risk management plans; and (9) incentivizing further deployment of Open Radio Access Network (Open RAN) technologies.
- The *Order on Reconsideration* resolved five petitions for reconsideration of the *5G Fund Report and Order* from seven parties covering eight issues including: (1) the definition of areas eligible for 5G Fund support; (2) non-compliance measures for failure to comply with legacy support recipient public interest obligations and performance requirements; (3) timing for phase down of legacy support; (4) special case treatment for remote Tribal lands; (5) adjustment of the adopted performance requirements for remote areas; (6) discontinuing preservation of service support for remote Tribal areas after 60 months; (7) extension of the Cable Procurement Rule to 5G Fund support recipients; and (8) timing for establishing the criteria for the adjustment factor.
- In the *Second Further Notice of Proposed Rulemaking*, the Commission sought comment on whether it should require a 5G Fund Phase I auction winning bidder to demonstrate during the long-form application process, and prior to being authorized to receive support, that it has obtained the consent of the relevant Tribal government(s) for any necessary access to deploy network facilities using its 5G Fund support on Tribal lands within the area(s) of its winning bid(s). To date, the Commission has received 12 comments and 3 reply comments.
- Pursuant to the Consolidated Appropriations Act of 2023, and as explained fully in the *Second Report and Order*, legacy mobile high cost support will remain in place until 5G Fund support under such a mechanism commences.
- The Commission received two petitions seeking reconsideration of the *Second Report and Order*, and released a Public Notice on February 26, 2025, which established the time to file Oppositions to the Petitions for Reconsiderations and Replies.

OEA BRIEFING SHEET

SUBJECT: Communications Marketplace Report; GN Docket No. 24-119

SUMMARY: Title IV of RAY BAUM’S Act of 2018 directs the Commission to publish in the last quarter of every even numbered year a report that, among other things, “assess[es] the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332 of the Communications Act of 1934, as amended (the Act)), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services.” In assessing the state of competition, the Commission must consider all forms of competition, including “the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services.” The Commission must also “assess whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or foreign governments), or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications service.”

BACKGROUND: Each biennial report must assess the state of all forms of competition in the communications marketplace; the state of deployment of communications capabilities; barriers to competitive entry, including market entry barriers for entrepreneurs and other small businesses; and must describe the actions taken by the Commission in the previous two years to address challenges and opportunities in the communications marketplace, and the Commission’s agenda for continuing to address those challenges and opportunities over the next two years. The Commission must also compile a list of geographic areas that are not served by any provider of advanced telecommunications capability.

The first *Communications Marketplace Report* was released on December 26, 2018, the second *Communications Marketplace Report* was released on December 31, 2020, and the third *Communications Marketplace Report* was released on December 30, 2022.

STATUS: The Commission released the *2024 Communications Marketplace Report* on December 31, 2024, providing an evaluation of the state of the communications marketplace primarily as of year-end 2023. See <https://www.fcc.gov/document/fcc-releases-2024-communications-marketplace-report>.

OEA BRIEFING SHEET

SUBJECT: Broadband Data Collection and Mapping; WC Docket No. 19-195; WC Docket No. 11-10

SUMMARY: On August 6, 2019, the Commission adopted a new data collection of precise, granular broadband availability data from fixed broadband providers, including a mechanism for incorporating public feedback into the data. On March 23, 2020, the Broadband Deployment Accuracy and Technology Availability Act (BDA) was enacted, which largely incorporated the policies adopted in the 2019 Order, and established requirements for the Commission to adopt rules and carry out other steps for the collection and publication of granular data on the quality and availability of broadband internet service. Since the passage of the BDA, the Commission has worked to implement the requirements of the law and to establish the iterative data collection and challenge processes envisioned by the Act through the creation of its Broadband Data Collection (BDC) program. The Commission adopted rules and created a complex data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers, and other stakeholders.

The Commission released a pre-production draft of the FCC National Broadband Map in November 2022 based on data as of June 30, 2022, and opened the fixed and mobile availability challenge processes, as well as the Fabric location challenge process. On November 14, 2024, the Commission released the fifth iteration of the National Broadband Map based on data as of June 30, 2024. Additionally, the Commission updates the maps on a bi-weekly basis to reflect the results of the availability challenge process and filer corrections and bi-annually to reflect availability for the new as-of date (June 30 or December 31) and updates to the Fabric, which incorporate the results of the location challenge process. Stakeholders have submitted millions of challenges to both provider-reported availability data and the location data on the map (the Fabric). FCC staff have conducted over a thousand inquiries to date to verify provider availability data, which have resulted in significant updates to submissions from providers and a clearer picture of broadband availability in every state and territory. The first mobile availability audits were initiated in August 2023, and several are currently ongoing.

BACKGROUND AND SIGNIFICANT MILESTONES: Since 2000, the FCC has collected data on broadband and mobile and fixed telephony through its Form 477, which collected data at the census block level. In March 2020, Congress passed the Broadband DATA Act, which reformed the Commission's data collection practices away from the Form 477 collection and required the Commission to establish: (1) a biannual collection of geographically granular broadband coverage data for use in creating broadband availability maps, (2) processes for challenges to the coverage data and for accepting crowdsourced information, (3) a comprehensive database of all broadband serviceable locations (the Fabric); and (4) maps depicting the availability of fixed and mobile broadband internet access service in the United States. Filing BDC data is mandatory for all facilities-based providers of mass-market broadband and mobile voice services, and for all providers of fixed voice and interconnected VoIP services. BDC data must be filed twice a year: by March 1 (reflecting data as of the preceding December 31), and by September 1 (reflecting data as of the preceding June 30). The Commission made the first version of the Fabric available to service providers and governmental

entities in June 2022, and opened a process on September 12, 2022, for governmental entities, internet service providers, and other entities to begin submitting challenges for multiple broadband-serviceable locations. The Commission publishes a new round of availability data on the National Broadband Map approximately 2.5 months after the close of each biannual filing period and also releases biweekly updates to the Map based on the results of resolved challenges, verification efforts, and filer corrections.

Key Rulemakings and Other Releases

- August 2019 Report and Order: (1) made targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and modified the collection to incorporate new technologies; (2) established the Broadband Data Collection (formerly known as the Digital Opportunity Data Collection); and (3) adopted a process to collect public input, commonly known as “crowdsourcing,” on the accuracy of fixed providers’ broadband maps. The August 2019 Second Further Notice sought comment on certain aspects of the new collection to improve the accuracy and usefulness of fixed broadband deployment reporting, along with improvements to standardize predictive propagation maps for mobile broadband deployment modeling and mechanisms to verify and validate mobile deployment data.
- July 2020 Second Report and Order: adopted rules for (1) collecting fixed broadband availability and quality of service data; (2) collecting mobile broadband deployment data, including the submission of standardized propagation maps, and propagation model details; (3) establishing the Fabric; (4) verifying the accuracy of broadband availability data; (5) collecting crowdsourced data; (6) enforcing the requirements of the Broadband DATA Act; (7) creating coverage maps from the data submitted; and (8) ensuring the privacy, confidentiality, and security of information submitted by broadband providers. The Third Further Notice adopted with the Second Report and Order sought comment on a range of additional measures to implement requirements of the Broadband DATA Act, including additional processes for verifying broadband availability data submitted by providers, the development of a challenge process, collecting mobile service infrastructure data, and FCC Form 477 reforms.
- January 2021 Third Report and Order: (1) specified which fixed and mobile broadband Internet access service providers are required to report broadband availability data and expanded the reporting and certification requirements for certain fixed and mobile broadband filers in order to ensure that Commission staff have the necessary tools to assess the quality and accuracy of the Commission’s broadband coverage maps; (2) adopted standards for verifying mobile data and collecting verified broadband data from State, local, and Tribal entities and certain third parties and adopted processes for submitting challenges to fixed and mobile coverage map data and data in the location Fabric, along with processes for providers to respond to such challenges; and (3) established standards for identifying locations that will be included in the Fabric and for enforcement of the requirements associated with the Broadband Data Collection.
- February 17, 2021: The Broadband Data Task Force was established to coordinate the Commission’s broadband mapping and data collection efforts across the various expert agency teams, including OEA, WTB, WCB, OIA, OET, and OMD.
- March 9, 2022: Order adopting technical requirements implementing the BDC mobile challenge, verification, and crowdsourcing processes. The Order adopted processes and methodologies for collecting mobile challenge data and determining when a mobile availability challenge is “cognizable,” as well as processes for mobile providers to

respond to challenges. The Order also adopted processes for when the FCC would initiate a verification inquiry for a service provider's reported data and requirements for governmental entities and other third parties submitting verified mobile broadband availability data.

- April 14, 2022: Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system. The Public Notice (1) explains the system and process the FCC will use to authenticate entities purporting to file on behalf of a state, local or Tribal governmental entity and (2) sets forth procedures for identifying governmental entities with primary responsibility for mapping or tracking broadband coverage within their jurisdiction.
- April 14, 2022: Public Notice announcing procedures for third-party mobile speed test applications seeking approval for use in the BDC.
- July 8, 2022: Declaratory Ruling and Limited Waiver released in response to the Competitive Carriers Association (CCA) Petition waiving the requirement that providers have their filings certified by a professional engineer for the first three filing periods, and would instead allow filings to be certified by an engineer with either (a) a bachelor's or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance, or (b) specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten years of relevant experience in broadband network engineering, design, and/or performance. The release also clarified that a corporate engineering officer as set forth in the rules means a corporate officer with at least a Bachelor of Science in engineering (BSE) degree and has direct knowledge of, and responsibility for, the carrier's network design and construction. The Waiver was subsequently extended an additional three filing windows in November 2023.
- December 9, 2022: Commission announced the sunset of the Form 477 broadband availability data collection (ISPs are still required to submit subscription data under the Form 477 rules, which will be filed in the BDC system).
- July 12, 2024: Commission adopted a Fourth Order, Declaratory Ruling, and FNPRM that clarifies and strengthens agency audit procedures to ensure that the Commission can better validate service providers' availability data; creates a process that better accounts for changes in network deployments over time while protecting the integrity of the availability data and results of challenges; and proposes modifications to data collection requirements based upon lessons learned, as well as enhancements to agency data validation processes in order to continue to improve the precision of the underlying Fabric and broadband availability data.
- September 17, 2024: OET and BDTF released a Public Notice seeking comment on a mobile speed test app designed by GA Tech to be approved for use by individuals in the BDC mobile challenge process.

National Broadband Map and BDC Collections

- November 18, 2022: released a pre-production draft National Broadband Map based on the first round of availability data submitted by providers as of June 30, 2022.
- November 18, 2022: announced the beginning of the fixed and mobile availability challenge processes, and the individual Fabric challenge process. This began an ongoing, iterative process that will improve the data submitted by providers by incorporating

challenges from individuals and other stakeholders.

- Every 6 months, the Commission collects and publishes a new round of availability data, each using an updated version of the Fabric.
 - Availability data as of June 30 is due the following September 1 and is published on the Map the following November.
 - Data as of December 31 is due the following March 1 and published on the Map the following May.
 - Updated versions of the Fabric are made available to providers and other licensees in advance of the opening of each biannual filing window in June and December.

Data Validations, Verifications, Audits, and Enforcement

- The Commission takes several steps to ensure that provider reporting is as accurate as possible.
 - Automated BDC system validations
 - Close and continued engagement with filers
 - Data verifications and agency-initiated audits. The Commission has published detailed data specifications for the data submitted with each component of the BDC, including biannual filings, bulk Fabric and availability challenges and crowdsource submissions, and responds to challenges, audits, and verifications.
- Enforcement referrals have been made where it appears a provider “willfully, and knowingly, or recklessly” submitted “materially inaccurate or incomplete” availability information and for non-filers.
 - On March 15, 2024, the FCC entered into a Consent Decree with Jefferson County Cable TV Inc. for violating the BDC rules for accurate broadband reporting in which the company agreed to pay a \$10,000 civil penalty.
 - On September 10, 2024, the FCC Enforcement Bureau adopted two Notices of Apparent Liability for National Telecom (d/b/a Metro Wireless) and BySky, Inc. for failure to submit timely BDC data.

Contracting

- Data Architect and Design: In February 2021, the Commission awarded a Data Architect and Design Services contract to Emprata, LLC to support the design and framework of the complex, interrelated systems associated with the BDC.
- Broadband Serviceable Location Fabric RFI: On March 8, 2021, the Commission released a Request for Information (RFI) on the commercial availability of the technical and data resources available to build a first-of-its-kind Broadband Serviceable Location Fabric.
- Broadband Serviceable Location Fabric RFP: On November 9, 2021, the Commission awarded the contract for Fabric development to CostQuest Associates. Following a post-award protest, GAO affirmed the FCC’s selection of CostQuest on February 24, 2022.
- BDC System Development, Maintenance, and Enhancements: In January 2024, the FCC awarded a new contract to Emprata to work on BDC and the Broadband Funding Map (BFM) system development, maintenance, and enhancements, as well as data analytics.
- FCC Speed Test App: In 2021, the FCC modified its existing contract with SamKnows to develop the additional functionality for the FCC Speed Test app to be used for the mobile challenge and crowdsource processes. In February 2023, the Commission issued

a contract solicitation re-compete for the FCC Speed Test app, and on March 3, 2023, the Commission awarded a contract to Mozark PTE. The Commission launched an updated version of the App, as developed by Mozark in August 2024.

- **Technical Assistance Help Desk Support:** In early 2022, the Commission awarded two contracts to Spatial Front, Inc., to provide technical assistance for the BDC consisting of support services to resolve basic questions on the broadband availability data collection, the challenge process and crowdsourcing efforts, and other common Help Desk tasks, as required pursuant to sections 804(d)-(e) of the BDA.
- **Wireless Propagation Modeling and Engineering Software:** To help verify the accuracy of mobile and fixed wireless providers' broadband availability maps and data submitted in the challenge and verification processes, the Commission has awarded two contracts: one to Forsk for propagation modeling software and automation services in July 2022, and a second to eSimplicity for wireless engineering analysis and support services in January 2023.
- **Drive Testing:** In August 2023, the Commission awarded a contract to Global Wireless Solutions for drive test services and began working on the first in a series of task orders to conduct targeted drive testing to audit certain mobile providers availability data.
- **The Infrastructure Investment and Jobs Act** required that the BFM be made publicly available on the FCC's website no later than May 2023. The FCC contracted with the same firm that built the systems for the BDC to build the BFM system, including the broadband deployment locations data collection and resulting map required by the IIA. In addition, FCC staff met repeatedly with staff from executive agencies to develop system requirements and ensure alignment among agencies that will report data. The BFM launched on May 15, 2023. FCC staff continue to work with federal agencies to update the BFM to include their broadband funding data.

Technical Assistance and Outreach

- The FCC's BDC webpage –<http://www.fcc.gov/BroadbandData> – serves as a central location for information about the BDC.
- The online help center (<http://help.bdc.fcc.gov>) and other new resources assist Internet service providers and other filers of verified broadband availability data prepare their submissions for the BDC filing windows. Resources include information on filing Fabric and availability challenges, including tutorial videos and technical assistance workshops to provide an overview of the fixed bulk availability challenge process and walk filers through the process of submitting challenge data; webinar and technical assistance workshops to provide an overview of the mobile bulk availability challenge process; video tutorials to assist providers of fixed broadband service with responding to challenges; and video tutorials to assist providers of mobile broadband service with responding to challenges. The online help center continues to be updated regularly with additional resources, including information for challengers, consumers, and other stakeholders.
- The Task Force has held over 700 individual and group briefing sessions and meetings, online tutorials, webinars, and filing workshops to assist state, local, and Tribal governmental entities, consumers and consumer organizations, ISPs, industry organizations, and other stakeholders interested in participating in the BDC processes. Additionally, the Task Force released guidance to the public on many aspects of the BDC for interested stakeholders both to seek input on and be able to address their

concerns and interests, and to keep them informed of the Commission's plans and progress. All of these resources have been posted in the BDC Help Center and on the Commission's BDC webpage.

- The Task Force has hosted in-person and online technical assistance workshops for Tribal Governments seeking to provide verified broadband availability data to the FCC through the BDC. Such technical assistance is required pursuant to section 804(c) of the BDA. In-person Technical Assistance meetings have included meetings with representatives of Tribal Nations and entities in ten states/nine BIA Regions: Alaska (Alaska Region), Arizona (Western Region), California (Pacific Region), Minnesota (Midwest Region), New Mexico (Southwest Region), Oklahoma (Eastern Oklahoma Region), Oregon and Washington (Northwest Region), South Dakota (Great Plains Region), and Maine (Eastern Region).

Inter-Agency Coordination

- The FCC continues to engage with federal, state, local and Tribal government entities, consumers, and service providers concerning the National Broadband Map. Ongoing engagement remains critical to ensuring the map is as accurate as possible. State, local, and Tribal governmental entities are encouraged to participate in the bulk challenge and crowdsource processes where the location or availability data on the map appears imprecise. Additionally, the FCC provides resources for governmental and other entities to raise awareness about the map and encourage consumers to contribute data directly by viewing the map and filing challenges where their on-the-ground knowledge of their communities is not reflected. Staff work closely with ISPs to ensure that they were equipped with the technical information and training to participate in the BDC's data collection and challenge processes by effectively and accurately reporting where they do, and do not, offer internet services and how to respond to challenges. The FCC is also in regular contact with our federal agency partners, including the NTIA, USDA, Treasury, and others, to ensure ongoing federal coordination among the various programs which may utilize the data on the National Broadband Map.

OEA BRIEFING SHEET

SUBJECT: Review of Transactions Involving Transfers of Authorizations and Licenses

SUMMARY: Parties seeking to transfer interstate and international authorizations and spectrum licenses (including wireless, satellite and cable) must obtain prior approval from the Commission.

BACKGROUND: In reviewing the transfer of any authorization or license, the Commission must determine whether “the public interest, convenience, and necessity” would be served by granting the transfer. In performing its public interest analysis, the Commission considers: (1) whether the transfer would comply with the Communications Act and related statutes; (2) whether the transfer would comply with the Commission’s rules; (3) whether the transfer would substantially frustrate or impair the implementation or enforcement of the Act or interfere with the objectives of the Act; (4) whether there are transaction-specific public interest harms that can be mitigated or eliminated through conditions; and (5) the public interest benefits of the transaction. The Commission may approve the application outright, or with conditions designed to mitigate transaction harms, including potential competitive harms.

RECENTLY APPROVED MAJOR TRANSACTIONS:

- The Space Bureau jointly with the Office of International Affairs approved, with conditions, Viasat’s acquisition of Inmarsat (Connect Topco) in May 2023 (IB Docket No. 22-153). Viasat and Connect Topco must abide by commitments and undertakings set forth in a Letter of Agreement concerning national security. In July 2023, the Applicants satisfied the condition associated with section 25.159(b) limiting the number of applications and approvals for unbuilt systems a company and its affiliates may hold.
- The Commission approved, with conditions, Verizon’s acquisition of TracFone in November 2021 (GN Docket No. 21-112). WTB and OEA continue to monitor compliance with Verizon’s commitments to protect Lifeline and low-income consumers, and conditions concerning migration and transition, wholesale services, and device unlocking (WT Docket No. 22-210).
- The Commission approved, with conditions, T-Mobile’s acquisition of Sprint in November 2019 (WT Docket No. 18-197). WTB and OEA continue to monitor compliance with T-Mobile’s 5G network deployment coverage requirements, in-home broadband commitments, and other conditions (WT Docket No. 22-211). Beginning January 2024, WTB and OEA will evaluate T-Mobile’s 3-year commitments, including its drive test data, network build data, and in-home broadband data.
- The Commission approved, subject to conditions, the applications of Ka’ena Corporation and T-Mobile, US Inc. for consent to the transfer of control of international section 214 authorizations held by Mint Mobile and UVNV, Inc. from Ka’ena to T-Mobile on April 25, 2024 (GN Docket No. 23-171). T-Mobile voluntarily committed to certain handset unlocking commitments for Mint Mobile and Ultra Mobile devices, which the Commission imposed as a condition to its approval.
- The Commission approved the applications of Liberty Latin America Ltd. and DISH Network Corporation for consent to assignment of spectrum licenses, assets, and customers of DISH Network Corporation to Liberty Latin America Ltd. in Puerto Rico and the U.S. Virgin Islands on August 9, 2024 (GN Docket No. 24-55). The Commission

also granted the applicants' petition for a declaratory ruling to permit foreign ownership above the 25% benchmarks in the Commission's rules. Grant of the applications and Petition are conditioned on Liberty Latin America's continued compliance with its July 1, 2020 Letter of Agreement with the Department of Justice and the Department of Defense.

CURRENTLY PENDING MAJOR TRANSACTIONS:

SES/Intelsat: On May 30, 2024, satellite connectivity providers SES and Intelsat filed applications seeking Commission consent to transfer all authorizations held by Intelsat to SES. This includes transfer of control of space station licenses, space station market access authorizations, earth station licenses, an Industrial/Business Pool private wireless license, and experimental licenses held by Intelsat or its subsidiaries. On August 29, 2024, a Public Notice was released setting the pleading cycle for this transaction. In response, the Commission received three comments and two replies. On September 18, 2024, Team Telecom requested the Commission refer the transaction to Team Telecom. On September 30, 2024, the FCC released a PN referring the transaction to Team Telecom. On January 13, SB/OIA/OEA issued Information Requests to the Applicants to which the Applicants initially responded on February 3, 2025. On March 10, 2025 Team Telecom began its 120-day review of the transaction.

T-Mobile/UScellular: On May 28, 2024, T-Mobile US, Inc. (T-Mobile) and United States Cellular Corporation (UScellular) announced an agreement for the transfer of wireless operations, customers, and certain spectrum licenses and spectrum leases held by UScellular to T-Mobile. On September 11, 2024, the Commission announced the opening of the docket, GN Docket No. 24-286. Also, on September 11, 2024, the Commission released a Protective Order. On September 13, 2024, T-Mobile and UScellular filed applications seeking Commission consent for T-Mobile's acquisition of UScellular's wireless operations, customers, and approximately 30% of UScellular's licensed spectrum. On October 30, 2024, the Commission released a Public Notice establishing the pleading cycle for this transaction. On December 9, 2024 the Commission received 6 petitions to deny. The Commission issued an information and data request to the parties on December 27, 2024, and began receiving documents on January 17, 2025. The Commission received 4 oppositions to the petitions to deny on January 8, 2025, including a joint opposition filed by T-Mobile and UScellular. On January 28, 2025, five replies were filed.

Verizon/Frontier: On September 5, 2024, Verizon and Frontier announced they had entered into a definitive agreement for Verizon to acquire Frontier in an all-cash transaction valued at \$20 billion. The applications were filed on October 11, 2024. Under the proposed transaction, Verizon will acquire 100% of Frontier and its subsidiaries. On November 8, 2024, a Public Notice was released establishing the pleading cycle for this transaction. The comment/reply comment cycle closed on December 24, 2024. The Commission received three comments and three replies.

DIRECTV/AT&T: On September 30, 2024, DIRECTV and AT&T announced that they had reached an agreement for AT&T to sell its remaining stake in DIRECTV to TPG. Because AT&T currently owns 70% of DIRECTV, consummation of the transaction will effect a change in control under the FCC's rules of the licenses held by DIRECTV from

joint AT&T/TPG control to sole TPG control. The application was filed on October 11, 2024 and placed on AFF PN on December 4, 2024.

Windstream/Uniti: On August 13, 2024, Windstream Holdings and Uniti Group filed a Section 214 application for transfer of control to a newly created and publicly traded parent entity (Windstream Parent, Inc.). Uniti primarily operates a fiber and dark fiber backhaul leasing business while Windstream provides fiber-based broadband to residential and small business customers. An AFF PN establishing the pleading cycle was released on October 2, 2024 (WC Docket No. 24-165). The comment/reply cycle closed on November 18, 2024, with no comments being filed. On October 18th, 2024, DOJ requested that the Commission defer action on the application pending Team Telecom review, which commenced on January 16, 2025, and is expected to conclude on May 16, 2025.

Office of Engineering & Technology

Briefing Sheets

March 2025

Table of Contents

SUBJECT	PAGE NUMBER
<i>Programmatic Action Areas</i>	
Experimental Licensing Program	1
OET Waivers	4
Technological Advisory Council (TAC)	6
NTIA Coordination	7
OET Engineering Expertise	8
Equipment Authorization Program	9
<i>Major Proceedings and Initiatives</i>	
Protecting Against National Security Threats Through Equipment Authorization and Competitive Bidding Programs	10
Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program	12
Use of 6 GHz Band (Unlicensed Operations)	14
FCC Responsibilities Concerning Exposure to Radio Frequency Radiation	17
Wireless Power Transfer (WPT) Equipment	20
Spectrum Allocation for Non-federal Space Launch Operations	22
Radio Altimeters	25
Use of the 5.9 GHz Band (Intelligent Transportation and Unlicensed Operations)	27
Spectrum Access System (SAS), and Environmental Sensing Capability (ESC) in the 3.5 GHz Band	29
Licensed Wireless Microphones (Low Power Auxiliary Stations)	32
Unlicensed White Space Devices	34

OET BRIEFING SHEET

SUBJECT: Experimental Licensing Program

KEY TAKEAWAY: The FCC’s experimental licensing program furthers the FCC’s statutory mandate to “provide for experimental uses of frequencies” by providing structure to supports new wireless technology development and testing while ensuring incumbent services are protected from harmful interference. Many of tomorrow’s technologies grow out of today’s experimental authorizations.

SUMMARY: The Commission’s experimental licensing program allows interested parties—including universities, research labs, health care facilities, and radio frequency equipment manufacturers—to develop new technologies and services while protecting incumbent services against harmful interference. The Commission offers a variety of licensing options to service industry testing needs:

- Special Temporary Authority (STA) licenses support short term testing or demonstrations expected to last less than six months.
- Conventional licenses support 2- to 5-year testing projects.
 - Conventional and STA applications are formally coordinated within the FCC, and with NTIA when they might affect federal interests, and are subject to conditions and restrictions to protect incumbent service licensees and authorized federal users.
- Spectrum Horizons conventional licenses support testing above 95 GHz.
- Program licenses are available to specific qualified entities for testing at defined locations under their control and allow additional flexibilities for testing needs that are typical of a University Campus or manufacturer’s test facility.
- Medical and Compliance Testing licenses serve similar specialized purposes.
- Market Trials permit developers to evaluate product performance and customer acceptability.
- Innovation Zones, are geographic areas that the Commission can define and make available for experimentation. Innovation Zones are created for a specialized purpose and delineate the particular operational and technical parameters that are permitted for each zone.

KEY ISSUES:

- The Office of Engineering and Technology received 4,051 applications in 2023, 3,657 in 2024, and, as of March 1, 2025, OET has received 575 applications.
- Many of the services and technologies deployed today were first tested under the experimental licensing program. In fact, many experimental licenses are currently supporting forward-looking work related to next-generation services and technologies, including 5G and 6G as well as supplemental coverage from space, innovative unlicensed device use, proof of concept for spectrum coexistence mechanisms (e.g., dynamic spectrum sharing), and suitability of expanding services into new spectrum bands.
- The Commission expanded experimental license offerings beyond a traditional single license per experiment model by creating new types of experimental licenses – the program license, the medical testing license, and the compliance testing license. These

licenses provide greater flexibility to conduct experiments – which can promote new technology development and expedite time to market.

- The Commission also permits flexibility through Innovation Zones. Innovation Zones are city-scale test beds for advanced wireless communications and network research, including 5G networks. The National Science Foundation (NSF) selected smart city-research organization US Ignite and Northeastern University to form the Platform for Advanced Wireless Research (PAWR) Project Office, which will manage these Innovation Zones affiliated with NSF's PAWR Project, however Innovation Zones are not limited to this project. Innovation Zones partner universities and the cities themselves will enable test bed development and deployment supported by the NSF along with a consortium of telecom and tech companies. Currently, there are four Innovation Zones:
 - New York City - Cloud Enhanced Open Software Defined Mobile Wireless Testbed for City-Scale Deployment (COSMOS). This project has a particular focus on ultra-high bandwidth and low latency wireless communication tightly coupled with edge cloud computing.
 - Salt Lake City - Platform for Open Wireless Data-driven Experimental Research (POWDER). Powder is a remotely accessible "living laboratory" to enable mobile and wireless research. Powder is deployed in a "real world" environment/configuration with radio equipment, fiber infrastructure, edge-compute and datacenter/cloud resources deployed in a "city-scale" platform.
 - Northeastern University – Provides access to the DARPA developed Colosseum which is the world's most powerful wireless systems emulator. This supports TeraNova, the largest terahertz testbed in the nation, and Arena and X-Mili, which enable programmable 5G and beyond experiments.
 - Raleigh, NC - Aerial Experimentation and Research Platform for Advanced Wireless (AERPAW). AERPAW is focused on new use cases for advanced wireless technologies for unmanned aircraft systems (UAS).
 - There is a pending request to create a new innovation zone in Iowa focused on applications for precision agriculture. The request is still being coordinated with federal agencies.
- The Spectrum Horizons rules permit a unique experimental license for operations in the 95 GHz to 3 THz range. Spectrum Horizons Licenses are more flexible than traditional conventional experimental licenses – they have longer license terms (10 years), license transferability, and permit the licensee to sell equipment during the experimental term. Keysight Technologies was granted the first Spectrum Horizon experimental license on January 10, 2022, to test and develop 6G technologies above 275 GHz.

BACKGROUND:

Experimental licensing encompasses the following:

Conventional Experimental Radio License

Issued for a specific research or experimentation project (or a series of closely related research or experimentation projects), a product development trial, or a market trial. Widely divergent and unrelated experiments must be conducted under separate licenses.

Special Temporary Authorization

When an experimental program is expected to last no more than six months its operation is considered to be temporary, and the

special temporary authorization procedure outlined in § 5.61 of the rules must be used.

**Spectrum Horizon
Licenses**

Licensed similar to conventional licenses in that they are issued for a specific project, but they are only available in the 95 GHz to 3 THz range and offer greater flexibility in how they may be used (i.e., for up to a 10-year term and marketing and commercial use is permitted).

**Program Experimental
Radio License**

Issued to qualified institutions to conduct an ongoing program of research and experimentation under a single experimental authorization subject to the requirements of subpart E of part 5. Program experimental radio licenses are available to colleges, universities, research laboratories, manufacturers of radio frequency equipment, manufacturers that integrate radio frequency equipment into their end products, and medical research institutions.

**Medical Testing
Experimental Radio
License**

Issued to hospitals and health care institutions that demonstrate expertise in testing and operation of experimental medical devices that use wireless telecommunications technology or communications functions in clinical trials for diagnosis, treatment, or patient monitoring.

**Compliance Testing
Experimental Radio
License**

Issued to laboratories recognized by the FCC under Subpart J of part 2 to perform radio frequency equipment product testing.

Innovation Zones

A defined geographic location with pre-authorized boundary conditions available to program experimental licensees. Program licensees, after providing required notification, may conduct experiments in Innovation Zones under their program licenses without additional authority from the Commission.

Market Trials

Authority can be provided under a conventional experimental license or an STA to permit licensees to evaluate product performance and customer acceptability through testing a specific product under expected use conditions to evaluate actual performance and effectiveness.

OET BRIEFING SHEET

SUBJECT: OET Waivers

KEY TAKEAWAY: Rule waivers – especially of OET’s Part 15 unlicensed rules – are an important tool for facilitating technological innovation and have a proven record of advancing the development of many commercial and consumer devices.

SUMMARY: As part of its mission to manage the spectrum and provide leadership to create new opportunities for competitive technologies and services for the American public, OET periodically issues waivers of the Commission’s rules. Most of these waivers are for unlicensed devices under Part 15 of the rules, but OET can also waive equipment authorization (Part 2) and experimental (Part 5) rules, as well as the Table of Frequency Allocation (also Part 2).

STATUS: Waivers are considered on an ongoing basis.

Part 15/unlicensed rules: These waiver requests are typically filed in ECFS as non-docketed filings in INBOX-PART 15. OET may open a docket and put the petition out for public comment. Recent unlicensed waivers have involved the rules for ultra-wideband devices, U-NII operations, as well as frequency-specific operations (such as short-range devices used for interactive motion sensing in the 57-71 GHz band). Many recent waiver requests have involved these broad categories of devices and applications:

- Medical devices
- Industrial devices (including ground-penetrating radar applications)
- Security devices (such as walk-through screening portals)
- Short-range sensing applications
- Transportation applications (including connected vehicles and safety applications for railroads)
- Ultrawideband (UWB) technology (such as wireless door locks, ranging or motion detection, security scanning, and underground imaging)
- 6 GHz band (including allowing 6 GHz automated frequency coordination (AFC) systems to permit devices to operate with additional power in certain circumstances and permitting certain devices developed to provide connectivity indoors in sports arenas to incorporate features only permitted for outdoor devices due to harmful interference concerns).

Equipment authorization: OET can waive provisions of its equipment authorization rules if there is good cause to, such as when it allowed the importation and marketing of certain medical devices to address a surge in demand associated with the COVID-19 pandemic.

Table of Frequency Allocations: OET waives the provisions of the Table (2.106) to allow for non-conforming uses. Typically, these are issued in conjunction with the appropriate licensing bureau (SB, WTB, etc.) to support a particular rulemaking or bureau-specific application.

BACKGROUND: OET considers waiver requests under Section 1.3 of the Commission's rules. The petitioner must demonstrate good cause, which may be found "where particular facts would make strict compliance inconsistent with the public interest." To make this public interest

determination, the waiver cannot undermine the purposes of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.

The vast majority of OET's waiver work involves Part 15 rules/unlicensed device use. While the Part 15 rules provide flexibility to develop and market a variety of unlicensed devices, it is impossible for these rules to anticipate the innovation that takes place in this area. Waivers allow OET to support such innovation on a case-by-case basis, which gives federal government entities that share these frequencies assurance that they will not be subject to harmful interference.

OET BRIEFING SHEET

SUBJECT: Technological Advisory Council (TAC)

KEY TAKEAWAY: The FCC’s Technological Advisory Council (TAC) provides a forum for outside experts to provide guidance to the Commission on emerging technologies affecting communication infrastructure, with the current charter focusing on 6G, AI/ML, and advanced spectrum sharing.

SUMMARY: The Technological Advisory Council (TAC) is a federal Advisory Committee that provides guidance to the Commission on important technological issues that can significantly impact the nation’s communication infrastructure and services. The TAC typically consists of C-Level executives drawn from the technical industry. Members include representatives from the wireless service industry, cable and broadcasting industry, communications equipment manufacturers, component vendors, application-based companies, as well as representatives of amateur radio and other stakeholder groups. The TAC typically operates under an annual study cycle which is initiated with a discussion between TAC members and FCC staff to develop possible study topics. Over the years, TAC recommendations have had a significant and positive impact on FCC work programs.

STATUS: The TAC was rechartered on September 5, 2023, and its two-year charter expires on September 5, 2025. The Commission will soon need to begin work to recharter the TAC for the next two-year term if it desires the TAC to continue. On August 24, 2023, the FCC solicited new TAC membership for the upcoming two-year cycle and four committee meetings were held in 2024 on March 19, June 21, August 29, and December 19. The TAC Chair recently stepped down to provide the FCC Chairman an opportunity to appoint a new TAC Chair. The Working Group items, member information, and full video transcript of the TAC meetings are available at the FCC website at <https://www.fcc.gov/general/technological-advisory-council> including a copy of all materials presented. Current TAC working groups are focused on:

- 6G
- Artificial Intelligence and Machine Learning; and
- Advanced Spectrum Sharing techniques

BACKGROUND: Past TAC recommendations have impacted the FCC’s work in several areas. For example, in the 3.5 GHz CBRS proceeding, the Commission proposed rules consistent with the TAC recommendation about small cell site deployment (lower power/lower antenna heights). Similarly, it was a TAC work group that identified the potential for early deployment of millimeter (mm) wave technologies and the importance of rapidly making available mmWave spectrum bands to enable technology development, which eventually led to the FCC’s Spectrum Frontiers proceeding. More recently, TAC recommendations and whitepapers have been cited as a basis for the FCC’s Policy Statement on “Principles for Promoting Efficient Use of Spectrum and Opportunities for New Services” and “Promoting Efficient Use of Spectrum through Improved Receiver Interference Immunity Performance.”

OET BRIEFING SHEET

SUBJECT: NTIA Coordination

KEY TAKEAWAY: Coordination between the FCC and NTIA, memorialized in a 2022 Memorandum of Understanding (MOU) and supported by many longstanding practices, is critical for the effective management of the US spectrum resource.

OTHER BUREAUS/OFFICES: WTB, SB, PSHSB

SUMMARY: The Communications Act assigns joint jurisdiction for spectrum management to the Commission and the National Telecommunications and Information Administration (NTIA) at the Department of Commerce. The FCC is responsible for non-federal spectrum use and NTIA is responsible for federal spectrum use. The FCC and NTIA have an MOU governing coordination to ensure that the spectrum is used for its highest and best purpose whether by the private sector, state and local government, or federal agencies. Coordination takes place informally at the staff level and formally through the Interdepartment Radio Advisory Committee (IRAC). OET serves as the liaison to the IRAC for the FCC.

On August 2, 2022, the FCC and NTIA announced an updated MOU on spectrum coordination. The MOU strengthens cooperation and collaboration between the agencies and helps advance a whole-of-government approach for spectrum use and management. The MOU establishes a stronger framework for managing spectrum use and planning, including, among other things, through:

- Formalized High-Level Planning. Formal meetings between the FCC Chair and the NTIA Assistant Secretary to conduct joint spectrum planning at least quarterly.
- Longer-Term Spectrum Outlook. FCC and NTIA staff meetings, at least monthly, to exchange information and share planned spectrum activities for next 12 months.
- Greater Coordination. Agencies committed to coordinating more spectrum activities than previously required, including when considering actions that would create new spectrum adjacencies. New MOU allows for at least 20 business days for interagency coordination.
- Improved Transparency and Data Sharing. Both agencies will endeavor to share information, concerns, or viewpoints as early in the spectrum planning process as possible, supported by technical data and analysis based on sound engineering principles.
- Clearer Dispute Resolution. FCC and NTIA will work together to develop and implement a process for escalating any disputes for consideration by agency leadership.

STATUS: Coordination of all FCC spectrum-related items with NTIA for proceedings and licenses/authorizations that may impact federal Government users is both extensive and continuous. On a typical annual basis, OET coordinates several dozen major FCC regulatory items and more than a hundred thousand federal/non-federal frequency assignment records.

OET BRIEFING SHEET

SUBJECT: OET Engineering Expertise

KEY TAKEAWAY: As the home of the FCC’s Chief Engineer and longtime repository of deep technical and engineering expertise, OET is a key contributor to many of the FCC’s proceedings and initiatives – far beyond those in which it serves as the direct lead.

SUMMARY: OET routinely and regularly engages in extensive coordination with the Commission’s Bureaus and Offices on rulemaking proceedings and other activities, including those that relate to new and developing radio spectrum uses and applications, involve complex technical matters such as communications systems characteristics and broadband and Internet technologies and networks, and implicate areas of special expertise, such as measurement standards and laboratory testing. Most recently, OET provided significant input on Commission level items such as Supplemental Coverage from Space, Exploring Alternatives to Space NOI, and the Exploring New Uses for the Upper C-Band NOI among others. While OET’s internal advisory and coordination work may not always be obvious to an outside audience, its role within the Commission remains vital.

BACKGROUND: OET’s interaction with the Commission as a whole is in large part due to the role it plays in helping meet many of the statutory duties set forth in the Communications Act of 1934, as amended. As one example, OET’s work and internal coordination directly furthers the requirement that the FCC “[s]tudy new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest.”

OET’s role also flows from part 0 of the Commission’s rules. OET’s functions include:

- “evaluat[ing] evolving technology for interference potential and to suggest ways to facilitate its introduction in response to Bureau initiatives, and advis[ing] the Commission and staff offices in such matters;”
- “advis[ing] the Commission concerning engineering matters ... involved in making or implementing policy or in resolving specific cases;” and
- “advis[ing] the Commission, participate in and coordinate staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single Bureau, and render[ing] service and advice with respect to rule making matters and proceedings affecting more than one Bureau.”

Organizationally, OET structures its work under three divisions:

- Laboratory Division, which, *inter alia*, is responsible for evaluating RF devices and related technologies, designing test procedures, overseeing the equipment approval program, and conducting laboratory-based technical studies.
- Policy and Rules Division, which, *inter alia*, is responsible for conducting proceedings to develop policy and rules with respect to spectrum allocation and use, equipment authorization, and unlicensed devices; and engaging in coordination with federal government stakeholders.
- Electromagnetic Compatibility Division, which, *inter alia*, is responsible for designing plans for and conducting analytical studies and convening the Technological Advisory Council.

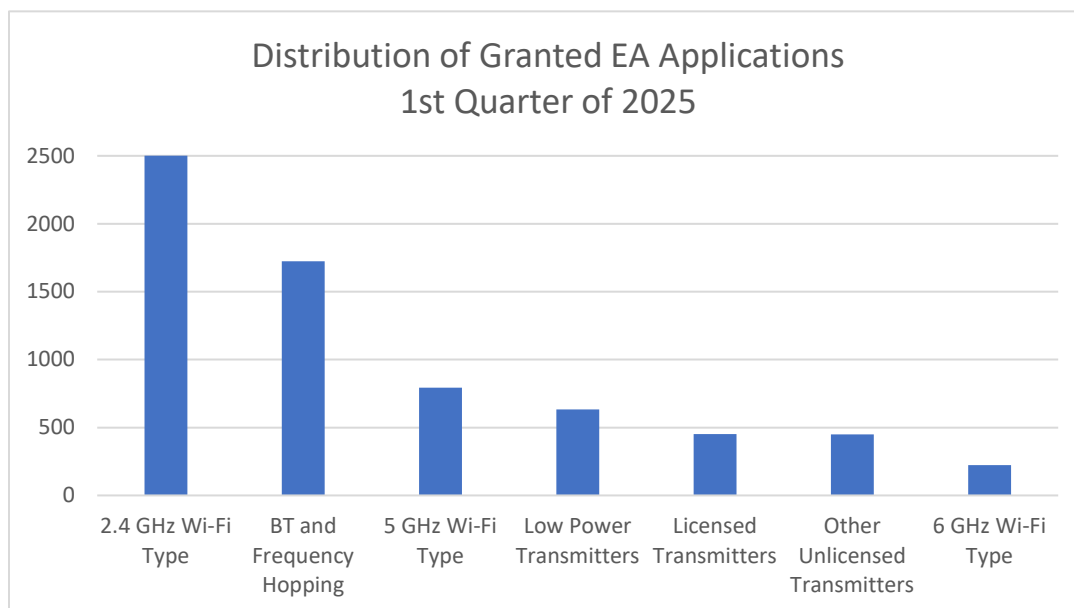
OET BRIEFING SHEET

SUBJECT: Equipment Authorization Program

KEY TAKEAWAY: The Equipment Authorization program and its associated rules furthers the FCC’s statutory responsibilities governing the sale, marketing, and oversight of the multitude of RF devices that are vital to the modern economy. As a practical matter, the Equipment Authorization program provides confidence that these devices will comply with the FCC’s rules without causing harmful interference and meet other requirements, such as the RF exposure limits. The Equipment Authorization process also supports critical FCC foreign entity supply chain integrity initiatives.

SUMMARY: The Equipment Authorization Program is one of the principal ways the Commission ensures that RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission’s rules. All RF devices must comply with the Commission’s technical requirements prior to importation and marketing. Equipment that contains an RF device must be authorized in accordance with the appropriate procedures specified in 47 CFR Part 2, subpart J. These requirements not only minimize the potential for harmful interference but also ensure that the equipment complies with the rules that address other policy objectives such as RF exposure limits and hearing aid compatibility (HAC) with wireless handsets. OET administers the equipment authorization program under the authority delegated to it by the Commission. Additionally, OET publishes Knowledge Database (KDB) guidance documents for use by the public and testing laboratories to guide and assist them with RF equipment compliance testing.

STATUS: In the first quarter of 2025 (January 1, 2025, to March 4, 2025), 7247 applications for equipment authorization associated with 4299 unique devices have been granted, an increase of 1106 applications compared to the same period in 2024. The OET Lab has also published two guidance documents in the first quarter of 2025 to assist testing laboratories with performing equipment compliance testing subject to multiple Commission’s rule parts.



OET BRIEFING SHEET

SUBJECT: Protecting Against National Security Threats Through Equipment Authorization and Competitive Bidding Programs

KEY TAKEAWAY: The FCC has implemented rules to prohibit the authorization of communications equipment deemed a national security risk and is considering further measures, including revoking prior authorizations and revising competitive bidding rules. The agency is also addressing a court remand regarding the definition of "critical infrastructure" for certain surveillance and telecommunications equipment.

OTHER BUREAUS/OFFICES: OEA, PSHSB, EB, OGC

SUMMARY: On November 11, 2022, the Commission adopted a Report and Order, Order, and Further Notice of Proposed Rulemaking prohibiting communications equipment deemed to pose an unacceptable risk to national security from being authorized for importation or sale in the United States. The Commission also adopted a Further Notice of Proposed Rulemaking seeking further comment on additional revisions that should be made to the rules and procedures prohibiting the authorization of "covered" equipment; potential revisions to the Commission's competitive bidding program; and future action related to existing authorizations.

KEY ISSUES:

- Equipment Authorization
 - The Report and Order prohibits all future authorizations of equipment and services on the Covered List by:
 - Prohibiting authorization of equipment produced by any entity identified on the Covered List as producing "covered" equipment and no longer exempting any such equipment from the need for equipment authorization;
 - Requiring all applicants for equipment certification to (1) attest that the equipment for which they seek certification is not "covered" equipment and (2) designate a U.S. agent for service;
 - Requiring entities named on the Covered List as producing "covered" equipment to provide the Commission information on their subsidiaries and affiliates; and
 - The FNPRM sought comment on:
 - The extent to which component parts should be considered in the Commission's prohibition of authorization of "covered" equipment;
 - The extent to which the Commission should revoke prior authorization for any equipment on the Covered List and how this could be done; and
 - Whether to require all applicants seeking equipment certification to have a U.S.-based responsible party to help ensure compliance with the Commission's equipment authorization program rules.
- Auctions
 - The Commission's competitive bidding process requires applicants to make various certifications in order to participate in an auction.
 - The FNPRM sought further comment on possible revisions to the competitive bidding rules to address national security concerns.

BACKGROUND: The Commission, Congress, and the Executive Branch have all recognized that some communications equipment and services can pose an unacceptable risk to American national security.

- Following passage of the Secure Networks Act of 2019, the Commission issued multiple orders seeking to protect against national security threats to the communications supply chain, including by barring communications service providers from using Universal Service funding to purchase any equipment or services on the “Covered List.”
 - The “Covered List” currently includes all telecommunications equipment produced or provided by Huawei or ZTE, as well as all video surveillance and telecommunications equipment produced by Hytera Communications Company, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company, in addition to various software products and telecommunications services provided by specified entities.
- Depending on the type of communications equipment at issue, one of three authorization processes apply:
 - The most rigorous process is Certification, which requires testing by an FCC-accredited lab, application to an FCC-recognized Telecommunication Certification Body (TCB), and FCC approval.
 - Equipment that poses a lesser risk of interference or other harm can be approved through Supplier’s Declaration of Conformity (SDoC), which requires no application or other submission to the FCC.
 - The SDoC must be made either by the equipment manufacturer or by their designated Responsible Party, who must be based in the United States.
 - Testing data demonstrating compliance must be provided to the FCC upon request.
 - Some unlicensed RF equipment is exempt and subject to neither Certification nor SDoC, but only the general conditions in the Commission’s rules.
- The Secure Equipment Act of 2021 was signed into law on November 11, 2021. The Act required the Commission to adopt rules in the proceeding initiated by the Notice of Proposed Rulemaking no later than one year after enactment.

STATUS: Summaries of the Report and Order and Further Notice of Proposed Rulemaking were published in the federal Register on February 6, 2023, and March 8, 2023, respectively. The comment period closed April 7, 2023, with 13 comments received; and the reply comment period closed May 8, 2023, with 10 replies received. OET continues to work with other bureaus and offices on implementation of the adopted rules and guidance for industry and is considering next steps beyond the rules adopted in the First R&O.

On April 2, 2024, the U.S. Court of Appeals for the District of Columbia Circuit issued a partial remand concerning one part of the Commission’s decision in the Report and Order. Specifically, the Court vacated those portions of the Commission’s decision defining “critical infrastructure” for purposes of understanding when video surveillance and telecommunication equipment produced by Hikvision, Dahua, and Hytera is used “for the purpose of ... physical security surveillance of critical infrastructure. OET is considering approaches for addressing the court’s remand and providing guidance regarding our definition of critical infrastructure.

OET BRIEFING SHEET

SUBJECT: Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program

KEY TAKEAWAY: The FCC is proposing new rules to enhance the integrity and security of its Equipment Authorization program by restricting the involvement of entities linked to national security risks, strengthening oversight of telecommunications certification bodies (TCBs) and test labs, and considering additional eligibility restrictions based on Executive Branch determinations.

OTHER BUREAUS/OFFICES: PSHSB, EB, OGC

SUMMARY: On May 23, 2024, the Commission adopted a Notice of Proposed Rulemaking proposing new rules and seeking comment on other considerations to help ensure the integrity of telecommunications certification bodies (TCBs) and measurement facilities (test labs) and advance the Commission's comprehensive strategy to build a more secure and resilient communications supply chain.

KEY ISSUES:

- Proposes to prohibit from participation in our equipment authorization program, any TCB or test lab in which an entity identified on the Commission's Covered List has direct or indirect ownership or control of 10% or more.
 - Consistent with this proposal, directs the Office of Engineering and Technology to suspend FCC recognition of any TCB or test lab directly or indirectly owned or controlled by entities identified on the Covered List.
- Seeks comment on the extent to which the Commission should impose eligibility restrictions for TCBs and test labs based on lists developed by Executive Branch agencies that reflect expert determinations about entities that pose national security risks.
- Proposes, as part of the Commission's effort to strengthen oversight of the equipment authorization program, to adopt new information collections to require that TCBs and test labs report any entity that holds a 5% or greater direct or indirect equity and/or voting interest in them.
- Seeks comment on other revisions to promote the integrity of TCBs and test labs.

BACKGROUND: The Commission has delegated certain important responsibilities to TCBs and test labs with regard to implementing our equipment authorization program.

- TCBs are responsible for reviewing and evaluating applications for equipment certification for compliance with the Commission's applicable requirements (including technical compliance testing and other requirements) and determining whether to grant or to dismiss the application based on whether it is in accord with Commission requirements.
- Test labs ensure that subject equipment complies with the Commission's applicable technical rules to minimize the risk of harmful interference, promote efficient use of spectrum, and advance other policy goals, such as ensuring hearing aid compatibility and controlling the environmental effects of RF radiation.

- The “Covered List” currently includes all telecommunications equipment produced or provided by Huawei or ZTE, as well as all video surveillance and telecommunications equipment produced by Hytera Communications Company, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company, in addition to various software products and telecommunications services provided by specified entities.

STATUS: A summary of the Notice of Proposed Rulemaking was published in the federal Register on July 5, 2024 (89 FR 55530). Comments were due September 3, 2024, and Reply Comments were due October 3, 2024. OET staff is analyzing the comments and preparing options for a Report and Order.

OET BRIEFING SHEET

SUBJECT: Use of the 6 GHz Band (Unlicensed Operations)

KEY TAKEAWAY: The FCC's world-leading decision to expand unlicensed use across the 6 GHz band unlocked significant new spectrum for Wi-Fi. The resulting faster speeds and greater network capacity has fostered innovative applications and technologies across the United States. FCC engineers continue to evaluate proposals to modify the technical rules to provide even more flexibility for unlicensed devices in this band while continuing to protect incumbent services.

SUMMARY: The Commission adopted rules permitting unlicensed devices to operate with more flexibility and with higher power under the Commission's Part 15 rules within the 5.925-7.125 GHz (6 GHz) band while protecting the incumbent operations in the band.

KEY ISSUES:

- The 6 GHz decision provides a large swath of spectrum that supports unlicensed device usage and helps meet the exploding demand for broadband access and associated home networking requirements, wi-fi, and internet of things devices.
- Determining the proper protection criteria and mechanisms is vital to ensure that incumbent services are protected from harmful interference as unlicensed devices are introduced in the band.

BACKGROUND: On April 23, 2020, the Commission adopted the Unlicensed Use of the 6 GHz Band Report and Order and Further Notice of Proposed Rulemaking (ET Docket 18-295, FCC 20-51) that authorized two types of unlicensed devices to operate in the 6 GHz band:

- Standard-power access points may transmit under the control of an automated frequency control (AFC) system in the 5.925-6.425 GHz and 6.525-6.875 GHz sub-bands.
 - These frequencies are heavily used by point-to-point microwave links. The AFC system prevents unlicensed devices from operating where they could potentially cause harmful interference to microwave receivers.
 - Satellite systems using these frequencies operate in the Earth-to-space direction. The Commission concluded that the power limits will protect FSS space stations.
- Throughout the entire 6 GHz band unlicensed access points may operate indoors at a lower power without being under the control of an AFC system.
 - Low-power indoor (LPI) access points will not cause harmful interference to licensed incumbents due to the combination of building attenuation and reduced power.

In addition, client devices may operate across the 6 GHz band under the control of either a standard-power or LPI access point. Client devices must operate at lower power than the associated access point.

In response to a public notice issued on September 28, 2021, the Commission received 14 applications to operate Automated Frequency Coordination (AFC) systems. On November 2, 2022, OET conditionally approved 13 applicants to operate AFC systems. On August 24, 2023, OET issued a public notice describing the AFC testing process. Eight AFC systems have completed required testing including lab testing using a test plan and test vectors developed by the Wi-Fi Alliance and a 45-day public trial which provided the public an opportunity to test the

AFC system functionality. OET issued a public notice on February 23, 2024, approving AFC systems operated by Qualcomm Incorporated; Federated Wireless, Inc.; Sony Group Corporation; Comsearch, a CommScope Company; the Wi-Fi Alliance Services Corporation; the Wireless Broadband Alliance, Inc.; and Broadcom Inc. for commercial operation. On January 15, 2025, OET issued a public notice approving C3Spectra to operate an AFC system.

Several parties filed court challenges to the Report and Order (On Oct. 1, 2020, the D.C. Circuit court denied an emergency motion to stay the FCC's decision). All challenges were consolidated into a single proceeding at the D.C. Circuit with oral arguments held on September 17, 2021. On December 28, 2021, the D.C. Circuit issued an opinion upholding the 6 GHz unlicensed rules. However, the D.C. Circuit did require the Commission, on remand, to respond to concerns NAB raised regarding interference from unlicensed devices in the 2.4 GHz band. On March 10, 2022, the Office of Engineering and Technology (OET) issued a public notice requesting comments in connection with the remand. OET received 9 comments and 5 reply comments. The Memorandum Opinion and Order on Remand adopted on October 19, 2023, concluded that no change to the 6 GHz unlicensed rules was warranted by NAB's concerns.

The Further Notice of Proposed Rulemaking proposed to expand unlicensed operations in the 6 GHz band by permitting:

- LPI access points to operate at 3 dB higher power.
- standard-power access points under AFC control to be used in mobile applications.
- standard-power access points under AFC control to operate at higher power levels when used for fixed point-to-point applications.

On October 19, 2023, the Commission adopted the Unlicensed Use of the 6 GHz Band Second Report and Order, Second Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand (ET Docket 18-295, FCC 23-86). The Second Report and Order authorized Very Low Power (VLP) unlicensed devices to operate in the 5.925-6.425 GHz and 6.525-6.875 GHz portions of the 6 GHz band. On December 11, 2024, the Commission adopted the Unlicensed Use of the 6 GHz Band Third Report and Order (ET Docket 18-295, FCC 24-125) which authorized VLP use in the remainder of the 6 GHz band. VLP devices:

- may transmit indoors or outdoors at powers up to 14 dBm EIRP and -5 dBm/MHz.
- do not have to operate under the control of an AFC system.
- are required to employ a contention-based protocol and transmit power control. They also may not be used as part of fixed infrastructure.

In the Second Further Notice of Proposed Rulemaking the Commission proposed to further expand unlicensed use of the 6 GHz band by increasing the power level at which VLP devices may transmit. This may involve requiring higher power VLP devices to employ a geofencing system based on power level to avoid causing harmful interference.

On February 17, 2023, the Wi-Fi Alliance filed a petition seeking a waiver to allow AFC systems to account for building entry loss (BEL) when determining permitted frequencies and power levels for composite low-power indoor/standard-power unlicensed access points. Similar waiver petitions were also filed by Broadcom, Sony, and jointly by Qualcomm/Federated Wireless. On December 5, 2024, OET issued an order granting waivers to permit AFC systems operated by Wi-Fi Alliance, Broadcom, Sony, Qualcomm, and Federated Wireless to assume up to 6 dB of BEL for composite low-power indoor/standard-power unlicensed access points.

On June 21, 2023, Extreme Networks filed a waiver request seeking an exception to the Commission's prohibition of weatherized enclosures for low-power indoor access points. Extreme seeks to deploy low-power access points in indoor arenas and argues the waiver is necessary so the devices can be weatherized to protect them from abuse and damage from liquids such as from beverage spills and power-washing. OET issued an order granting Extreme Networks' requested waiver on December 5, 2024.

STATUS: The Second Further Notice was published in the federal Register on February 26, 2024. Comments were due on March 27, 2024, and reply comments were due on April 26, 2024. The Commission received 28 comments and 20 reply comments.

The Commission received four petitions for reconsideration of the rules adopted in the Report and Order, although one petition has been withdrawn. The pleading cycle for the petitions for reconsideration ended August 10, 2020, and generated 14 filings.

On January 11, 2021, OET issued a public notice seeking information on permitting 6 GHz unlicensed client devices to directly communicate with each other when they receive an enabling signal from a low-power access point. The 6 GHz unlicensed rules currently permit client devices to communicate only with LPI access points or standard power access points. In response to the public notice, the Commission received 14 comments and 12 reply comments. The Second Further Notice sought comment on permitting client devices to LPI access points to directly communicate with each other.

On December 7, 2021, a group of associations representing fixed microwave licensees filed a petition for rulemaking requesting that the Commission revise its rules pertaining to 6 GHz unlicensed LPI devices. The petition claims that testing has shown a significant potential for harmful interference to occur to 6 GHz band microwave links and request that the LPI devices be controlled by an AFC system or utilize other techniques to prevent interference. The petitioners also filed a request for stay asking that the Commission stay any equipment certification of 6 GHz band unlicensed LPI devices.

On December 5, 2024, OET issued a public notice conditionally approving Axon Networks to operate an AFC system which enables the AFC system to undergo the testing process.

Comsearch and C3Spectra filed petitions seeking similar waivers to the waivers the Commission granted allowing AFCs to account for BEL in some circumstances. On December 6, 2025, the Fixed Wireless Communications Coalition filed an application for review of the December 5, 2024, waiver order and a request for stay of the waiver order.

Finally, OET has provided briefings and consultations through bilateral meetings, multilateral meetings, and conference presentations around the world to tout the benefits derived by expanding spectrum available for Wi-Fi to persuade other countries to take similar action and harmonize this band with the U.S.

RELATED ACTIONS: On August 3, 2017, the Commission adopted a Notice of Inquiry (NOI) in GN Docket 17-183 (FCC 17-104, 32 FCC Rcd 6373 (2017)) that sought information on opportunities for expanded flexible broadband use of spectrum between 3.7 and 24 GHz. Both the October 2018 Unlicensed Use of the 6 GHz Band NPRM (20-51) and the February 2020 Expanding Flexible Use of the 3.7-4.2 GHz R&O (FCC 20-22) follow from this NOI.

SUBJECT: FCC Responsibilities Concerning Exposure to non-ionizing Radio Frequency Radiation (RF Exposure)

KEY TAKEAWAY: The FCC’s RF exposure rules set limits to ensure public safety of radio devices under the FCC’s oversight, with a dedicated engineering staff that actively follows developments in the field and provides internal and external outreach. Ongoing legal-, scientific- and policy-related actions, including open matters relating to the FCC’s last comprehensive rulemaking activity dating to 2019, may lead to further Commission activity in this area.

SUMMARY: The FCC’s present rules for evaluating and limiting human exposure to radio frequency (RF) emissions from FCC-regulated transmitters fulfill statutory requirements (primarily provisions of the National Environmental Policy Act (NEPA) and Section 704(b) of the Telecommunications Act of 1996), were established in 1996 based upon recommendations from federal health and safety agencies, and were most recently comprehensively addressed in a 2019 unanimous Commission decision. The rules set forth the requirements for licensees and manufacturers to comply with the exposure guidelines, with related guidance material detailing more specific procedures for demonstrating compliance. The RF limits for hand-held cellular telephones and other consumer devices are slightly more stringent than those in most other countries and among the most stringent in the world. The limits for more distant sources such as wireless base stations, broadcast transmitters, etc. are slightly more relaxed than many other countries. FCC limits remain generally similar to modern international science-based standards. Public interest in the safety of RF exposure remains high, especially among a small-but-passionate subcommunity, and OET staff actively monitors RF-related research and developing technologies, directs inquiries to the appropriate source material, and helps identify situations that may need further investigation or corrective action.

KEY ISSUES:

- **Pending Court Remand:** On August 13, 2021, the D.C. Circuit remanded the FCC’s 2019 decision (FCC 19-126) to terminate its 2013 Notice of Inquiry (ET Docket No. 13-84) in the consolidated case Environmental Health Trust et al. v. FCC (case no. 20-1025). Citing failure “to provide a reasoned explanation for its determination that its guidelines adequately protect against the harmful effects of exposure to radiofrequency radiation unrelated to cancer,” the majority directed the FCC to:
 - i. “provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines,
 - ii. address the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation, the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines, and
 - iii. address the impacts of RF radiation on the environment.”

The majority took “no position in the scientific debate regarding the health and environmental effects of RF radiation—[they] merely conclude[d] that the Commission’s cursory analysis of material record evidence was insufficient as a matter of law.” As of the date of this briefing sheet, the FCC continues to consider the appropriate next action.

- MAHA Executive Order: On Feb. 13, 2025, the White House issued an Executive Order titled “Establishing the President’s Make America Healthy Again Commission,” which expressed a need for “fresh thinking on ... the effects of *new technological habits* [and] *environmental impacts*, [emphasis added],” established a Make America Healthy Again Commission, and directed it to “study the scope of the childhood chronic disease crisis and any potential contributing causes, including ... *electromagnetic radiation*, and *corporate influence or cronyism* [emphasis added].” The Make America Healthy Again Commission is required to submit an initial assessment to the President within 100 days of the date of the order and submit a strategy within 180 days. While the actions of the Make America Healthy Again Commission might affect the FCC’s RF emissions work, it is too early to speculate further.
- Ongoing Scientific Research: In February 2020, the Food and Drug Administration (FDA) released a review of scientific literature spanning ten years, concluding that “[t]he available scientific evidence to date does not support adverse health effects in humans due to exposures at or under the current limits...” and “[n]o changes to the current standards are warranted at this time.” However, individual studies can generate widespread public attention. For example, the National Toxicology Program’s final reports on rats and mice exposed to RF emissions like those used in 2G and 3G cell phone technologies, released in 2018, presented findings from observations made while exposing rodents to extremely high levels of radiofrequency energy (considerably above the current FCC limits) throughout various tissues and organs in the entire body over their lifetime – with inconsistent results depending on tissue type. Additionally, the World Health Organization is in the process of revising its Environmental Health Criteria on RF.
- Scope of Exposure Limits: FCC exposure limits currently extend from 100 kHz to 100 GHz, including specific absorption rate (SAR) limits applicable between 100 kHz and 6 GHz and maximum permissible exposure (MPE) limits applicable between 300 kHz and 100 GHz. The SAR limits applicable for most small devices currently stop at 6 GHz, requiring engineering staff to translate and apply the MPE limits to facilitate approval of such devices operating above 6 GHz. Moreover, RF exposure measurement techniques for such devices as well as for those incorporating smarter capabilities continue to advance, necessitating updates to the guidance for demonstrating compliance. Also, limits will need to be developed for frequencies below 100 kHz and above 100 GHz as practical use models for these frequencies are developed.
- New Technologies: Advancements in RF technologies can present new challenges. (b) (5)

PROCEDURAL BACKGROUND: On November 27, 2019, the Commission unanimously adopted an item (FCC 19-126) that continues to ensure the health and safety of workers and consumers of wireless technology, and which, prior to the 2021 court remand, concluded the issues raised in the 2013 rulemaking. It:

- Resolved a Notice of Inquiry in ET Docket No. 13-84 that sought public input on, among other issues, whether the Commission should amend its existing RF emission exposure limits. Upon review of the record, the Commission found no appropriate basis for and thus declined to initiate a rulemaking to reevaluate the existing RF exposure limits. This decision was supported by the FCC's expert sister agencies and recognized a lack of data in the record to support modifying the existing exposure limits. (This is what is subject to the D.C. Circuit Court remand)
- Issued a Report and Order in ET Docket No. 03-137 adopting the 2013 proposals to update the rules to establish a generally-applicable set of exemption formulas for all transmitters, revise outdated rules regarding RF evaluation procedures to better accommodate rapidly evolving technology, and establish clear responsibilities for mitigation measures including signage and access control to ensure compliance with exposure limits. (These rules became effective on May 3, 2021)
- Issued a Notice of Proposed Rulemaking in ET Docket No. 19-226 proposing new limits to allow for flexibility to better accommodate rapidly evolving technology while maintaining the same underlying fundamental basis for protection as our existing limits. (Commission staff is still evaluating this record – no further action has been taken to date)
- Issued a Memorandum Opinion and Order in ET Docket No. 03-137 denying a then-pending petition for reconsideration affirming the Commission's prior findings.

Previously, in 2013, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking in ET Docket No. 03-137. This addressed many issues related to measurements and exemptions raised in a 2003 Notice of Proposed Rulemaking. Taking into account the evolution of available information and usage patterns, it also sought further comment on certain modified proposals and issues – this was the basis for the 2019 Report and Order. Also, a Notice of Inquiry in ET Docket No. 13-84 sought comment and information on whether new research, deployment, and usage patterns require a reexamination of our basic RF exposure limits, resulting in more than a thousand filings totaling more than 20,000 pages.

Note that because of the speed with which wireless technology advances, the Commission generally does not include test procedures in the rules. OET's Laboratory Division, in conjunction with the RF exposure staff, evaluates and provides additional oversight and guidance on testing procedures as needed. OET also publishes technical bulletins on a variety of matters, including radio frequency radiation.

OET BRIEFING SHEET

SUBJECT: Wireless Power Transfer (WPT) Equipment

KEY TAKEAWAY: Wireless Power Transfer (WPT) equipment already supports popular applications like cell phone charging mats, but a new generation of higher power and at-a-distance applications is creating new regulatory challenges that may require rule modifications and more standardized authorization procedures.

SUMMARY: WPT equipment allows for the transmission of electrical energy without the use of wires or other physical connections. In light of new and growing WPT use, a closer look at the FCC's existing rules and authorization procedures would be beneficial.

- Most of the existing WPT products have been designed to operate via magnetic induction or resonance techniques, where the device is placed on a charger with little or no distance separation between the power source (transmitting unit) and the battery or appliance (receiving unit) – such as in a typical cell phone charging pad. Most of the classic WPT applications charge only one device at a time and at low power.
- To date, wireless power transfer devices have been authorized under both the Part 15 and Part 18 rules, depending on whether any communication function is involved between the transmitting and receiving units, and generally under existing rule limits and approval procedures.

WPT use for powering of devices and charging of multiple devices at once is increasing, and charging (or powering) of devices while in motion has generated widespread interest. As the scope of WPT is expanding, the use of increasingly higher power and at greater distances presents unique electromagnetic compatibility and radiofrequency exposure scenarios that raise significant new testing considerations. These can be addressed by making targeted rule modifications and updates, drawing on an existing open rulemaking proceeding.

KEY ISSUES:

- **Power and Distance:** While WPT is typically designed for relatively close coupling between the transmitting and the receiving units, it can operate at very high power (e.g., higher than 3 kW and up to several tens of kW), and at a variety of frequencies, including both microwave frequencies and frequencies below 100 kHz. The dynamic beam forming characteristics associated with the applications for distance charging and mobile charging/powering are creating complex measurement challenges.
- **Case-by-Case Analysis:** At-a-distance and radiative WPT authorized to date have required a comprehensive and time-consuming case-by-case review of each application. Identifying a process – and potentially rule modifications – to normalize the procedure could remove barriers to commerce and help redirect limited Commission resources.
- **Procedural Ambiguity:** Differing procedures can be used for authorizing equipment, and equipment may be authorized under part 15 or part 18 of the rules. This ambiguity has the potential to confuse applicants and delay product development.

STATUS: On November 27, 2019, as part of a larger review of the radiofrequency radiation rules, the Commission opened a Notice of Proposed Rulemaking seeking comment on wireless power transfer (WPT) issues. The NPRM, which has not yet been acted on:

- Sought comment on whether the term “locally” in the context of allowed energy use under Part 18 should be defined in terms of distance between the transmitting and receiving units;
- Sought comment on a suitable definition and operating parameters for wireless power transfer devices “at-a-distance,” (50 cm or greater), with future developments intended at distances suitable for room-size operation, and while the RU is in motion.
- Sought comment on whether to establish frequency bands and power limits specifically for wireless power transfer at-a-distance devices either under Part 15 or Part 18 of our rules, including operation in designated ISM bands (instead of allowing unlimited power in these bands, as Part 18 currently permits), with special consideration for potential harmful interference to consumer devices and medical equipment. It also proposed to define wireless power transfer devices under Part 18 of our rules as a specific category of ISM equipment;
- Proposed to require wireless power transfer equipment for both consumer and non-consumer applications to be subject to our Certification rules (rather than SDoC, which is a self-certification process).

Subsequently, on October 24, 2023, the Office of Engineering and Technology Laboratory Division published guidance (KDB 680106 D01 v04, replacing KDB 680106 D01 v03) to clarify compliance limits and equipment authorization procedures for WPT devices, including guidance both for WPT up to 1-meter distance and beyond 1-meter distances. This has served as an interim step until a more comprehensive approach for WPT can be considered by the Commission.

OET BRIEFING SHEET

SUBJECT: Allocation of Spectrum for Non-federal Space Launch Operations (ET Docket No. 13-115)

KEY TAKEAWAY: The FCC allocated spectrum for non-federal space launch operations in the 2025-2110 MHz, 2200-2290 MHz, and 2360-2395 MHz bands and established licensing, coordination, and technical rules to support the growing commercial space launch industry. This action, driven by the Launch Communications Act, aims to streamline access to spectrum for commercial launches while ensuring coordination with federal agencies.

SUMMARY: On September 21, 2023, the Commission adopted a Second Report and Order and Second Further Notice of Proposed Rulemaking (ET Docket No. 13-115, FCC 23-76). The *Second Report and Order* adopted a secondary allocation in 2025-2110 MHz for non-federal space launch operations, made the entire 2200-2290 MHz band available for the same, and adopted licensing and technical rules for both bands in a newly created part 26 Space Launch Service. As required by the Launch Communications Act, the Commission adopted a Third Report and Order (ET Docket No. 13-115, FCC 24-132) on December 23, 2024, which reallocated the 2360-2395 MHz band on a secondary basis for non-federal space launch operations and confirmed that the Commission's part 26 licensing, registration, frequency coordination, and frequency coordinator selection procedures apply to the 2025-2110 MHz, 2200-2290 MHz, and 2360-2395 MHz bands.

BACKGROUND: Commercial space launch operators have traditionally used spectrum that is allocated for exclusive federal use and thus must use the spectrum pursuant to an experimental license on a non-interference basis. Seeking to improve this situation, the Commission began a proceeding in 2013 with a Notice of Proposed Rulemaking and Notice of Inquiry (NPRM and NOI, ET Docket No. 13-115, adopted May 9, 2013). The NPRM identified a requirement for commercial space launch operators to directly acquire licenses needed for use during launches using a well-defined application and coordination process. It proposed to make co-primary non-federal allocations in three frequency bands used for communications services required for controlling, monitoring, and tracking launch vehicles: 420-430 MHz (used for sending self-destruct commands during launches), 2200-2290 MHz (used for telemetry signals from the launch vehicle to ground stations), and 5650-5925 MHz (used for radar tracking of the launch vehicle).

In exchange for providing access to federally allocated spectrum for space launches, federal agencies requested interference protection for their commercial satellite usage. As most bands used by commercial satellite systems have only non-federal allocations, earth stations operated by federal agencies to access these commercial systems operate on a non-interference basis. To provide earth stations operated by federal agencies with interference protection, the NPRM proposed to either add a federal Fixed Satellite Service (FSS) or Mobile Satellite Service (MSS) allocation to these bands or adopt an Allocation Table footnote providing the federal earth stations with interference protection.

The Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* at its April 22, 2021, open meeting. The *Report and Order* adopted a secondary non-federal Space Operation allocation for the 2200-2290 MHz band. Use of this allocation is limited to pre-launch

testing and space launch operations in four five-megahertz sub-bands and requires coordination with NTIA prior to each launch.

The Commission adopted a Second Report and Order and Second Further Notice of Proposed Rulemaking at its September 21, 2023, open meeting. The *Second Report and Order*:

- Adopted a secondary non-federal Space Operation allocation for the 2025-2110 MHz band. Use of the allocation is restricted to telecommand use for pre-launch testing and space launch operations and coordination with NTIA and non-federal fixed and mobile stations is required.
- Removed the restriction on use of the secondary non-federal Space Operation allocation in the 2200-2290 MHz band to four sub-bands thereby making the entire 90 megahertz band available for use for space launches.
- Adopted a secondary non-federal Mobile allocation for the 2200-2290 MHz band with use restricted to pre-launch testing and space launch operations and coordination with NTIA required for each launch.
- Adopted licensing and technical rules for both the 2025-2110 MHz and 2200-2290 MHz bands to be located in a newly created part 26 Space Launch Service.
- Required pre-launch coordination with NTIA in both the 2025-2110 and 2200-2290 MHz bands and pre-launch coordination with the Society of Broadcast Engineers in the 2025-2110 MHz band.
- Delegated authority to the Wireless Telecommunications Bureau to issue a public notice seeking comment on refining the licensing and coordination procedures in the Space Launch Service, to issue a second public notice seeking comment on the circumstances attending the designation of the Space Launch Frequency Coordinator, to ultimately specify licensing and coordination procedures for the Service, and to certify a Space Launch Frequency Coordinator.

The Second Further Notice of Proposed Rulemaking (FNPRM):

- Proposed to adopt three Table of Allocation footnotes suggested by NASA to address spectrum used by spacecraft.
- Sought comment on the spectrum allocation and licensing needs of suborbital spaceflight.
- Sought comment on expanding the use of the 2360-2395 MHz band for space launch operations.

On April 26, 2024, the Office of Engineering and Technology issued a public notice inviting interested parties to supplement the record on possible mechanisms to expand federal agency use of the bands used by commercial satellite networks that are not currently allocated for federal FSS and MSS (ET Docket No. 24-121). The Commission received 8 filings in response to the public notice.

The Launch Communications Act (LCA), enacted on September 26, 2024, requires that the Commission allocate the 2025-2110 MHz, 2200-2290 MHz, and 2360-2395 MHz bands on a secondary basis for commercial space launches and reentries and that the Commission complete any proceeding in effect as of the date of the LCA's enactment related to the adoption of service rules for access to these three bands for commercial space launches and reentries within 90 days of the LCA's enactment. The LCA then requires the Commission to issue new regulations to streamline the process of granting access to the LCA bands for commercial space launch operations within 180 days of the LCA's enactment. These regulations must involve improved

NTIA coordination, including coordination to increase automation similar to the automation described in the Commission's service rules for the 70/80/90 GHz service.

On December 23, 2024, the Commission adopted a Third Report and Order (ET Docket No. 13-115, FCC 24-132) which determined that the Commission's previous actions had satisfied the LCA's requirements to allocate and adopt service rules for the 2025-2110 MHz and 2200-2290 MHz bands. The *Third Report and Order* adopted a secondary allocation for the 2360-2395 MHz band for commercial space launches and reentries and applied the Commission's previously adopted service and licensing rules to this band. The *Third Report and Order* also delegated authority to the Wireless Telecommunications Bureau to specify application, licensing, and frequency coordination procedures for space launch registrations in all three of the LCA bands.

STATUS: On December 6, 2024, Wireless Telecommunications Bureau issued two Public Notices on delegated authority that: (1) proposed licensing and frequency coordination procedures and corresponding data requirements for the Space Launch Service; and (2) sought comment on a mechanism and minimum qualifying criteria for selecting the space launch frequency coordinator. Comments on both Public Notices were due on January 22, 2025. On December 23, 2024, the Commission adopted a *Third Report and Order* to meet the 90-day LCA statutorily mandated deadline and is working to meet the 180-day LCA statutorily mandated deadline (Dec. 25, 2024, and Mar. 25, 2025, respectively). A summary of the *Third Report and Order* was published in the federal Register on March 7, 2025, and Petitions for Reconsideration are due April 7, 2025.

OET/WTB BRIEFING SHEET

SUBJECT: Radio Altimeters

KEY TAKEAWAY: The FCC is engaged in longstanding efforts to provide for robust 5G deployments while ensuring effective radio altimeter operations on nearby frequencies,. In addition to its ongoing efforts to actively assess co-existence issues related to existing deployments, the FCC has begun exploring the possibility of repurposing the 3.98–4.2 GHz band for more intensive use.

BACKGROUND: The FCC authorized the 3700-3800 MHz band for Phase 1 5G deployments in March 2020. This spectrum is not allocated for radio altimeter uses, by aviation entities, the FAA, or any other federal agency. The Aeronautical Radionavigation Service allocation from 4200-4400 MHz where radar altimeters are to operate is separated by 400 megahertz from the 3700-3800 MHz band where Phase 1 5G deployments are ongoing. On December 7, 2021, the FAA issued two airworthiness directives in which it determined that radio altimeters cannot be relied upon to perform their intended function if they experience interference from wireless broadband operations in the 3.7-3.98 GHz frequency band.

OTHER BUREAUS/OFFICES: OET and WTB are coordinating on this issue. Docket 18-122 and OIA is monitoring developments related to the 3 GHz band around the world.

SUMMARY: The 4.2-4.4 GHz band is allocated to Aeronautical Radionavigation and aeronautical mobile (route) services, and it is used by radio altimeters and Wireless Avionics Intra-Communications systems used on aircraft and helicopters.

After the adoption of the *3.7 GHz Report and Order*, stakeholders reported that various industry members formed a multi-stakeholder group, which was divided into four technical working groups, one of which—technical working group #3 (TWG-3)—was tasked with studying co-existence between mobile wireless systems and radio altimeters. Stakeholders also reported that TWG-3 was able to facilitate an information exchange between the wireless and altimeter industries, but did not reach consensus because of disagreements on co-existence between the two industries.

STATUS: On March 31, 2023, C-band licensees documented the voluntary commitments they have made with aviation interests, in coordination with FAA, for licensee (a) operations above 3.8 GHz, (b) fundamental EIRP limits in rural Partial Economic Areas, (c) EIRP elevation limits, (d) base station coordination near 188 C-band mitigation airports, (e) notice of C-band operations for other airports, (f) spurious emission limits from 3.7 – 3.98 GHz operations into 4.2 – 4.4 GHz, and (g) a commitment sunset date of Jan. 1, 2028.

CTIA published a report in April 2024, and submitted it to RTCA, titled, *Radio Altimeter Test Report and Coexistence Study*:

<https://www.ctia.org/news/radio-altimeter-test-report-and-coexistence-study>. It initiated laboratory testing of several RA models to assess the potential improvement achieved with custom bandpass filters designed to reject energy adjacent to the Radiolocation spectrum allocation. CTIA states that its test results show that RAs equipped with custom bandpass filters achieve excellent tolerance of strong signals in spectrum adjacent to the spectrum allocation

where RAs are to operate – no breakpoint was observed, up to the maximum power level in the test setup of +25 dBm. These filters hold promise to provide complete protection of RA performance under all operating conditions, while enabling full power 5G services in spectrum adjacent to the RA band.

On February 27, 2025, the Commission adopted a Notice of Inquiry (GN Docket 25-59) seeking comment on making some or all of the 3.98 – 4.2 GHz (Upper C-band) band available for more intensive use. The NOI broadly seeks to engage with a variety of stakeholders with interests in and adjacent to the Upper C-band and seeks to better understand how introducing new services in the Upper C-band may impact radio altimeters in the adjacent 4.2 – 4.4 GHz band.

OET BRIEFING SHEET

SUBJECT: Use of the 5.9 GHz Band (Intelligent Transportation and Unlicensed Operations)

KEY TAKEAWAY: FCC ongoing actions to revisit the 5.9 GHz band, which had long been reserved for an intelligent transportation system technology (DSRC) that never gained widespread traction, have paved the way for enhanced automotive safety under a more modern and efficient technology (C-V2X) and enabled broader spectrum use for Wi-Fi and other unlicensed devices and applications.

SUMMARY: The FCC repurposed the lower 45 megahertz of the 5.9 GHz band for unlicensed operations (e.g., Wi-Fi) to maximize spectrum efficiency by expanding unlicensed mid-band spectrum, while transitioning Intelligent Transportation Systems (ITS) in the remaining upper 30 megahertz of the band from Dedicated Short-Range Communications (DSRC) technology to the newer Cellular Vehicle-to-Everything (C-V2X) technology. This decision improves spectrum utilization, extends unlicensed mid-band operations, and supports the development of advanced vehicle safety applications.

- Band plan definitions:
 - The “5.9 GHz band” is the 75 megahertz from 5.850-5.925 GHz.
 - The “lower 45 megahertz” is 5.850-5.895 GHz.
 - The “upper 30 megahertz” is 5.895-5.925 GHz.

OTHER BUREAUS/OFFICES: WTB, PSHSB, OEA, OGC

KEY ISSUES:

- DSRC ITS technology had barely been deployed in the 25 years since its adoption, meaning the 75 megahertz of spectrum in the 5.9 GHz band had been largely underutilized. The decisions in this docket bring the 5.9 GHz band into more efficient and effective use.
- Unlicensed devices using such technologies as Wi-Fi have become indispensable for providing low-cost wireless connectivity in countless products used by American consumers.
- The *First Report and Order (R&O)* repurposed the lower 45 megahertz to expand unlicensed mid-band spectrum operations while maintaining spectrum for ITS operations.
 - The lower 45 megahertz can be combined with existing unlicensed spectrum in adjacent frequencies to provide cutting-edge, high-throughput broadband applications on channels up to 160 megahertz wide.
 - Unlicensed indoor operations at low power levels were permitted to begin immediately after the effective date of the final rules (July 5, 2021).
 - The Commission will consider requests through existing regulatory processes to permit limited unlicensed outdoor operations at specified locations, where such operations would not cause harmful interference to any incumbent operations.
- The upper 30 megahertz is retained for use by the ITS, as the 5.9 GHz band still can play an important role in supporting ITS applications.
 - ITS operations were ordered to vacate the lower 45 megahertz within one year of the effective date of the final rules (i.e., by July 5, 2022).
- The *Second Report and Order (2d R&O)* established the timeline of the transition from DSRC ITS technology to C-V2X ITS technology in the upper 30 megahertz.

- Transitioning from DSRC to C-V2X will give ITS licensees the opportunity to more effectively use its remaining spectrum, in part because C-V2X technology leverages cellular networks with components for automotive safety applications.
- No ITS license has been issued for DSRC systems after the effective date of the final rules (i.e., February 11, 2025).
- Existing licenses for DSRC systems may be renewed as necessary, but only for a period not to exceed December 14, 2026.
- Between the effective dates of the *First R&O* and *Second R&O*, the Commission issued five decisions granting waivers to a total of 54 entities to permit initiation of C-V2X operations in the upper 30 megahertz.

BACKGROUND: In November 2020, in the First Report and Order (*R&O*), Further Notice of Proposed Rulemaking (*FNPRM*), and Order of Proposed Modification (ET Docket 19-138), the Commission modified the 5.850-5.925 GHz band (the 5.9 GHz band) as follows:

- Repurposed the 5.850-5.895 GHz portion of the band (lower 45 megahertz) for indoor unlicensed use.
 - Unlicensed indoor operations at low power levels are permitted as of July 5, 2021.
- Retained the 5.895-5.925 GHz portion of the band (upper 30 megahertz) for ITS.
 - ITS licensees may no longer operate in the lower 45 megahertz as of July 5, 2022.

The *R&O* also adopted technical rules to allow C-V2X technology to deploy in the upper 30 megahertz. The *FNPRM* sought comment on further details related to fully transitioning the band to C-V2X ITS operations, including finalizing the technical rules. The *FNPRM* also sought comment on potential mechanisms to permit higher power and/or outdoor unlicensed operations in the lower 45 megahertz while still protecting incumbent federal radar systems.

Litigation: In August 2022, the D.C. Circuit affirmed the Commission's decisions in the 5.9 GHz *R&O*, rejecting arguments seeking to reverse the entire *R&O*, or at a minimum, to retain the ITS use of the lower 45 megahertz. (*Intelligent Transp. v FCC*, 45 F.4th 406 (D.C. Cir. 2022)).

Reconsideration Order: In a March 2024 Order on Reconsideration, the Commission addressed two petitions for reconsideration related to the *R&O*. The Commission affirmed its decision to repurpose the lower 45 megahertz to unlicensed operations for the reasons discussed in the D.C. Circuit's decision. The Commission also rejected arguments regarding the potential for indoor unlicensed devices in the lower 45 megahertz to cause harmful interference to ITS operations in the upper 30 megahertz.

On November 21, 2024, the Commission adopted a Second Report and Order (*2d R&O*) finalizing the transition and technical rules for C-V2X operations. The Commission received no petitions for reconsideration on the *2d R&O*. Thus, the rules became final February 11, 2025.

STATUS: All promulgated rules in ET Docket No. 19-138 became effective February 11, 2025.

On February 11, 2025, the waiver grants expired and those licenses were modified to reflect C-V2X operations, and all DSRC operations must cease by December 14, 2026.

Resolution of issues related to the use of higher power and/or outdoor unlicensed operations remains pending.

OET BRIEFING SHEET

SUBJECT: Spectrum Access System (SAS) and Environmental Sensing Capability (ESC) in the 3.5 GHz Band

KEY TAKEAWAY: SAS and ESC are advanced spectrum management technologies that enable different users to share spectrum in ways that have not traditionally been possible. CBRS deployment in the 3.5 GHz band is a real-world example of how such technologies can enable new commercial use while protecting incumbent federal and non-federal users.

BACKGROUND: The April 17, 2015, Report and Order and Second Further Notice of Proposed Rulemaking establishing the Citizens Broadband Radio Service (CBRS) relied on cutting-edge Spectrum Access System (SAS) and Environmental Sensing Capability (ESC) technologies to permit new users access into the band. The Commission made further refinements in 2016 (Order on Reconsideration and second R&O addressing FNPRM issues) and 2018 (third R&O increasing Priority Access Licensee (PAL) areas from census tracts to counties, extending license term to ten years, and making technical changes to support wider channel use).

OTHER BUREAUS/OFFICES: WTB has the lead on this project, in coordination with OET and SB (previously IB). Dockets 12-354 (3.5 GHz), 15-319 (SAS/ESC), and Docket 17-258 (October 2018 R&O).

SUMMARY: The 2015 R&O and Second Further Notice of Proposed Rulemaking established a new Citizens Broadband Radio Service (CBRS) for shared wireless broadband use of the 3550-3700 MHz band (3.5 GHz band). Spectrum Access System (SAS) administrators coordinate the three tiers of users in the band making the band available for commercial use on a shared basis with existing federal and non-federal incumbents. On January 27, 2020, the Commission released a Public Notice and certified Amdocs, CommScope, Federated Wireless, Google, and Sony as SAS Administrators in the 3.5 GHz band. Subsequently, after successfully completing lab testing and initial commercial deployment field tests, on March 2021, the Commission released a public notice and certified Key Bridge as the sixth SAS administrator. Furthermore, in September 2023 the Commission released another public notice and certified Red Technologies as the newest SAS administrator.

In April 2019, after completing final testing by ITS, the Commission released a public notice approving the ESCs for the 3550-3650 MHz band for CommScope, Federated Wireless, and Google. In July 2020, the Commission approved Key Bridge's ESC. WTB and OET frequently receive applications for updated or new ESC sensor deployments and coverage plans from ESC operators. We review the applications along with NTIA and DoD and approve the ESC locations once they comply the coverage criterion.

On May 7, 2021 WTB and OET conditionally approved the second wave of SAS applicants: RED Technologies, Fairspectrum, and Nokia. On October 11, 2021, Fairspectrum withdrew its SAS application. The Commission extended its contractual agreement with NTIA for ITS to perform the lab test for the second wave SAS applicants. ITS completed testing the second wave SAS applicants and RED Technologies and Nokia submitted final lab test reports to the FCC. The Commission reviewed and approved Red Technologies as the newest SAS administrator in September 2023. Meanwhile, the ITS final lab report for the Nokia SAS was completed and

approved. Nokia submitted its plan for Initial Commercial Deployment (ICD) field test and is in process of beginning ICD test. Currently there are seven certified SAS administrators operating in the CBRS band. Nokia is in the final stage prior to approval.

The five-year terms for phase one SAS administrators, CommScope, Federated, Google, and Sony, expired January 27, 2025. These 4 entities requested for renewal and in February 2025, the Commission authorized them to continue providing commercial services for additional 5 years until January 27, 2030.

Pursuant to a request from NTIA and agreement among FCC/NTIA/DoD, significant refinements to the CBRS propagation model (i.e., TDD and loading factors, clutter loss, path loss, aggregate interference model) were approved in early 2024. This process reduced the size of the Category-B CBSD DPA neighborhoods and freed up more spectrum for unencumbered commercial use. For the first time, SAS administrators performed self-testing to demonstrate compliance with the updated requirements. On behalf of DoD, MITRE provided test vectors and each of the SAS administrators performed the tests and provided their report to FCC.

FCC received and reviewed (along with NTIA and DoD) the final test reports from Federated Wireless, Google, Key Bridge, Sony, RED Technologies, and Nokia in June 2024. In July 2024, the Commission released a PN notifying five certified Spectrum Access System (SAS) administrators—Federated Wireless, Google, Key Bridge, RED Technologies, and Sony—that they are authorized to implement the changes to the aggregate interference model used to protect federal operations in the 3.55-3.7 GHz (3.5 GHz) band.

Regarding CBRS equipment certification, 389 CBSD applications from 88 different manufacturers have been approved by the FCC Lab as of March 13, 2025. With support from WTB and other OET staff, the FCC lab also completed the certification process for CBRS Distributed Antenna System (DAS) equipment.

In August 2023, WTB and OET released an order for SAS administrators to utilize the Department of Defense (DoD) managed Telecommunications Advanced Research and Dynamic Spectrum Sharing System (TARDyS3) scheduling portal in the 3.5 GHz band.

To ensure that SASs have complete and accurate information regarding the protected FSS receive site locations, the Commission launched an FSS antenna site registration database and API on June 15, 2018. About 467 FSS earth station antenna locations have registered in this database for protection from interference from CBRS operations. These registrations are valid for one-year terms and must be renewed yearly. WTB and OET released a Public Notice October 25, 2024, reminding earth station operators that the latest deadline for their annual registration to preserve their protected status was December 2, 2024.

After completing all the lab testing for phase 1 and phase 2 of SAS/ESC applicants, ITS is no longer doing the test for new SAS/ESC applicants or modification of existing SAS/ESC applicants. We are evaluating many options including self-testing by the applicants under FCC/NTIA/DoD oversight.

On August 2024, the FCC published the Notice of Proposed Rulemaking) seeking comment on proposed adjustments to the regulatory framework of the CBRS to further enhance spectrum

access for commercial use cases, improve the dynamic spectrum sharing model, and foster continued innovation in the band. The NPRM included a number of specific proposals to modify the Part 96 rules to reflect mechanisms currently used to protect federal incumbent users in the 3.5 GHz band. The preceding is still open and ongoing.

STATUS: OET provides technical expertise supporting all activities necessary for implementing and operating CBRS. The Office has evaluated technical methodologies to protect incumbent radio service operations - Fixed Satellite Service earth stations and DoD current and future radars. In addition, WTB and OET have been providing technical support for the SAS and ESC testing process and evaluation criteria. The WinnForum's Spectrum Sharing Committee, a non-FCC industry organization of stakeholders focused on developing band sharing standards in the 3.5 GHz band, has been developing industry requirements in areas including SAS functional requirements and protocols, security, testing scripts, as well as CBSD testing scripts. The next stage of the WinnForum activity is to formally publish Release-2 SAS specifications for testing and approval. OET/WTB staff have been reviewing the WinnForum release-2 requirement specifications and provided feedback to their Committee.

Seven SAS administrators have received final approval since January 2020 and are currently in operation nationwide. Based on OnGo Alliance reports, approximately 400,000 CBSDs have been deployed nationwide (as of August 2024) and operation of the General Authorized Access (GAA) and Priority Access Licensees (PAL) tiers are currently underway. The Commission completed Priority Access Licensee (PAL) auction 105 in September 2020. OET/WTB are also working with the SAS administrators, as well as our counterparts in Canada to reach an agreement for international border protection in the US-Canada border area for 3550-3650 MHz band.

OET BRIEFING SHEET

SUBJECT: Licensed Wireless Microphones (Low Power Auxiliary Stations)

KEY TAKEAWAY: Licensed wireless microphones are critical for the daily operations of broadcast station licensees and networks, cable television operators, video producers, and certain professional sound companies and venue operators. New technical rules that became effective in November 2024 green-lighted the more efficient Wireless Multi-Channel Audio (WMAS) standard, with additional issues regarding expanded eligibility and use remaining under open consideration.

BUREAUS/OFFICES: OET/WTB

SUMMARY: Wireless microphone use is authorized, on a licensed basis, under the Part 74 rules for low power auxiliary stations (LPAS). Entities eligible for Part 74 licenses include broadcast station licensees and networks, certain cable television operators, motion picture/TV producers, and professional sound companies and venue operators that routinely use 50 or more wireless microphones.

On July 13, 2017, the Commission adopted the Wireless Microphones Reconsideration Order and Further Notice (GN Docket Nos. 14-166 and 12-268, ET Docket No. 14-165). The Order portion of this item addressed petitions for reconsideration of the 2015 Wireless Microphones R&O, as well as petitions for reconsideration of the 2015 Part 15 R&O pertaining to unlicensed wireless microphones. In the Further Notice, the Commission proposed to expand eligibility for Part 74 wireless microphone licensees to permit certain qualifying professional theaters, music, and performing arts organizations to obtain licenses to provide needed interference protection for wireless microphones used at their events. The comment period closed on October 16, 2017.

On February 15, 2024, the Commission adopted a Report and Order that revised the Part 15 and Part 74 technical rules to permit a recently developed and more efficient type of wireless microphone system called a Wireless Multi-Channel Audio System (WMAS). WMAS is an emerging wireless microphone technology that operates with a wider bandwidth than was previously allowed under the Part 74 rules and can allow more microphones per megahertz of spectrum. The Report and Order allows WMAS in frequency bands where wireless microphones are currently authorized under Part 74, including the TV bands, the 600 MHz duplex gap, and in portions of the 900 MHz, 1.4 GHz, and 7 GHz bands. It also permits WMAS to operate under the Part 15 rules on an unlicensed basis in the TV bands and 600 MHz duplex gap.

STATUS: The Commission has not yet acted on the proposal to expand licensee eligibility for certain qualifying professional theaters, music, and performing arts organizations.

The rules adopted in the 2024 WMAS Report and Order became effective November 18, 2024.

BACKGROUND/KEY ISSUES: Through the years, wireless microphones and related devices (in-ear monitors, cue and control communications, TV camera synchronization signals) – referenced collectively as “wireless microphones” have operated predominantly in the TV bands, which have been shrinking in size as some of that spectrum has been made available for wireless broadband services. Several orders adopted in recent years address wireless microphone

operations in this changing landscape. These actions have included finding new opportunities for operations outside of the TV bands.

In January 2010, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (WT Docket Nos. 08-166 and 08-167, ET Docket No. 10-24) to require that wireless microphone operations cease in the 700 MHz portion of the TV band that had been repurposed for wireless and public safety services (with a provision for unlicensed wireless microphone operations in the TV bands under a temporary waiver). In September 2010, the Commission released a Second Memorandum Opinion and Order in the TV white spaces proceeding (ET Docket Nos. 04-186, 02-380) which included provisions to protect wireless microphones operating in the TV bands from interference from new unlicensed white space devices. White space devices were prohibited from operating on up to two unused UHF channels in all areas of the country to provide spectrum for wireless microphones, and licensed wireless microphones were permitted to register in the white space databases for protection from interference from unlicensed white space device operations.

On May 15, 2014, the Commission adopted the Incentive Auction Report and Order (GN Docket No. 12-268) to implement the broadcast TV spectrum Incentive Auction, further reducing the TV spectrum available for wireless mics. The Commission took several actions in this Order to accommodate wireless mic operations, including permitting operations in TV band spectrum at more locations than previously permitted and in newly-designated 600 MHz Band guard bands. The Commission also provided a transition period which ran until July 13, 2020, that gave wireless mic users operating in the repurposed 600 MHz Band sufficient time to replace equipment and move to other available spectrum. Also, on May 15, 2014, the Commission adopted the TV Bands Wireless Microphones Second R&O, which extended eligibility for wireless microphone licenses to include venue owners/operator and professional sound companies that routinely use 50 or more wireless mics for large events/productions.

On August 6, 2015, the Commission adopted the Wireless Microphones R&O (GN Docket Nos. 14-166 and 12-268), which took several steps to revise the rules to accommodate licensed wireless mic operations in the repacked TV bands and in other spectrum bands. On July 13, 2017, the Commission adopted the Wireless Microphones Reconsideration Order and Further Notice, which addressed petitions for reconsideration concerning wireless microphone operations, and proposed limited expansion of eligibility for Part 74 licensed wireless microphone operations to include certain qualifying professional theaters, music, and performing arts organizations. The proposals raised in the Further Notice are pending.

OET BRIEFING SHEET

SUBJECT: Unlicensed White Space Devices

KEY TAKEAWAY: Unlicensed white space devices, which operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services, can enhance broadband coverage, particularly in rural and underserved areas. The FCC has been updating and refining its technical rules and procedures on an ongoing basis to maximize user access.

SUMMARY: On October 27, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (ET Docket No. 20-36) that made targeted changes to the white space device rules in the TV bands (Channels 2-35) to provide improved broadband coverage that will benefit American consumers in rural and underserved areas. The Report and Order: 1) increased the maximum permissible power for fixed white space devices operating in “less congested” areas; 2) increased the maximum permissible antenna height above average terrain for fixed white space devices, subject to a procedure to notify potentially affected TV broadcast stations; 3) increased the minimum required separation distances between protected services in the TV bands and white space devices operating with higher power/antenna heights; 4) allowed higher power mobile operations within defined “geo-fenced” areas; and 5) established rules for narrowband white space devices used in IoT applications. The Further Notice of Proposed Rulemaking sought comment on whether the Commission should permit the use of terrain-based propagation models for determining available TV channels for white space devices, and whether such models could make more spectrum available for unlicensed broadband services.

Shure Incorporated, a wireless microphone manufacturer, filed a petition for reconsideration of the 2020 White Spaces Report and Order arguing that the maximum allowable power level for mobile devices should be reduced from 16 watts to no more than 4 watts, and that operation of narrowband white space devices should be limited to “less congested” areas.

On January 26, 2022, the Commission adopted a Second Order on Reconsideration, Further Notice of Proposed Rulemaking, and Order that resolved a number of reconsideration petitions regarding the white space rules. The Commission removed the requirement for white space databases to “push” information on changes in channel availability to fixed and Mode II personal/portable white space devices to protect licensed wireless microphones and instead required that these types of white space devices re-check the database once per hour rather than once per day. It sought comment on what the database re-check interval should be for the new classes of mobile and narrowband devices established in 2020 (currently once per day). It also denied an NAB petition for reconsideration of OET’s 2018 designation of Nominet UK (now RED Technologies) as a white space database administrator.

On April 11, 2023, the Commission adopted an Order on Reconsideration, Report and Order, and Memorandum Opinion and Order that resolved a number of outstanding white space issues. The Commission denied the Shure petition for reconsideration that requested lower power levels for mobile devices and limitations on where narrowband devices can operate. It required mobile devices to re-check the white space database at least once every 60 minutes and narrowband devices to re-check the white space database at least once per day. The Commission declined to permit the use of terrain-based propagation models for determining available TV channels for white space devices.

STATUS: The Commission has not yet addressed petitions for reconsideration of the technical rules it adopted in a 2015 Report and Order that permit white space devices to operate on Channel 37. No white space devices are currently operating on that channel.

BACKGROUND: In 2010 the Commission adopted Part 15 rules (ET Docket No. 04-186) to allow unlicensed fixed and personal/portable devices to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (the “white spaces”). The primary method of ensuring that white space devices do not interfere with TV and other services is by requiring devices to use a geo-location capability in conjunction with a database to identify vacant TV channels at specific locations. The Commission’s action made a significant amount of unused TV broadcast spectrum (then Channels 2-51, except Channels 3, 4 and 37) available for new and innovative products and services, including broadband data and other services for businesses and consumers.

In 2014, the Commission decided to conduct an incentive auction and repurpose a portion of the TV broadcast spectrum for 600 MHz wireless services and create a 600 MHz guard band and duplex gap to protect 600 MHz wireless services and operations on Channel 37. In 2015, the Commission adopted a Report and Order (ET Docket No. 14-165), which modified the existing rules for white space device operations in the reconfigured bands following the Incentive Auction – i.e., the repacked TV bands (now TV Channels 2-36 following the 2017 incentive auction), the 600 MHz guard band and duplex gap, and the 600 MHz wireless service band. In addition, the R&O codified new Part 15 rules for unlicensed wireless microphones operating in these bands and authorized white space device operations on Channel 37 under specified conditions. In 2019, the Commission adopted a Report and Order and Order on Reconsideration (ET Docket Nos. 16-56 and 14-165) that required all fixed white space devices to incorporate a geo-location capability such as GPS, and that resolved petitions for reconsideration of the 2015 R&O, with the exception of the Channel 37 and push notification issues. The 2022 Second Order on Reconsideration resolved the push notification issue, leaving operation on Channel 37 as the only unresolved issue from the 2015 R&O.

Database administrators. Since 2011, OET has approved a total of six white space database administrators -- Key Bridge, Spectrum Bridge, LS telcom, iconectiv, Google, and Nominet UK. (Five of these, Google, iconectiv, Spectrum Bridge, Key Bridge and LS telcom, did not renew their authority at the end of their initial five-year term and have ceased operations.) Nominet UK is OET’s most recent approval, which occurred in September 2018. Nominet subsequently transferred its database to RED Technologies in August 2020, which is the only white space database operator currently providing service.

Equipment certification. Equipment certification has been granted to thirty-two (32) fixed white space devices. OET continues to work with manufacturers to ensure that devices comply with applicable requirements (database access, technical operation).

RELATED PROCEEDINGS: In addition to unlicensed white space devices, wireless microphones may also operate in the TV bands on vacant TV broadcast channels on either a licensed or unlicensed basis. Licensed wireless microphone operators may register their operating times and locations on vacant TV channels in the white space database to obtain interference protection from co-channel white space devices, and the more frequent database re-check interval required for white space devices by the January 2022 and April 2023 Orders will more effectively protect licensed wireless microphones. In various other proceedings, the

Commission has addressed issues related to licensed wireless microphones that operate in the TV bands, the 600 MHz duplex gap, and formerly in the 600 MHz wireless service band. In July 2017 the Commission adopted the Wireless Microphones Order on Reconsideration addressing licensed wireless microphone issues. Most recently, in February 2024 the Commission adopted a Report and Order that revised the Part 15 and Part 74 technical rules to permit a recently developed, and more efficient, type of wireless microphone system. (See Briefing Sheet on Licensed Wireless Microphones)

Office of General Counsel
Briefing Sheets
March 2025
Table of Contents

SUBJECT	PAGE
AT&T Inc. v. FCC (5th Cir. No. 24-60223)	1
California Public Utilities Commission v. FCC (D.C. Cir. No. 20-1016)	2
China Unicom (Ams.) Operations Ltd. v. FCC (9th Cir. No. 22-70029)	3
Competitive Carriers Ass’n v. FCC (D.C. Cir. No. 25-1051)	4
Consumers’ Research v. FCC (6th Cir. No. 21-3886)	5
Consumers’ Research v. FCC (5th Cir. No. 22-60008)	6
Consumers’ Research v. FCC (11th Cir. No. 22-13315)	7
D.R.C. Corp. v. Universal Service Administrative Co. (D.P.R. Case No. 24-cv-01211)	8
In re Commonwealth of Puerto Rico (Bank. Ct. D.P.R. No. 17-03283)	9
Gray Television, Inc. v. FCC (11th Cir. No. 22-14274)	10
Hikvision USA, Inc. et al. v. FCC (D.C. Cir. Nos. 23-1032, 23-1073)	11
Indian Peak Properties LLC v. FCC (D.C. Cir. No. 24-1108)	12
Insurance Marketing Coalition Ltd. v. FCC (11th Cir. No. 24-10277)	13
LTD Broadband, LLC v. FCC (D.C. Cir. No. 24-1017)	14
In re MCP No. 185; Open Internet Rule (6th Cir. No. 24-7000 and consolidated cases)	15
In re MCP No. 191 (1st Cir. No. 24-8028 and consolidated cases)	16
Minnesota Telecom Alliance v. FCC (8th Cir. No. 24-1179 and consolidated cases)	17
Molak v. FCC (5th Cir. No. 23-60641)	18
National Religious Broadcasters v. FCC (5th Cir. Nos. 24-60219, 24-60226)	19
Ohio Telecom Association v. FCC (6th Cir. Nos. 24-3133, 24-3206, 24-3252)	20
Public.Resource.Org. v. FCC (D.C. Cir. No. 23-1311)	21
Public Safety Spectrum Alliance v. FCC (D.C. Cir. No. 24-1363 and consolidated cases).	22
Radio Communications Corp. v. FCC (D.C. Cir. No. 24-1004)	23
SGCI Holdings III LLC v. FCC (D.D.C. No. 1:24-cv-01204)	24
Sprint Corp. v. FCC (D.C. Cir. Nos. 24-1224, 24-1225)	25

SUBJECT	PAGE
theDove Media, Inc. v. FCC (5th Cir. No. 24-60407)	26
United States v. Sandwich Isles Communications, Inc. (9th Cir. No. 24-6222)	27
U.S. ex rel. Vermont National Telephone Co. v. Northstar Wireless, LLC (D.D.C. No. 15-728)	28
Verizon Communications Inc. v. FCC (2d Cir. No. 24-1733)	29
Wisconsin Bell, Inc. v. United States, ex rel. Todd Heath (S. Ct. No. 23-1127)	30
Zimmer Radio of Mid-Missouri, Inc. v. FCC (8th Cir. No. 24-1380 and consolidated cases)	31
Updating of the Commission's Suspension and Debarment Rules	32
Updating of the Commission's <i>Ex Parte</i> Rules	33
Updating of the Commission's Privacy Act Implementation Rules	34
Summary of Some Key Provisions on FCC Process	35

OGC BRIEFING SHEET

SUBJECT: *AT&T Inc. v. FCC* (5th Cir. No. 24-60223)

SUMMARY: In a February 2020 Notice of Apparent Liability, the Commission proposed to fine AT&T \$57,265,625 for violating section 222 of the Communications Act and section 64.2010 of the FCC's rules by failing to adopt reasonable safeguards to prevent unauthorized access to customer location information. After reviewing AT&T's response to the Notice, the Commission in April 2024 issued an order imposing the proposed forfeiture. *AT&T Inc.*, FCC 24-40 (rel. Apr. 29, 2024) (*Forfeiture Order*). AT&T paid the forfeiture and then filed a petition for review of the *Forfeiture Order* in the Fifth Circuit. AT&T argues that the order exceeded the FCC's statutory authority because customer location information falls outside the definition of "customer proprietary network information" that carriers are required to protect under section 222. AT&T further contends that the Commission's determination that AT&T did not adequately protect its customers' location information was arbitrary and capricious; that the penalty assessed exceeded the statutorily permissible maximum; and that the Commission's "forfeiture scheme" violates the Seventh Amendment.

STATUS: AT&T filed its petition for review on May 9, 2024. Briefing concluded on November 6, 2024. Argument was held on February 5, 2025. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *California Public Utilities Commission v. FCC* (D.C. Cir. No. 21-1016)

SUMMARY: The California Public Utilities Commission (CPUC) has filed suit challenging the FCC's order on remand from the D.C. Circuit's decision in *Mozilla v. FCC*, 940 F.3d 1 (D.C. Cir. 2019). The court in *Mozilla* largely upheld the Commission's Restoring Internet Freedom order, but it remanded three discrete issues for further consideration. The remanded issues concerned the Commission's treatment of public safety in reclassifying broadband internet access service as an information service, the implications of that reclassification for the regulation of pole attachments, and the reclassification's impact on the statutory basis for the inclusion of broadband services in the Lifeline program. *Restoring Internet Freedom*, 35 FCC Rcd 12328 (2020).

STATUS: The CPUC filed its petition for review on January 14, 2021. On April 8, 2021, the D.C. Circuit granted the FCC's motion to hold the case in abeyance pending the disposition of petitions for reconsideration that had been submitted to the agency. On June 6, 2024, the CPUC filed a motion to govern proposing that the court keep the case in abeyance pending the resolution of challenges to the Commission's 2024 Open Internet Order. The FCC and the United States filed a separate motion to govern, also on June 6, indicating that the respondents have no objection to the CPUC's request. On June 7, the court issued an order directing the FCC to file status reports on September 5 and at 90 day intervals thereafter, and to file motions to govern future proceedings within 30 days of when the litigation over the 2024 Open Internet Order is complete.

OGC BRIEFING SHEET

SUBJECT: *China Unicom (Americas) Operations Ltd. v. FCC* (9th Cir. No. 22-70029)

SUMMARY: China Unicom (Americas) Operations Limited is a California corporation, indirectly and ultimately owned and controlled by the Chinese government. It held section 214 licenses to provide domestic and international telecommunications. On February 2, 2022, after an evidentiary proceeding, the Commission revoked those licenses, based on its public interest analysis under section 214 of the Act and the evidentiary record. *In re China Unicom (Americas) Operations Limited*, FCC 22-9 (rel. Feb. 2, 2022). The Commission found, among other things, that the company's ties to the Chinese government pose a clear and imminent threat to the security of the United States due to the company's access to U.S. telecommunications infrastructure.

On February 28, 2022, China Unicom filed with the court a motion to stay the Commission's revocation order. The court denied that motion on March 4, 2022.

STATUS: Briefing for the case has concluded. Oral argument was held on February 15, 2023. On December 24, the court issued a decision denying the petition for review and upholding the Commission's revocation of China Unicom's licenses as a reasonable exercise of its authority under the Communications Act and supported by substantial evidence.

OGC BRIEFING SHEET

SUBJECT: *Competitive Carriers Ass’n v. FCC* (D.C. Cir. No. 25-1051)

SUMMARY: The Competitive Carriers Association (CCA) seeks review of an order setting eligibility criteria and other parameters for the 5G Fund Phase I subsidy program. *Establishing a 5G Fund for Rural America*, FCC 24-89 (rel. Aug. 29, 2024) (*5G Fund Second R&O*). CCA indicates that it intends to challenge (1) the 7/1 Mbps speed threshold for defining eligible areas; (2) the reliability of the National Broadband Map coverage data used to identify areas that are eligible under the speed threshold; (3) whether, before proceeding with a reverse auction to award funding, the Commission should wait to assess the effect of BEAD funding on which areas meet the eligibility criteria; and (4) the Commission’s selection of a \$9 billion budget for Phase I.

STATUS: CCA filed its petition for review on February 6, 2025. The court has not yet set a briefing schedule. The Commission has also received two petitions for reconsideration of the challenged *5G Fund Second R&O* that seek reconsideration of essentially these same issues that CCA intends to raise on appeal. On March 10, 2025, the Commission filed a motion asking the court to hold the case in abeyance pending disposition of the overlapping petitions for agency reconsideration. (CCA consented to that motion.)

OGC BRIEFING SHEET

SUBJECT: *Consumers' Research v. FCC* (6th Cir. No. 21-3886)

SUMMARY: Petitioners challenge the FCC's adoption of the universal service contribution factor for the fourth quarter of 2021. In doing so, their lawsuit challenges the legality of the universal service program established by section 254 of the Communications Act, 47 U.S.C. § 254. Petitioners assert that section 254 unconstitutionally delegates Congress's legislative and taxing power to the FCC, and that the Commission unconstitutionally re-delegated that power to the Universal Service Administrative Company (USAC).

STATUS: Petitioners filed their petition for review in the Sixth Circuit on September 30, 2021. The Commission filed its brief on December 12, 2022. Oral argument was held on March 17, 2023. In an opinion issued on May 4, 2023, the Court denied the petition for review, rejecting petitioners' nondelegation and private delegation claims in their entirety. On May 10, 2023, petitioners filed a petition for rehearing en banc. The court denied that petition, without asking for a response from the government, on May 30, 2023. On October 27, 2023, Consumers' Research filed a petition for certiorari (S. Ct. No. 23-456). After several extensions, the government filed its response in opposition on May 3, 2024. On June 10, 2024, the Supreme Court denied certiorari. On June 18, 2024, Consumers' Research filed a petition for rehearing of the denial of certiorari. The Court initially distributed that petition for its conference of November 15, 2024. It subsequently distributed the petition for its conference of November 22, 2024. While the Court has not acted on the petition for rehearing, it granted petitions for certiorari in a related case, *FCC v. Consumers' Research*, No. 24-354 (see entry below, page 6).

OGC BRIEFING SHEET

SUBJECT: *Consumers' Research v. FCC* (5th Cir. No. 22-60008)

SUMMARY: Petitioners challenge the FCC's adoption of the universal service contribution factor for the first quarter of 2022. In doing so, their lawsuit challenges the legality of the universal service program established by section 254 of the Communications Act, 47 U.S.C. § 254. Petitioners assert that section 254 unconstitutionally delegates Congress's legislative and taxing power to the FCC, and that the Commission unconstitutionally re-delegated that power to the Universal Service Administrative Company (USAC).

STATUS: Petitioners filed their petition for review in the Fifth Circuit on January 5, 2022. On February 23, 2022, the government filed a motion to hold the case in abeyance pending the disposition of a proceeding mandated by the recently passed Infrastructure Act to examine the USF program. On March 2, 2022, the court denied the motion. After the case was briefed and oral argument was held, the Court issued an opinion on March 24, 2023, rejecting petitioners' nondelegation and private delegation claims and denying the petition for review. On April 20, 2023, petitioners filed a petition for rehearing en banc. After the Court directed the government to file a response to the petition, and the government did so, the Court granted rehearing. The government filed its en banc brief on August 30, 2023. En banc argument was held September 19, 2023. On July 24, 2024, the en banc court issued a 9-7 decision granting the petition for review. On November 22, the Supreme Court granted the government's petition for certiorari, along with one filed by supporting intervenors Schools, Health & Libraries Broadband Coalition (No. 24-422). The cases were consolidated. Petitioners' briefs were filed on January 8 and 9, 2025; respondents' brief was filed on February 11. The case is set for argument on March 26, 2025.

OGC BRIEFING SHEET

SUBJECT: *Consumers' Research v. FCC* (11th Cir. No. 22-13315)

SUMMARY: Petitioners challenge the FCC's adoption of the universal service contribution factor for the fourth quarter of 2022. In doing so, they challenge the legality of the universal service program established under 47 U.S.C. § 254. Petitioners assert that section 254 unconstitutionally delegates Congress's legislative and taxing power to the FCC, and that the Commission unconstitutionally re-delegated that power to the Universal Service Administrative Company (USAC).

STATUS: Petitioners filed their petition for review in the Eleventh Circuit on October 4, 2022. Petitioners filed their opening brief on November 22, 2022; the government filed an opposition brief on December 22, 2022; and petitioners filed a reply brief on February 3, 2023. Oral argument was held on June 21, 2023. On December 14, 2023, the court denied the petition and affirmed the constitutionality of section 254 and the Commission's use of USAC to assist in administering the universal service programs. On January 4, 2024, Consumers' Research filed a petition for certiorari seeking Supreme Court review of the Eleventh Circuit's decision (S. Ct. No. 23-743). After several extensions, the government filed its response in opposition on May 3, 2024. On June 10, 2024, the Supreme Court denied certiorari. On June 18, 2024, Consumers' Research filed a petition for rehearing of the denial of certiorari. The Court initially distributed that petition for its conference of November 15, 2024. It subsequently distributed the petition for its conference of November 22, 2024. While the Court has not acted on the petition for rehearing, it granted petitions for certiorari in a related case, *FCC v. Consumers' Research*, No. 24-354 (see entry above, page 6).

OGC BRIEFING SHEET

SUBJECT: *D.R.C. Corp. a/k/a Data Research Corp. v. Universal Service Administrative Co.*
(D.P.R. No. 24-cv-01211)

SUMMARY: This case involves Data Research Corporation (DRC), a service provider that claims to have provided services to the Puerto Rico Department of Education (PRDOE), in connection with PRDOE's participation in the Universal Service Fund's Schools and Libraries Program (E-Rate). On May 8, 2024, DRC filed a complaint in the United States District Court for the District of Puerto Rico against the Universal Service Administrative Company (USAC), which assists the agency in administering the universal service programs. DRC seeks \$9,958,916 it claims to be owed from the Universal Service Fund for services allegedly provided in E-Rate Funding Year (FY) 2001; \$25,609,043 in economic damages DRC claims it sustained as the result of PRDOE's February 15, 2002 cancellation of its contract allegedly caused by USAC's actions; and a \$70,000,000 loss DRC claims it incurred when a third party failed to acquire DRC in 2002. DRC also seeks interest on these alleged damages.

STATUS: The United States, on behalf of the FCC, moved to intervene in the case, a request which the Court promptly granted. The United States simultaneously moved to dismiss the case. DRC opposed the motion to dismiss and moved for reconsideration of the order granting the United States' motion to intervene. On February 21, 2025, the United States moved to stay discovery pending a court ruling on the motion to dismiss. DRC filed a response opposing that motion on March 6. The motion to dismiss and motion for reconsideration of the order allowing intervention have been fully briefed, as is the motion to stay discovery. This matter is currently awaiting a ruling from the court.

OGC BRIEFING SHEET

SUBJECT: *In re Commonwealth of Puerto Rico* (Bank. Ct. D.P.R. No. 17-03283)

SUMMARY: This is a bankruptcy litigation matter, related to *D.R.C. Corp. v. USAC* (see entry above, page 8), in which on May 29, 2018, the FCC, via its agent USAC, filed a proof of claim in the amount of \$129,245,339.00 (the Proof of Claim). The Proof of Claim seeks recovery of disbursements from the Universal Service Fund arising out of the PRDOE's participation in the E-Rate program for Funding Years 1998-2002, and PRDOE's claims for services provided by Puerto Rico Telephone Company, Inc., Data Research Communication Corporation, and Sprint Communications Co. L.P. On October 8, 2024, the Financial Oversight and Management Board for Puerto Rico (the Oversight Board) filed an objection (Claim Objection) to the Proof of Claim. On January 7, 2025, the FCC and USAC responded to the Claim Objection. Discovery is ongoing.

STATUS: The next hearing is scheduled for May 7, 2025.

OGC BRIEFING SHEET

SUBJECT: *Gray Television, Inc. v. FCC* (11th Cir. No. 22-14274)

SUMMARY: In a November 2022 order, the Commission imposed a forfeiture penalty of \$518,283 against Gray for violating Note 11 of the local television ownership rule by purchasing the local CBS network affiliation in Anchorage, Alaska, for KYES-TV, resulting in Gray's common ownership of the two highest-ranked stations in the Anchorage market. *Gray Tel., Inc., Parent of Gray Tel. Licensee, LLC, Licensee of Stations KYES-TV, Anchorage, AK and KTUU-TV, Anchorage, AK*, Forfeiture Order, 2022 WL 16647929 ¶ 1 (2022). See 47 CFR § 73.3555 (prohibiting an entity from owning two top-four-rated television stations in the same local market "through the execution of any agreement ... in which a station ... acquires the network affiliation of another station"). In imposing the forfeiture penalty, the Commission rejected Gray's arguments that its purchase did not "result in" a prohibited combination within the meaning of Note 11 because (1) KYES was a top-four station already, (2) the network itself was indirectly involved in the transaction, and (3) Gray's purchase was distinguishable from a transaction that the Commission had discussed in adopting Note 11. The Commission also rejected Gray's fair notice, statutory, and constitutional arguments. Gray paid the forfeiture penalty on November 22, 2022, before petitioning the Eleventh Circuit for review.

STATUS: Briefing concluded on September 13, 2023. Oral argument was held on May 15, 2024. On July 10, the court directed the parties to submit supplemental briefing concerning the effect of the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024). Supplemental briefing on that issue concluded August 7, and the court thereafter denied Gray's request for supplemental briefing on *SEC v. Jarkesy*, 144 S. Ct. 2117 (2024). On March 7, 2025, the court issued its decision in the case, upholding the Commission's order except as to the penalty imposed. On that issue, the court held that the FCC had failed to provide adequate notice in the notice of apparent liability that the proposed penalty was based in part on a finding of egregiousness. The court also found that the FCC had failed to explain adequately, in evaluating the forfeiture penalty, how it considered whether Gray acted in good faith. The court accordingly vacated the penalty and remanded to the Commission for further proceedings.

OGC BRIEFING SHEET

SUBJECT: *Hikvision USA, Inc. v. FCC* (D.C. Cir. Nos. 23-1032, 23-1073)

SUMMARY: In this consolidated appeal, Hikvision USA, Inc. and Dahua Technology USA Inc.—two Chinese-based manufacturers of electronic video equipment that are subject to Chinese national security laws—petitioned for review of the Commission’s order, *Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program, Protecting Against National Security Threats to the Communications Supply Chain Through the Competitive Bidding Program*, FCC 22-84 (rel. Nov. 25, 2022). The challenged order amended the Commission’s rules to prohibit authorization of equipment that has been identified on the Commission’s Covered List—published pursuant to the Secure and Trusted Communications Networks Act of 2019—as posing an unacceptable risk to national security.

STATUS: Hikvision petitioned for review on February 13, 2023, in the D.C. Circuit. Dahua petitioned for review on February 14, 2023, in the Ninth Circuit. Pursuant to 28 U.S.C. § 2112(a)(3), the Judicial Panel on Multidistrict Litigation selected the D.C. Circuit as the forum for the matter and the cases were consolidated and briefed and argued there.

On April 2, 2024, the D.C. Circuit issued its decision. It upheld the Commission’s decision to prohibit the authorization of equipment that appears on the agency’s Covered List. However, the court vacated as unreasonable the agency’s interpretation of what constitutes surveillance of “critical infrastructure” for which such equipment may not be marketed or used and remanded that issue for further consideration by the Commission. On January 16, 2025, Hikvision filed a motion to enforce the mandate directing the Commission to promptly approve Hikvision’s compliance plan or issue an order explaining why the plan is inadequate. On February 10, the government filed an opposition. On the same day, petitioner Dahua Technology filed a response asking for the same relief for which Hikvision has asked. In a per curiam order issued February 27, the court denied Hikvision’s motion.

OGC BRIEFING SHEET

SUBJECT: *Indian Peak Properties LLC v. FCC* (D.C. Cir. No. 24-1108)

SUMMARY: The Commission’s over-the-air reception devices (OTARD) rule prohibits laws imposed by State or local governments or covenants or other restrictions imposed by private entities that impair the ability of antenna users to install, maintain, or use over-the-air reception devices. *See* 47 C.F.R. § 1.4000. The rule covers antennas “on property within the exclusive use or control of the antenna user.” *Id.* Persons seeking protection under the rule may file a petition for a declaratory ruling that the local restriction is preempted and must provide an affidavit with sufficient factual support.

Indian Peak seeks to operate six antennas on the roof of a single family home in Rancho Palos Verdes, California. The city revoked a conditional use permit for the operation of antennas on that home. Indian Peak sought a declaratory ruling under the FCC’s OTARD rule to preempt that revocation. These petitions were dismissed by the Wireless Telecommunications Bureau and Media Bureau on July 18, 2022, and again on December 13, 2022, because the petitions failed to make a showing that the antennas served a user on the premises as required by the OTARD rule.

On March 7, 2024, in the order on review, the Commission upheld the Bureaus’ decisions and dismissed and denied Indian Peak’s application for review, principally on the grounds that Indian Peak failed to plead sufficient facts to “establish the extent or duration of any human presence at the property” as required under the rule.

STATUS: On May 5, 2024, Indian Peak filed a petition for review in the D.C. Circuit. Initial briefing in the case concluded on November 7, 2024. Final briefs were filed December 2, 2024. The case was argued on February 11, 2025. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Insurance Marketing Coalition Ltd. v. FCC* (11th Cir. No. 24-10277)

SUMMARY: An insurance marketing industry group seeks review of *Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls*, FCC No. 23-107 (rel. Dec. 18, 2023), which amended the Commission’s rules implementing the Telephone Consumer Protection Act’s requirement that sellers may only make telemarketing “robocalls” and “robotexts” to cell phone numbers with a consumer’s prior express consent. 47 CFR § 64.1200(f)(9). In the Order, the Commission clarified that the consent must be “one-to-one,” i.e., not based on agreeing once to a list of multiple parties, and also that any ensuing robocalls and texts must be logically and topically associated with the interaction that prompted the consent, such as a website.

STATUS: On April 3, 2024, the petitioner filed a motion for a stay pending appeal of the Order. The FCC filed an opposition on April 15, 2024, and the petitioner filed its reply on April 22. The court denied the motion for stay on May 30. Briefing concluded on August 2. On August 15, the Court granted the petitioner’s request to expedite oral argument. Oral argument was held on December 18. On January 24, 2025, the court issued a decision granting the petition for review and vacating the Commission’s one-to-one consent and logically and topically related requirements as exceeding the ordinary meaning of the statutory term “prior express consent.” On March 10, the National Consumers League—which, after the court’s decision, filed a motion to intervene in the case—lodged a petition for rehearing en banc. The court has not yet ruled on the intervention motion or directed any response to the “proposed” petition for rehearing en banc.

OGC BRIEFING SHEET

SUBJECT: *LTD Broadband, LLC v. FCC* (D.C. Cir. No. 24-1017)

SUMMARY: This case involves the denial of LTD Broadband, LLC's application for broadband deployment support in Auction 904 (the Rural Digital Opportunity Fund (RDOF) Auction), which made available \$16 billion over 10 years to winning bidders that deploy high-speed broadband and voice services to eligible census blocks in rural areas. LTD placed winning bids totaling \$21,714,000 for 7,238 census blocks. After Auction 904 closed, all winning bidders, including LTD, were required to file long-form applications, which the Commission evaluated to determine whether a winning bidder is technically and financially qualified to provide service in the areas covered by its winning bids. Acting on delegated authority, the Wireline Competition Bureau reviewed LTD's long-form application, and concluded that LTD was not qualified to receive support. LTD filed an application for review of WCB's decision, which the Commission denied.

STATUS: LTD filed a petition for review of the Commission's order in the United States Court of Appeals for the D.C. Circuit on February 2, 2024. Briefing concluded in August 2024 and oral argument was held November 5, 2024. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *In re MCP No. 185; Open Internet Rule (FCC 24-52)* (6th Cir. No. 24-7000 and consolidated cases)

SUMMARY: These consolidated cases involve challenges to the Commission’s 2024 Open Internet Order, *Safeguarding and Securing the Open Internet*, FCC 24-52 (rel. May 7, 2024). The Order completes the Commission’s reassessment of the proper regulatory classification of broadband internet access service in response to *Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019) (per curiam). In view of the particulars of how broadband technology operates and is offered today, the Commission determined that the best reading of the Communications Act is that broadband constitutes a Title II telecommunications service. Various industry stakeholders challenge that determination. Public interest organizations agree with the Title II classification, but challenge other aspects of the order, including the Commission’s determination to forbear from the first sentence of 47 U.S.C. § 254(d), which concerns the obligation of telecommunications carriers (now including broadband providers) to contribute to the universal service fund.

STATUS: After a judicial lottery, the Sixth Circuit was selected to review challenges to this Order. The FCC and the United States filed a motion to transfer the litigation to the D.C. Circuit under 28 U.S.C. § 2112(a)(5), which the court denied. The industry petitioners moved to stay the Commission’s Order, and a motions panel granted the stay motion on August 1. Merits briefing concluded in October 2024, and oral argument was held on October 31. On January 2, 2025, the court issued a decision granting the petitions for review and setting aside the Order. The court held that broadband internet access providers offer only an “information service,” not a telecommunications service, and that mobile broadband is not a “commercial mobile service.” The court therefore concluded that the FCC lacks the statutory authority to impose net-neutrality requirements on broadband internet access providers. On February 18, 2025, intervenors Free Press, New America’s Open Technology Institute, and Public Knowledge filed a petition for rehearing en banc of the court’s decision. On March 11, the court denied the petition.

OGC BRIEFING SHEET

SUBJECT: *In re MCP No. 191* (1st Cir. No. 24-8028 and consolidated cases)

SUMMARY: These consolidated cases involve challenges to *Incarcerated People's Communications Services; Implementation of the Martha-Wright Reed Act*, FCC 24-75 (rel. July 22, 2024). The Order adopts revised rules to govern the provision of incarcerated people's communications services (IPCS), implementing a statutory directive that Congress enacted after the D.C. Circuit, in *Global Tel*Link v. FCC*, 866 F.3d 397 (D.C. Cir. 2017), vacated portions of the Commission's earlier-adopted reforms, including rate caps on intrastate IPCS based on industry-average costs. Petitioners challenging the Order include providers of IPCS, state attorneys general and local correctional authorities, and public interest groups representing the interests of incarcerated people and their families.

STATUS: After a judicial lottery, the First Circuit was selected to review challenges to this Order. On October 1, 2024, Petitioner Securus Technologies, LLC, moved to transfer the consolidated cases to the Fifth Circuit in the interests of justice. On October 21, the First Circuit denied Securus's transfer petition "without prejudice to later revisitation of all issues bearing on venue and potential transfer." On November 13, the court further ordered that the three consolidated petitions that formed the basis for Securus's transfer motion will proceed in the First Circuit, and that jurisdictional questions concerning those petitions will be resolved by the merits panel. In parallel with these developments, both Securus and another IPCS provider, Pay Tel Communications, Inc., filed separate petitions for stay of the Order pending judicial review. On November 18, the court denied both stay petitions and directed the parties to meet and confer on a joint briefing proposal on or before December 9. On November 20, Securus renewed its earlier motion to transfer the consolidated cases to the Fifth Circuit, and Pay Tel filed a parallel motion to transfer seeking the same relief. Responses to those motions were filed December 4. On December 9, the court denied the motions to transfer without prejudice, and on January 6, 2025, it adopted a briefing schedule. Petitioners' briefs were filed on January 27, and supporting intervenors' briefs were filed on February 13. The government's brief is due April 7, and briefs for intervenors in support of respondents are due May 5.

Meanwhile, on December 13, 2024, Securus filed a petition for mandamus in the Supreme Court challenging the First Circuit's decision not to transfer the litigation to the Fifth Circuit. On January 17, 2025, the government filed an opposition. Securus filed its reply on February 5, and the petition was denied on February 12.

OGC BRIEFING SHEET

SUBJECT: *Minnesota Telecom Alliance v. FCC* (8th Cir. No. 24-1179 and consolidated cases)

SUMMARY: The 2021 Infrastructure Act directs the Commission to “adopt final rules to facilitate equal access to broadband internet access service, ... including ... preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin.” In an Order adopted on November 15, 2023, the Commission interpreted this mandate to encompass practices that “differentially impact consumers’ access to broadband internet access services” – even if unintentional – as well as intentionally discriminatory practices. Under the Order, Commission staff would investigate possible violations based on data gathered through the agency’s informal complaint process. Covered entities would have a chance to show that a discriminatory practice is justified by genuine issues of technical and economic feasibility.

STATUS: A summary of the Order was published in the Federal Register on January 22, 2024. A total of 16 petitions for review of the Order, including from industry and public interest groups, were filed in various courts of appeals; a judicial lottery resulted in selection of the Eighth Circuit to hear the case.

On March 13, 2024, the industry petitioners moved for expedited briefing and oral argument. The Commission and public interest petitioners opposed the motion, which the Court denied on March 20, 2024. In accordance with a briefing schedule subsequently agreed to by the parties, the industry and public interest petitioners filed their opening briefs on April 22; the government filed its response brief on June 21; petitioners filed reply briefs on July 26; and final briefing concluded on August 9. Oral argument was held on September 25. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Molak v. FCC* (5th Cir. No. 23-60641)

SUMMARY: In the declaratory ruling under review, the Commission concluded that equipment and services that support Wi-Fi on school buses are eligible for universal service funding under 47 U.S.C. § 254(h). *Modernizing the E-Rate Program for Schools and Libraries*, FCC 23-84 (rel. Oct. 25, 2023). On December 20, 2023, two individuals who did not file comments or otherwise make their views known to the agency filed a petition for review, arguing that the Ruling exceeded the agency’s statutory authority under the Communications Act. The respondents filed a motion to dismiss, arguing that neither petitioner was a “party aggrieved” as required for subject-matter jurisdiction under the Hobbs Act, 28 U.S.C. § 2344. Respondents also argued that review was separately precluded by 47 U.S.C. § 405(a) because, for non-parties to an FCC proceeding, filing a petition for reconsideration is a “condition precedent” to judicial review, and the petitioners here did not meet that requirement. On February 22, 2024, the Fifth Circuit issued an order carrying the government’s motion to dismiss with the case.

STATUS: Petitioners filed their opening brief on April 2, 2024. The government filed its response brief on June 3. Petitioners’ reply brief was filed on June 24. On October 9, the respondents filed a motion to hold the case in abeyance pending the Supreme Court’s decision in *U.S. Nuclear Regulatory Commission v. State of Texas*, No. 23-1300 (S. Ct.). The court denied that motion on October 18. Oral argument was held on November 4, 2024. On February 14, 2025, the FCC filed a supplemental letter informing the court that it no longer defends the position that the Molaks’ challenge is barred by 47 U.S.C. § 405(a). We await a decision.

OGC BRIEFING SHEET

SUBJECT: *National Religious Broadcasters v. FCC* (5th Cir. No. 24-60219); *Texas Ass'n of Broadcasters v. FCC* (5th Cir. No. 24-60226)

SUMMARY: In these consolidated petitions for review, the National Religious Broadcasters, American Family Association, and Texas Association of Broadcasters challenge an Order reinstating the requirement for broadcasters to submit workforce composition data to the Commission on Form 395-B. *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, FCC 24-18 (rel. Feb. 22, 2024). The requirement to submit the form, which collects race, ethnicity, and gender data, had been suspended in 2001 following the second of two D.C. Circuit decisions that held that the Commission's use of the data collected on Form 395-B was unconstitutional, although neither decision addressed the constitutionality of the data collection itself. Petitioners assert that by mandating reporting of the data and making the data available to the public on a station-identifiable basis, the Order violates the First and Fifth Amendments of the U.S. Constitution, exceeds the Commission's statutory authority, and is arbitrary and capricious.

Two petitions for agency reconsideration of the Order are also pending before the Commission.

STATUS: The FCC filed the administrative record in the Fifth Circuit on June 17, 2024. Briefing concluded in early November 2024. Oral argument was held on February 4, 2025. The next day the Commission filed a supplemental letter making clear, as its attorney had stated at argument, that the Commission was no longer defending paragraphs 39 and 40 of the Order, dealing with the collection of non-binary gender information. We await a decision. (A separate challenge to the same order filed by another broadcast licensee, theDove Media, is before the same court (see entry below, page 26)).

OGC BRIEFING SHEET

SUBJECT: *Ohio Telecom Ass'n et al. v. FCC* (6th Cir. Nos. 24-3133, 24-3206, 24-3252)

SUMMARY: Petitioners challenge the FCC's adoption of rules implementing data breach reporting requirements for telecommunications carriers. *Data Breach Reporting Requirements*, FCC 23-111 (rel. Dec. 21, 2023). Petitioners assert that these rules exceed the FCC's statutory authority; are arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*; and are otherwise contrary to law.

STATUS: The Ohio Telecom Association filed its petition for review in the Sixth Circuit on February 20, 2024. The Texas Association of Business filed its petition for review in the Fifth Circuit on that same date. The Judicial Panel on Multidistrict Litigation ordered the petitions consolidated in the Sixth Circuit on March 4. On March 15, CTIA, NCTA, and USTelecom filed their petition for review in the D.C. Circuit, which subsequently transferred the case to the Sixth Circuit. Briefing concluded in August 2024. Oral argument was held on December 12. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Public.Resource.Org. et al. v. FCC* (D.C. Cir. No. 23-1311)

SUMMARY: This case involves a Commission order that incorporated by reference copyrighted material published by standards-setting bodies in the regulations governing the Commission's equipment authorization program for RF devices. Incorporation by reference is a process that allows an agency to refer, in the text of a regulation, to material published elsewhere so the referred-to material does not itself have to be published in the Federal Register or the Code of Federal Regulations. Petitioner Public.Resource.Org (PRO) is a non-profit organization that advocates for free online access to law and provides free access to thousands of technical standards on its website. PRO contends that the Commission violated the notice-and-comment requirements of the Administrative Procedure Act, 5 U.S.C. § 553, by failing to publish the full text of the incorporated standards in the Federal Register or post the standards on the Commission's website during the pendency of the rulemaking proceeding.

STATUS: PRO filed a petition for review of the order in the United States Court of Appeals for the D.C. Circuit on November 8, 2023. PRO filed its opening brief on March 27, 2024; the government's response brief was filed on May 13; and PRO filed its reply brief on May 28. On September 20, the court issued an order stating that it will resolve this case on the briefs, without oral argument. On December 19, 2024, the court issued an unpublished judgment dismissing the petition for review on the ground that the petitioners had not demonstrated that they had standing to challenge the order.

OGC BRIEFING SHEET

SUBJECT: *Public Safety Spectrum Alliance v. FCC* (D.C. Cir. No. 24-1363 and consolidated cases)

SUMMARY: These consolidated cases involve challenges to the Commission’s most recent order, *Amendment of Part 90 of the Commission’s Rules*, FCC 24-114 (rel. Oct. 22, 2024), in the long-running 4.9 GHz proceeding, WP Dkt. No. 07-100. The Order is the next step in addressing a widely acknowledged problem of underutilization of the 4.9 GHz band—a band that the Commission allocated in 2001 exclusively for public safety use. The Commission determined in the Order that the best mechanism for putting unassigned spectrum in the 4.9 GHz band to use quickly and efficiently will be to allow a nationwide “overlay” license, which will be assigned to a Band Manager (which will be selected according to a process outlined in an earlier Commission order). The Band Manager will be authorized to enter into a spectrum sharing agreement with the First Responder Network Authority (FirstNet)—a congressionally created agency that oversees public safety broadband—to allow FirstNet to operate in “unassigned” portions of the 4.9 GHz band.

To facilitate this process, the Commission needs a better picture of current operations in the band. To this point, it has lacked visibility into incumbent licensees’ current operations. That is because rights to use the band have been shared among licensees to which the Commission has granted authority to operate in overlapping geographies, with the ability to operate on multiple frequencies and to modify or expand operations through informal coordination with each other, without obtaining approval from the agency. To obtain the necessary insight into incumbent licensees’ current operations, the Commission directed the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau to set a deadline for incumbent licensees to complete the submission of granular data concerning their existing operations (including the devices and frequencies their networks use) that they were first directed to undertake in 2023. The deadline for this data collection is now June 9, 2025. By the terms of the Order, after incumbent licensees submit their data and the Commission grants them licenses using new service codes to cover the full scope of their existing operations, all former 4.9 GHz licenses will be canceled. And while the agency conducts this data collection, incumbent licensees may not grow or modify their existing operations without obtaining the Commission’s permission.

Various stakeholders have challenged the Order, including the Public Safety Spectrum Alliance (PSSA), which challenges limited aspects of the Order but supports it in most other respects; the Coalition for Emergency Response and Critical Infrastructure; the San Francisco Bay Area Rapid Transit District (BART); and the National Association of Sheriffs and California State Sheriffs’ Association.

STATUS: After first seeking a stay of the Order from the FCC (in petitions that remain pending), BART and the sheriffs groups filed motions for stay pending judicial review with the D.C. Circuit. In the alternative, BART requested expedited merits briefing. The FCC and PSSA filed oppositions to those motions on February 28, 2025. Replies from BART and the sheriffs groups were filed March 7. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Radio Communications Corp. v. FCC* (D.C. Cir. No. 24-1004)

SUMMARY: Petitioner Radio Communications Corp. (RCC) challenges an FCC order adopting rules implementing the Low Power Protection Act. *Implementation of the Low Power Protection Act*, FCC 23-112 (rel. Dec. 12, 2023). In that Order, as directed by the statute, the Commission chose to use Nielsen’s Local TV Report—a collection of data on local television markets—for determining a station’s “Designated Market Area” for purposes of the Low Power Protection Act’s restriction of eligibility for Class A status to stations in Designated Market Areas with no more than 95,000 households. RCC argues that this choice goes against statutory purpose, violates section 307(b) of the Communications Act, and contravenes constitutional principles of private non-delegation. RCC also argues that the FCC should extend “must carry” rights to low power stations with Class A status, that the Low Power Protection Act’s requirement that eligible stations carry a certain amount of “locally produced programming” violates the First Amendment, and that the FCC inadequately responded to RCC’s comments before the agency.

STATUS: Petitioner filed its petition for review in the D.C. Circuit on January 10, 2024. It then filed an emergency motion seeking a stay, expedited review, and summary disposition on January 23. The Commission filed its opposition on February 26. The Court denied petitioner’s emergency motion on March 12. Petitioner’s opening brief was filed on April 22. The government filed its response brief on May 22, and petitioner filed its reply brief June 12. Oral argument was held November 18. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *SGCI Holdings III LLC v. FCC* (D.D.C. No. 24-1204)

SUMMARY: Plaintiffs, SGCI Holdings III LLC and Soohyung Kim, allege that race discrimination at the FCC derailed an \$86 billion deal for the purchase of TEGNA, Inc. The case comes after the Media Bureau issued a Hearing Designation Order in response to license-transfer applications that plaintiffs filed with the FCC. The named defendants include the Federal Communications Commission; Jessica Rosenworcel in her official capacity as Chairwoman of the FCC at the times relevant to the matter; Holly Saurer in her official capacity as Chief of the Media Bureau at the times relevant to the matter; the Allen Media Group, Inc.; DISH Network Corporation; the Goodfriend Group, Inc.; the Newsguild-CWA; the National Association of Broadcast Employees and Technicians-CWA; the United Church of Christ; OC Inc.; Common Cause; Byron Allen; Charles Ergen; and David Goodfriend. As to the government defendants, plaintiffs allege violations of the Fifth Amendment's Equal Protection Clause; the Enforcement Act of 1871, 42 U.S.C. § 1985(3) (Conspiracy); and the Enforcement Act of 1871, 42 U.S.C. § 1986 (Neglect to Prevent); and 47 U.S.C. § 310(d). Plaintiffs seek (1) a declaration that the FCC, former Chairwoman Rosenworcel, and Ms. Saurer violated the equal protection guarantee of the Fifth Amendment; (2) a permanent injunction ordering the FCC, former Chairwoman Rosenworcel, and Ms. Saurer to refrain from discriminating on the basis of race, treating certain applicants less favorably than others because of race, and using race as a stereotype or negative consideration against any applicant; (3) a declaration that the FCC, former Chairwoman Rosenworcel, and Ms. Saurer violated 47 U.S.C. § 310(d) by considering alternative license transferees during the Standard General-TEGNA license-transfer proceedings; (4) a permanent injunction ordering the FCC, former Chairwoman Rosenworcel, and Ms. Saurer to refrain from considering alternative license transferees in any license-transfer proceedings involving Mr. Kim and his companies; (5) damages of \$136 million; (6) punitive damages; (7) costs and attorney's fees; and (8) any other relief the Court may deem just and proper.

STATUS: Plaintiffs filed the complaint on April 24, 2024. Plaintiffs filed an amended complaint on August 8. All defendants, including the government defendants, filed motions to dismiss on September 9. Plaintiffs filed a consolidated opposition to the motions to dismiss on November 8, in which they made clear that they were not seeking damages, but only injunctive and declaratory relief, against the federal defendants. Defendants' replies to the motions to dismiss were filed on December 10. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Sprint Corp. v. FCC* (D.C. Cir. No. 24-1224); *T-Mobile USA, Inc. v. FCC* (D.C. Cir. No. 24-1255)

SUMMARY: In parallel Notices of Apparent Liability issued on February 28, 2020, the Commission proposed to fine Sprint Corp. \$12,240,000 and T-Mobile USA, Inc. \$91,630,000 for violating section 222 of the Communications Act and section 64.2010 of the FCC's rules by failing to adopt reasonable safeguards to prevent unauthorized access to customer location information. After reviewing the carriers' respective responses to the Notices, the Commission in April 2024 issued forfeiture orders to each of them, fining Sprint \$12,240,000 and T-Mobile \$80,080,000. *Sprint Corp.*, FCC 24-42 (rel. Apr. 29, 2024); *T-Mobile USA, Inc.*, FCC 24-43 (rel. Apr. 29, 2024). Each carrier paid its respective forfeiture then petitioned for review in the D.C. Circuit. The petitioners argue (among other things) that the order exceeded the FCC's statutory authority because customer location information falls outside the definition of "customer proprietary network information" that carriers are required to protect under section 222.

STATUS: Petitioners' opening briefs were filed November 25, 2024, the government's brief was filed January 10, 2025, and petitioners' reply was filed February 18. Oral argument is scheduled for March 24.

OGC BRIEFING SHEET

SUBJECT: *theDove Media, Inc. v. FCC* (5th Cir. No. 24-60407)

SUMMARY: TheDove Media challenges an Order reinstating the requirement for broadcasters to submit workforce composition data to the Commission on Form 395-B. *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, FCC 24-18 (rel. Feb. 22, 2024). The requirement to submit the form, which collects race, ethnicity, and gender data, had been suspended in 2001 following the second of two D.C. Circuit decisions that held that the Commission's use of the data collected on Form 395-B was unconstitutional, although neither decision addressed the constitutionality of the data collection itself. TheDove asserts that by mandating reporting of the data and making the data available to the public on a station-identifiable basis, the Order violates the First and Fifth Amendments of the U.S. Constitution and exceeds the Commission's statutory authority (or, if not, violates the nondelegation doctrine).

Two petitions for agency reconsideration of the Order are also pending before the Commission.

STATUS: On September 30, 2024, the FCC moved to hold this case in abeyance pending the Fifth Circuit's decision in a separate set of consolidated cases challenging the same Order, *National Religious Broadcasters v. FCC*, Nos. 24-60219 and 24-60226 (see entry above, page 19). On October 22, the court denied that motion without prejudice. Petitioner filed its opening brief on November 12. Respondents' brief was filed December 12. Petitioner filed its reply brief on January 2, 2025. On February 24, the FCC file a supplemental letter informing the court that respondents no longer defend the portions of the Order that required the collection of non-binary gender information, and that the FCC no longer defends the position that petitioner's challenge is barred by 47 U.S.C. 405(a)(1). After initially scheduling oral argument for March 31, 2025, the court on March 7 issued an order placing this case into abeyance pending a decision in *National Religious Broadcasters*.

OGC BRIEFING SHEET

SUBJECT: *United States v. Sandwich Isles Communications, Inc., et al.* (9th Cir. No. 24-6222).

SUMMARY: On April 20, 2018, the United States filed suit against Sandwich Isles Communications, Inc. (Sandwich Isles) in U.S. District Court for the District of Hawaii (No. 18-cv-00145), alleging a breach of contract after Sandwich Isles defaulted on loans in excess of \$129 million made to Sandwich Isles by the Rural Telephone Bank (predecessor to the Rural Utilities Service (RUS)), an agency of the U.S. Department of Agriculture.

The court granted summary judgment, and a judgment was entered against Sandwich Isles in the amount of \$138,557,635.82. That judgment was affirmed by the Ninth Circuit on January 20, 2021. A Writ of Execution was entered May 1, 2020, directing the U.S. Marshall to levy on Sandwich Isles' property up to the value of the judgment and costs. After years of related litigation and attempts to negotiate a transfer of assets, an execution sale (auction) of Sandwich Isles' assets was held in May 2024. Following a confirmation hearing, the court entered an order on July 2, 2024, confirming the execution sale, pursuant to which Hawaiian Telcom acquired Sandwich Isles' conduits and associated assets.

In response to the complaint filed by the United States in 2018, Sandwich Isles and its founder, Mr. Al Hee, filed counterclaims and third-party claims (collectively, "Counterclaims") against the United States, the USDA, the FCC, and several individual employees of the FCC and USDA in both their official and individual capacities. In their filings, Sandwich Isles and Hee alleged various violations of the Communications Act, the Administrative Procedure Act, the Equal Credit Opportunity Act, and the U.S. Constitution, as well as breach of contract. Claims against the FCC relate to suspension of universal service funds. Sandwich Isles sought damages of "not less than \$200 million." Hee's Counterclaim did not specify an amount of damages, but many of his allegations mirror those asserted by Sandwich Isles. In 2019, the court dismissed both the Sandwich Isles and Hee Counterclaims filed against the FCC and the FCC employees in both their official and individual capacities. On September 10, 2024, the district court issued its Final Judgment as to All Remaining Claims and Parties (Decision No. 597), triggering an appeal deadline on the 2019 dismissal orders. On October 9, 2024, Sandwich Isles filed a Notice of Appeal with the Ninth Circuit. On January 7, 2025, Sandwich Isles filed a motion to dismiss the appeal.

STATUS: On January 21, 2025, the Ninth Circuit dismissed the appeal bringing this litigation to a close.

OGC BRIEFING SHEET

SUBJECT: *United States ex rel. Vermont National Telephone Co. v. Northstar Wireless, LLC* (D.D.C. No. 15-728)

SUMMARY: On May 15, 2015, Vermont National Telephone Company filed a qui tam suit under the False Claims Act against DISH Network Corporation; SNR Wireless LicenseCo, LLC; and Northstar Wireless, LLC (and related entities and individuals) related to spectrum Auction 97. In the suit, VTel alleges that SNR and Northstar failed accurately to disclose their relationships with DISH and falsely certified that they were eligible for a 25 percent small business bidding credit, and that the government, as a result, was damaged in the amount of \$3.3 billion—the difference between the amount SNR and Northstar had bid for the licenses, and the net payment they made to the FCC with their long-form application.

STATUS: On March 8, 2024, the United States filed a motion to intervene and to dismiss the lawsuit on the grounds that the lawsuit was unlikely to result in a meaningful damages recovery for the government, yet threatened not only to impose substantial discovery burdens on the government but also to require litigation of sensitive issues concerning the deliberative process and attorney-client privileges. V-Tel's response to the United States's motion, and V-Tel's motion for a share of an alternative monetary recovery, were filed on April 22, 2024. The United States filed its reply in support of its motion and its opposition to VTel's motion for an alternative recovery share on June 6, 2024. VTel filed its reply in support of its motion on July 8, 2024. A hearing on the motions was held on November 21, 2024. We await a decision.

OGC BRIEFING SHEET

SUBJECT: *Verizon Communications Inc. v. FCC* (2d Cir. No. 24-1733)

SUMMARY: In a February 2020 Notice of Apparent Liability, the Commission proposed to fine Verizon \$48,318,750 for violating section 222 of the Communications Act and section 64.2010 of the FCC's rules by failing to adopt reasonable safeguards to prevent unauthorized access to customer location information. After reviewing Verizon's response to the Notice, the Commission in April 2024 issued an order imposing a forfeiture of \$46,901,250. *Verizon Commc'ns*, FCC 24-41 (rel. Apr. 29, 2024) (*Forfeiture Order*). Verizon paid the forfeiture and then filed a petition for review of the *Forfeiture Order* in the Second Circuit. Verizon argues that the order exceeded the FCC's statutory authority because customer location information falls outside the definition of "customer proprietary network information" that carriers are required to protect under section 222. Verizon also argues that, even if the Commission's statutory interpretation is correct, the Commission's determination that Verizon did not adequately safeguard customer location information was arbitrary and capricious, and the forfeiture the Commission imposed unlawfully exceeded the statutory maximum amount. In addition, Verizon contends that the *Forfeiture Order* violates the Seventh Amendment under *SEC v. Jarkesy*, 144 S. Ct. 2117 (2024).

STATUS: Verizon filed its opening brief on November 4, 2024. The government's brief was filed on January 17, 2025. Verizon's reply brief was filed on February 13, and the case is scheduled for oral argument on April 29, 2025.

OGC BRIEFING SHEET

SUBJECT: *Wisconsin Bell, Inc. v. United States, ex rel. Todd Heath* (S. Ct. No. 23-1127)

SUMMARY: In this 2008 lawsuit brought under the *qui tam* provisions of the False Claims Act, a whistleblower alleged that Wisconsin Bell charged schools and libraries significantly more than allowed under the FCC's Universal Service Fund E-Rate program, which is funded by contributions from telecommunications companies. Among other things, Wisconsin Bell argued that the case should be dismissed because the False Claims Act does not apply to claims for E-Rate funds. The Seventh Circuit reversed the lower court's decision on summary judgment and found that the whistleblower raised sufficient factual questions as to falsity, scienter, and materiality under the False Claims Act. The court further held that E-Rate funds are federal funds subject to the False Claims Act. The Seventh Circuit's decision created a circuit split, because in 2014, the Fifth Circuit had held that the False Claims Act does not apply to E-Rate claims. *United States ex rel. Shupe v. Cisco Systems Inc.*, 759 F.3d 379 (2014). The Supreme Court granted certiorari to address the circuit split.

STATUS: On November 4, 2024, the Supreme Court heard arguments in this matter. On February 21, 2025, the Court issued an opinion holding that, since a portion of the funds at issue were provided from the U.S. Treasury, relator's claims were claims under the False Claims Act and the suit could go forward. In reaching its conclusion, the Court did not address whether all of the funds under the E-Rate program had been provided by the federal government because they were required to be collected under a federal program overseen by the FCC, or whether the Universal Service Administrative Company, which assists the agency in administering the universal service programs, is the federal government's agent.

OGC BRIEFING SHEET

SUBJECT: *Zimmer Radio of Mid-Missouri, Inc., et al. v. FCC* (8th Cir. No. 24-1380 and consolidated cases)

SUMMARY: A number of broadcasters challenge the FCC's 2018 quadrennial review of its media ownership rules. *2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, FCC 23-117 (rel. Dec. 26, 2023) (*2018 Quadrennial Review Order*). The petitioners maintain that the Commission acted arbitrarily and capriciously when it declined to eliminate or relax certain media ownership restrictions. Petitioners NAB, Nexstar, and Beasley Media Group also assert that the agency acted unlawfully by imposing new restrictions on television stations that air multiple streams of programming.

STATUS: After conducting a lottery pursuant to 28 U.S.C. § 2112(a)(3), the Judicial Panel on Multidistrict Litigation assigned the case to the Eighth Circuit. Briefing concluded in October 2024. Oral argument is scheduled for March 19, 2025.

OGC BRIEFING SHEET

SUBJECT: Updating of the Commission’s Suspension and Debarment Rules (GC Docket No. 19-309)

SUMMARY: On November 22, 2019, the Commission adopted a Notice of Proposed Rulemaking for Modernizing Suspension and Debarment Rules. *Modernizing Suspension and Debarment Rules*, 34 FCC Rcd 11348 (2019). The NPRM proposed to adopt new rules consistent with the government-wide Office of Management and Budget Guidelines on Debarment and Suspension for nonprocurement programs. Adoption would broaden the scope and efficacy of the Commission’s suspension and debarment powers and allow the agency to take swift action to prevent harm to Commission programs, including the USF programs, the TRS programs and the National Deaf-Blind Equipment Distribution Program. Notably, the proposed rules would allow the Commission to consider a much broader range of offenses as triggering suspension or debarment. In addition, adoption of new rules consistent with the OMB Guidelines would allow the Commission to participate in a government-wide system with reciprocity, under which any person or entity suspended or debarred by one agency is placed on a Government-wide “exclusions list,” and cannot participate in an agency’s programs unless exempted for good cause. It is anticipated that the government-wide application of a suspension or debarment would provide a strong deterrent effect.

STATUS: The comment cycle closed on March 16, 2020.

OGC BRIEFING SHEET

SUBJECT: Updating of the Commission's *Ex Parte* Rules (GC Docket No. 20-221)

SUMMARY: On July 9, 2020, the Commission released a Notice of Proposed Rulemaking proposing updates to its *ex parte* rules in three discrete areas. *Updating of the Commission's Ex Parte Rules*, 35 FCC Rcd 6947 (2020). The proposed updates would (1) create an exemption from the *ex parte* rules for presentations in permit-but-disclose proceedings that occur in the course of government-to-government consultation with Tribal Nations; (2) extend to additional entities the existing exemption for communications with certain administrators of FCC programs, and make related technical corrections; and (3) modify the rules governing when summaries of presentations made shortly before the beginning of the Sunshine Period must be submitted into the record so as better to secure the period of repose that is the purpose of the Sunshine rules.

STATUS: The comment cycle closed on October 19, 2020.

OGC BRIEFING SHEET

SUBJECT: Updating of the Commission's Privacy Act Implementation Rules (GC Docket No. 21-79)

SUMMARY: On March 3, 2021, the Commission adopted a Notice of Proposed Rulemaking (NPRM) proposing updates to its Privacy Act implementation rules. *Amendment of the Commission's Rules Implementing the Privacy Act of 1974, as Amended*, FCC 21-30 (rel. Mar. 4, 2021). The Privacy Act requires federal agencies to promulgate rules implementing the Act, which gives individuals the right to request access to, or amendment of, records that agencies have about them. The NPRM proposes to update the FCC's rules to reflect current Commission practices, changes in technology, and government-wide guidance from the Office of Management and Budget (OMB). The NPRM proposes updates in three general areas: (1) to clarify the process through which individuals can request access to or amendment of their records under the Act, including streamlining the appeals process to be consistent with the existing review process for other FCC proceedings; (2) to clarify which systems of records are exempt from disclosure under the right to access and amend; and (3) to update the identity verification process to comply with recent OMB guidelines that require agencies to minimize the amount of data collected from individuals and to accept digital signatures. The NPRM also proposes other updates to conform with OMB guidelines and templates about systems of records notices, as well as some clerical updates such as the FCC's new headquarters address.

STATUS: The comment cycle closed on June 4, 2021.

OGC BRIEFING SHEET

SUBJECT: Summary of some key provisions on FCC Process

Voting Process. Three members of the Commission constitute a quorum. 47 U.S.C. § 154(h). If there are only three Commissioners, all must participate in the matter or there is no quorum. An item is adopted by majority vote when all the participating Commissioners have voted.

Ex Parte Rules. The *ex parte* rules classify FCC proceedings as restricted, permit-but-disclose, or exempt. The Commission or its staff can change the status of an individual proceeding when appropriate.

Restricted Proceedings. Most adjudicatory proceedings (other than declaratory orders) that involve more than one party (e.g., the applicant) are restricted proceedings. Written presentations concerning such proceedings must be served on all parties to the proceedings. Oral presentations are prohibited unless all parties have notice and an opportunity to be present. *See* 47 CFR § 1.1208.

Permit-but-Disclose Proceedings. Rulemakings and petitions for declaratory rulings are permit-but-disclose proceedings. This means outside entities may have oral discussions with the Commission, but they must disclose oral presentations by filing a detailed summary of the information or citations to previous filings with the same information. Copies of any written presentations must also be filed in the record. Presentations by members of Congress and other federal agencies, as well as their staffs, concerning permit-but-disclose proceedings are required to be disclosed only if the presentation is of substantial significance and clearly intended to affect the ultimate decision. *See* 47 CFR § 1.1206.

Exempt Presentations and Proceedings. No disclosure requirements apply to exempt proceedings and to most exempt presentations. For example, Notices of Inquiry are exempt proceedings unless the Commission decides to designate an NOI permit-but-disclose. In some cases, exempt presentations may be subject to more limited disclosure requirements. For example, presentations to or from an agency or another branch of the federal government involving a matter of “shared jurisdiction” require the Commission to disclose information in the record that it relies upon in its decision making no later than at the time of the release of its decision. *See* 47 CFR § 1.1204.

Sunshine Period. Unless an exemption applies, outside parties (other than Members of Congress and federal agencies) may not make presentations on items on an open meeting agenda once Sunshine Notice issues one week before the meeting. *See* 47 CFR § 1.1203.

Delegation of Authority. The Commission has broad authority to delegate its functions. 47 U.S.C. § 155(c). Absent specific delegation by Commission order, none of the delegations provide any Bureau or Office with authority to decide “new and novel” issues or with authority to issue or act on notices of proposed rulemaking.

Federal Records Act (FRA). The FRA governs the retention and disposal of federal records. It requires that agencies retain records for periods set forth in either General Records Schedules (GRS) (government-wide) or FCC records schedules approved by the National Archives and Records Administration (NARA). Commissioners' permanent records include emails, calendars, business correspondence, speeches, and articles.

FOIA. Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Commission is required to disclose reasonably described agency records requested by any person, unless the records contain information that fits within one or more of the exemptions from disclosure provided in the Act and disclosure would result in foreseeable harm. Under the Act, the Commission generally is allowed twenty to thirty business days to respond to a FOIA request. The FOIA exceptions most widely invoked by the Commission include:

- trade secrets and confidential commercial or financial information obtained from any person and privileged or confidential (exemption 4);
- interagency and intra-agency memoranda, letters and work papers, including attorney-client privilege, attorney work product, and deliberative process materials (exemption 5);
- personnel, medical and other files whose disclosure would constitute an unwarranted invasion of personal privacy (exemption 6); and
- certain investigatory records compiled for law enforcement purposes (exemption 7).

Initial FOIA decisions by the Bureaus and Offices are subject to an application for review by the full Commission. OGC prepares draft decisions on FOIA AFRs for the Commission.

Privacy Act. The Privacy Act restricts the collection, maintenance, use and dissemination of agency records that contain information about individuals to the extent they are contained in a system of records and are retrievable by means of some personal identifier. The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act to require, among other things, that an agency may not disclose a record from a system of records for use in a computer matching program except pursuant to a computer matching agreement that has been published in the Federal Register. The Commission has entered into matching agreements with state and other Federal agencies to facilitate eligibility determinations for Lifeline and the Affordable Connectivity Program.

Non-Public Information. Section 19.735-203(a) of the Commission's rules generally prohibits disclosure of non-public information to persons outside the Commission unless "authorized by the Commission or its rules." Under section 19.735-203(a), non-public information includes, but is not limited to, the content of agenda items and actions or decisions that have not yet been released. Although there is no express provision in the rules, Commissioners generally have been considered free to express their own views on issues before the Commission, other than in restricted proceedings, as long as they don't publicly discuss the specific content of drafts (before they are released to the public) or other non-public information.

Paperwork Reduction Act (PRA). The PRA requires that the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) review any "information collections" from 10 or more entities, including voluntary collections, before the Commission may begin conducting such collections. The OIRA review process takes

approximately 120 days (less under emergency circumstances, although OIRA disfavors emergency applications if the emergency is of the agency's own making). If OIRA disapproves a collection, the Commission may conduct the collection only if a majority of the Commissioners votes to override the disapproval. The public can raise failure to comply with the PRA as an absolute defense in any action the Commission takes based on unapproved information collections.

Congressional Review Act (CRA). Under the CRA, agencies must submit all newly adopted rules (with limited exceptions) to Congress and the GAO. A joint resolution of Congress disapproving the rule may be introduced within 60 days after it is submitted to Congress. If the rule is a major rule (generally, a rule having an annual effect on the economy of \$100,000,000 or more), it may not take effect earlier than 60 days after its submission to Congress and publication in the Federal Register, unless the rule was adopted without notice and comment for good cause. OMB must concur with the agency's determination of whether a rule is major before the adopted rule can be released to the public. Effective October 1, 2024, the GAO Database Modernization Act of 2023, amended the CRA to include additional reporting requirements for agencies. The Act requires agencies, with respect to any rule previously submitted to Congress and the GAO under the CRA, to submit a report to GAO whenever (1) the agency, in whole or in part, revokes, suspends, replaces, amends, or otherwise makes the rule ineffective, or (2) the rule is made ineffective for any other reason.

Peer Review. Under a 2005 OMB Bulletin, draft agency products containing important scientific (and social scientific) information shall be peer reviewed by qualified specialists in the field who were not involved in producing the draft before it is disseminated by the federal government. The purpose of peer review is to ensure that the quality of published information meets the standards of the scientific and technical community.

OPEN Government Data Act. The OPEN Government Data Act establishes new agency responsibilities for information transparency and availability. The Act requires agencies to make collections of data open by default—that is, to disclose publicly agency data assets if they would otherwise be made available under the FOIA. The Act also requires agencies to publish their public data assets based on open standards in (i) machine-readable formats, (ii) “open formats,” (iii) under an “open license,” and (iv) unencumbered by restrictions on use or re-use other than intellectual property restrictions. Agencies are permitted to conduct cost-benefit analyses on whether there is sufficient public value in converting existing public information into the required formats. All agency data assets, even if only available internally, must be in “open format.” The Act also requires agencies to create an Open Data Plan documenting how they will comply with the Act, engage the public regarding availability and use of agency data, and create and make publicly available a comprehensive inventory of agency data assets (CDI). Agency Chief Data Officers are charged with coordinating their agency's compliance. OMB is required to issue guidance to agencies on how to make data open and available, their Open Data Plans, and how to construct their CDIs, but OMB has not yet done so.

Providing Accountability Through Transparency Act. Effective July 25, 2023, the Providing Accountability Through Transparency Act (PATTA) amended section 553(b) of the Administrative Procedure Act (APA) by adding paragraph (4). New section 553(b)(4) requires each government agency, when it is required to publish notice of a rulemaking in the Federal Register, to include a link to a plain-language summary of not more than 100 words of the

proposed rule and to post that summary on the web site used for agency electronic rulemaking dockets. The FCC complies with this requirement by posting a summary of each new Notice of Proposed Rulemaking (NPRM) and Further Notice of Proposed Rulemaking (FNPRM) published in the Federal Register on a web page hosted on fcc.gov.

**Office of International Affairs
Briefing Sheets**

March 2025

Table of Contents

Subject	Page Number
Telecommunications and Analysis Division	
International Section 214 and Cable Landing License Applications	1
Foreign Ownership/Transaction Review	5
Executive Branch Coordination Reform	8
China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority	13
Review of International Section 214 Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks	17
Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks	20
Submarine Cables with China Landing Points and/or Chinese State-Owned Enterprise Ownership	23
Submarine Cable Interagency Coordination	26
Global Strategy and Negotiation Division	
World Radiocommunication Conference (WRC)	28
Coordination Issues with Mexico	32
Coordination Issues with Canada	36
Prison Jammer Interference from Mexico	39

SUBJECT: International Section 214 and Cable Landing License Applications

SUMMARY: The Office of International Affairs (OIA) licenses international telecommunications services and submarine cables, coordinating with Executive Branch agencies on national security, law enforcement, foreign policy, and/or trade policy issues.

International Section 214 Authorizations. OIA acts on applications filed by carriers to provide international telecommunications service and transfer or assign existing authorizations pursuant to section 214 of the Communications Act of 1934, as amended. The international section 214 application review process seeks to ensure that the U.S. market is protected against potential anti-competitive behavior by carriers with market power in a foreign country.

Submarine Cable Landing Licenses. OIA also acts on applications for licenses to own and operate submarine cables and landing stations and to transfer or assign existing licenses pursuant to the Cable Landing License Act of 1921 and under delegated authority pursuant to Executive Order No. 10530. The review of such applications seeks to ensure that an applicant that controls a necessary input to a telecommunications cable system (*e.g.*, the wet link, cable landing station, or backhaul facilities) cannot engage in anti-competitive conduct to the detriment of competing carriers.

STATUS:

International Section 214 Authorizations

- In 2024, applicants filed 187 applications related to international section 214 authority (*i.e.*, applications for authority, transfers of control, assignments, modifications, and requests for special temporary authority). OIA processed 174 applications.
- As of March 1, 2025, applicants filed 28 applications related to international section 214 in 2025. OIA processed 21 applications (some of the applications were filed in the prior year).

Submarine Cable Licenses

- In 2024, applicants filed 52 applications related to submarine cable licenses (*i.e.*, applications for authority, transfers of control, assignments, modifications, and requests for special temporary authority (STA)). OIA processed 47 applications.
- As of March 1, 2025, applicants filed 5 applications related to submarine cable licenses in 2025. OIA processed 10 applications (some of the applications were filed in the prior year).
- As of February 1, 2025, there are 84 FCC licensed submarine cable systems operating or scheduled to enter into service.

BACKGROUND:

International Section 214 Authorizations. The Commission has an open-entry standard for applicants for international services. Instead of conducting an in-depth review of the competitiveness of each foreign market to preclude potential anti-competitive conduct, the Commission has in place safeguards against potential anti-competitive harm resulting from

foreign entry into the U.S. market. OIA approves most applications for international section 214 authorizations and transfers or assignments that do not require coordination with the Executive Branch through a streamlined process with an automatic grant on the 14th day after OIA places the application on a Public Notice. Applications that do not qualify for streamlined processing because the applicant has not sought streamlined processing, is affiliated with a foreign carrier with market power in the destination market or has reportable foreign ownership (a 10% or greater direct or indirect owner that is not a U.S. individual or entity) are placed on a non-streamlined Public Notice with a 28-day comment period. These applications are not automatically granted, and OIA processes these applications in coordination with the Executive Branch or other offices in the Commission as warranted.

Submarine Cable Licenses. Applications that qualify for streamlined processing may be acted upon within 45 days from when they are placed on Public Notice. Applications that do not qualify for streamlined treatment may be acted upon within 90 days from when they are placed on Public Notice unless the application requires coordination with the Executive Branch. Applications with reportable foreign ownership (a 10% or greater direct or indirect owner that is not a U.S. individual or entity) are placed on non-streamlined Public Notice. The Commission's licensing rules include safeguards to reduce the potential for anti-competitive harm where the applicant controls one of the necessary inputs of a telecommunications cable system (e.g., the undersea portion of the cable, cable landing station, or backhaul facilities).

Executive Branch Coordination. The Commission coordinates applications for international telecommunications services and submarine cables that have 10% or greater foreign owners with the relevant Executive Branch agencies. The agencies review the applications for national security, law enforcement, foreign policy, and/or trade policy issues. The Commission will place an application with foreign ownership on a non-streamlined public notice, which serves as the referral to the Executive Branch agencies. At the request of the Executive Branch agencies, the Commission defers action on the application until the agencies have completed their review. As part of this process, the Committee may decide to negotiate letters of assurance (LOA) or national security agreements (NSA) with entities to address any potential national security or law enforcement concerns. The Department of Commerce, National Telecommunications and Information Administration (NTIA) files the Committee recommendation, including petitions to condition grant of the application on compliance with an LOA or NSA. This review historically added significant time to the processing of most applications referred to the Executive Branch. In June 2016, the Commission released a NPRM that sought to streamline and facilitate the Executive Branch review process, while ensuring that the Commission continues to take Executive Branch concerns into consideration as part of its public interest review.

On April 4, 2020, the President signed Executive Order No. 13913, establishing the Committee. Importantly, the Executive Order designates several Executive Branch agencies as members of the Committee to review applications referred by the Commission and establishes procedures and time frames for that review, including 120 days for initial review, and an additional 90 days for secondary assessment when warranted.

On September 30, 2020, the Commission adopted a Report and Order that formalizes the review process and establishes firm time frames for the Executive Branch agencies to complete their review consistent with Executive Order. Among other requirements, for most applications referred by the Commission, the Committee has 120 days for initial review, plus an additional 90 days for secondary assessment if the Committee determines that the risk to national security or

law enforcement interests cannot be mitigated with standard mitigation measures. To help expedite the Committee review process, the new rules also require applicants to provide responses to standardized national security and law enforcement questions directly to the Committee prior to or at the same time that they file applications with the Commission.

On September 30, 2021, the Commission, in a Second Report and Order, adopted Standard Questions – a baseline set of national security and law enforcement questions – for certain applicants with reportable foreign ownership. To expedite the review of such applications, applicants must provide answers to the Standard Questions directly to the Committee prior to or at the same time they file their applications with the Commission. *See* OIA Briefing Sheet: Executive Branch Coordination Reform.

RELATED MATTERS: In July 2018, after seven years of review, the Executive Branch agencies recommended that the Commission deny the application for international section 214 authority filed by China Mobile International (USA) Inc. (China Mobile USA) on national security and law enforcement grounds. In May 2019, after an extensive review of the record in this proceeding, the Commission denied the application stating that China Mobile USA had not demonstrated that its application for authority to provide international telecommunications services was in the public interest.

On October 26, 2021, the Commission adopted an Order revoking China Telecom Americas' domestic section 214 authority and revoking and terminating China Telecom Americas' international section 214 authorizations. On January 27, 2022, the Commission adopted an Order revoking China Unicom Americas' domestic and international section 214 authority. On March 16, 2022, the Commission adopted an Order revoking Pacific Networks' and ComNet's domestic section 214 authority and revoking and terminating their international section 214 authorizations. *See* OIA Briefing Sheet: China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority.

On June 17, 2020, NTIA, on behalf of the Executive Branch agencies, filed a recommendation for partial denial of the application for a submarine cable landing license for the Pacific Light Cable Network (PLCN). The Executive Branch agencies recommended that the Commission partially deny the license application with respect to PLCN's connection to Hong Kong and with respect to PLCN's foreign owners, Hong Kong based Pacific Light Data Communication Co. Ltd. (PLDC) and China-based ultimate parent entity Dr. Peng Telecom & Media Group Co., Ltd. On August 27, 2020, the applicants withdrew the cable landing license application for PLCN and filed a new application for the PLCN cable that did not include PLDC as an applicant or Hong Kong as a landing point. On October 28, 2021, NTIA, on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License advising the Commission that the Committee has no objection to the grant of the application, provided that the Commission conditions its consent on compliance with forthcoming national security agreements (NSAs). On December 16, 2021, NTIA filed two separate NSAs, one between DOJ, DHS and DOD, and Edge Cable Holdings USA, LLC and Meta Platforms, Inc., and the other between GU Holdings Inc. and Google LLC, and DOJ, DHS and DOD. The Committee stated it has no objection to the Commission approving the authority to construct, land, and operate PLCN, provided that the Commission conditions its approval on the assurances of: (1) Edge Cable Holdings USA, LLC and Meta Platforms, Inc. and (2) GU Holdings Inc. and Google abiding by the commitments and undertakings set forth in their respective NSAs. On January 26, 2022, the Commission granted

the application after completing coordination with the State Department. *See* OIA Briefing Sheet: Submarine Cables with China Landing Points and/or Chinese State-Owned Enterprise Ownership.

On November 29, 2022, NTIA, on behalf of the Committee, filed a recommendation to deny the application to modify the ARCOS-1 cable system to add a new landing in Cuba. The Committee stated that a landing in Cuba would pose substantial risks to the national security because of the Cuban government's ownership of the telecommunications company in Cuba and its close ties with Russia and China. The applicants withdrew the application.

Since 2015, OIA has terminated 18 international section 214 authorizations (including two international section 214 authorizations held by China Telecom (Americas) Corporation, an international section 214 authorization held by Pacific Networks Corp., and an international section 214 authorization held by ComNet (USA) LLC) because the carriers failed to comply with the terms of the LOA entered into with the Executive Branch agencies, an express condition for holding the international section 214 authorization.

OIA BRIEFING SHEET

SUBJECT: Foreign Ownership Under Section 310/Transaction Review

SUMMARY: OIA reviews transactions that involve proposals for foreign investment. The review arises in the context of petitions for declaratory ruling under section 310(b) of the Communications Act of 1934, as amended, for foreign ownership of common carrier non-broadcast wireless licensees. The Media Bureau reviews section 310(b)(4) petitions for declaratory ruling for foreign ownership of broadcast licensees. The Commission seeks input from the relevant Executive Branch agencies on national security, law enforcement, foreign policy, and/or trade policy concerns relevant to section 310(b) foreign ownership petitions.

In the *2013 Second Report and Order*, the Commission streamlined the policies and procedures that apply to foreign ownership of common carrier licensees to reduce costs and provide greater transparency. The *2016 Foreign Ownership Report and Order* extended the same streamlined procedures and rules adopted in the *2013 Second Report and Order* to broadcast licensees, with certain tailored modifications. The *2016 Foreign Ownership Report and Order* also changed the methodology that both common carrier and broadcast licensees use to assess compliance with the 25% foreign ownership benchmark under section 310(b)(4). These decisions did not change the 25% statutory foreign ownership limitation set out in section 310(b)(4) or the public interest standard of review.

STATUS: The rules adopted in the *2016 Foreign Ownership Report and Order* went into effect on April 20, 2017. OIA received 5 section 310(b) petitions in 2024. As of March 1, 2025, OIA has received 0 section 310(b) petitions in 2025.

BACKGROUND: Section 310 requires the Commission to review foreign investment in FCC radio licensees and imposes specific restrictions on who may hold certain types of radio licenses.

- Section 310(a) prohibits a foreign government or representative from holding any radio license.
- Section 310(b) places specific restrictions on the ownership of broadcast, common carrier, aeronautical en route and aeronautical fixed radio station licensees.
 - Section 310(b)(1) prohibits any alien or representative of any alien from holding such a license.
 - Section 310(b)(2) prohibits a foreign corporation from holding such a license.
 - Section 310(b)(3) prohibits foreign governments, individuals, and corporations from owning more than 20% of the stock of such licensees.
 - Section 310(b)(4) establishes a 25% benchmark for investment by foreign individuals, corporations, and governments in the U.S. parents of such licensees, but grants the Commission discretion to allow higher levels of foreign ownership if it determines that such ownership is not inconsistent with the public interest. The 25% benchmark applies to foreign investment in the licensee through a controlling U.S. parent entity. The majority of proposed foreign investments reviewed by the Commission involve section 310(b)(4) of the Act.

Based on the discretion provided in section 310(b)(4), the Commission or OIA, under delegated authority, has granted numerous applications involving investment above the 25% foreign investment threshold in a common carrier licensee's controlling U.S. parent. In 1997, the

Commission adopted an “open entry standard” for foreign investment from World Trade Organization (WTO) Member countries. In addition to considering the competitive effects of foreign investment, the Commission also accords the appropriate level of deference to Executive Branch concerns regarding national security, law enforcement, foreign policy, and/or trade policy.

In the *2011 Notice of Proposed Rulemaking*, the Commission sought comment on measures to revise and simplify the regulatory framework for authorizing foreign ownership of common carrier and certain aeronautical radio station licensees under section 310(b)(4). In the *2012 First Report and Order*, in response to requests and comments to broaden the scope of the proceeding to consider the relationship of sections 310(b)(3) and 310(b)(4) of the Act, the Commission forbore from applying the section 310(b)(3) limits to certain foreign interests in common carrier licensees. In the *2013 Second Report and Order*, the Commission streamlined the policies and procedures that apply to foreign ownership of common carrier licensees to reduce costs and provide greater transparency. Among other things, the Commission eliminated its differential treatment of foreign investment from WTO Member and non-WTO Member countries, and instead decided to apply the WTO Member “open entry” standard in its assessment of *all* foreign investment. At that time, the Commission did not extend the policies to broadcast licensees.

In the *2016 Foreign Ownership Report and Order*, the Commission extended to broadcast licensees the section 310(b)(4) foreign ownership rules and policies adopted for common carrier licensees in the *2013 Second Report and Order*, with some tailored modifications to recognize the differences between the two services. Among other things, the rules:

- affirm and codify the Commission’s policy of allowing a broadcast licensee to request Commission approval for its controlling U.S. parent to have up to and including 100% foreign ownership;
- allow the licensee to request that a proposed controlling foreign investor be permitted to increase its ownership up to and including 100% in the future without filing a new petition;
- extend to broadcast licensees the practice of allowing the licensee to request that any non-controlling named foreign investor, once approved by the Commission, be permitted to increase its interest in the U.S. parent up to and including a non-controlling interest of 49.99% in the future without filing a new petition;
- remove regulatory burdens on broadcast licensees by not requiring the licensee to request approval of a non-controlling foreign investor with an interest of 5% or less (or 10% in certain circumstances);
- allow broadcast licensees to continue to use the broadcast attribution rules to disclose their principal U.S. and foreign owners and to rely on broadcast insulation rules; and
- codify the methodology that a publicly traded broadcast or common carrier licensee or controlling U.S. parent should use to assess its compliance with Section 310(b).

RELATED MATTERS: On September 30, 2020, the Commission adopted a Report and Order in IB Docket No. 16-155 (FCC 20-133) that streamlines and improves the timeliness and transparency of the process by which the Commission coordinates 310(b) petitions referred to the Executive Branch agencies for assessment of any national security, law enforcement, foreign policy, and/or trade policy issues related to the foreign ownership. The rules formalize the

review process and establish firm time frames for the Executive Branch agencies to complete their review consistent with the President's April 4, 2020 Executive Order No. 13913 that established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the "Committee"). Among other requirements, the Committee has 120 days for initial review of a 310(b) petition, plus an additional 90 days for secondary assessment if the Committee determines that the risk to national security or law enforcement interests cannot be mitigated with standard mitigation measures. On September 30, 2021, the Commission, in a Second Report and Order in IB Docket No. 16-155 (FCC 21-104), adopted Standard Questions – a baseline set of national security and law enforcement questions – for certain applicants with reportable foreign ownership, including 310(b) petitioners. To expedite the review, the petitioners must provide answers to the Standard Questions directly to the Committee prior to or at the same time they file the petition with the Commission. *See* OIA Briefing Sheet: Executive Branch Coordination Reform.

OIA BRIEFING SHEET

SUBJECT: Executive Branch Coordination Reform

SUMMARY: The Commission coordinates certain applications and petitions with reportable foreign ownership with the Executive Branch agencies. On September 30, 2020, the Commission adopted rules and procedures in IB Docket No. 16-155 (FCC 20-133) that streamline and improve the timeliness and transparency of the process by which the Executive Branch agencies review those applications for any national security, law enforcement, foreign policy, and/or trade policy issues. The rules formalize the review process and establish firm time frames for the Executive Branch agencies to complete their review consistent with the President's April 4, 2020 Executive Order No. 13913 that established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the "Committee"). Among other requirements, the Committee has 120 days for initial review of applications referred by the Commission, plus an additional 90 days for secondary assessment if the Committee determines that the risk to national security or law enforcement interests cannot be mitigated with standard mitigation measures. Some of the rules became effective on December 28, 2020, such as the rules on timeframes for Executive Branch review. In the Report and Order, the Commission also directed IB (now OIA), to develop, solicit comment on, and make publicly available on a website the Standard Questions that applicants will now be required to answer and submit to the Committee before or at the time they file their application with the Commission.

STATUS/KEY ISSUES: On September 30, 2021, the Commission, in a Second Report and Order in IB Docket No. 16-155 (FCC 21-104), adopted Standard Questions – a baseline set of national security and law enforcement questions – for certain applicants with reportable foreign ownership. To expedite the review of such applications, applicants must provide answers to the Standard Questions directly to the Committee prior to or at the same time they file their applications with the Commission. In June 2024, the Commission received approval from OMB for the Standard Questions and the rules adopted in the *2020 Report and Order* that are subject to the Paperwork Reduction Act (PRA). On August 23, 2024, OIA issued a Public Notice announcing the effective date of August 23, 2024 for the requirements, including the requirement to file responses to the Standard Questions with the Committee. .

BACKGROUND:

Executive Branch Coordination. The Commission coordinates with the relevant Executive Branch agencies those applications for international section 214 authorizations and submarine cable licenses or to assign, transfer control or modify such authorizations and licenses where the applicant has reportable foreign ownership (a 10% or greater direct or indirect owner that is not a U.S. citizen or entity), and all petitions for section 310(b) foreign ownership rulings. The agencies review the applications and petitions for national security, law enforcement, foreign policy, and/or trade policy issues. The Commission will place an application with foreign ownership on a non-streamlined public notice, which serves as the referral to the agencies. At the request of the agencies, the Commission will defer action on the application until the agencies have completed their review. This review added significant time to the processing of most applications referred to the Executive Branch. In June 2016, the Commission released an NPRM that sought to streamline and facilitate the Executive Branch review process, while

ensuring that the Commission continues to take Executive Branch concerns into consideration as part of its public interest review.

On April 4, 2020, the President signed Executive Order No. 13913, establishing the Committee. Importantly, the Executive Order designates several Executive Branch agencies as members of the Committee to review applications referred by the Commission and establishes procedures and time frames for that review, including 120 days for initial review, and an additional 90 days for secondary assessment when warranted.

On September 30, 2020, the Commission adopted a Report and Order that revised its review process, establishing firm time frames for the Committee to complete their review consistent with Executive Order. The rules will provide greater regulatory certainty for applicants and facilitate foreign investment in, and the provision of new services and infrastructure by, U.S. authorization holders and licensees in a more timely manner, while continuing to ensure that the Commission receives the benefit of the agencies' views as part of its public interest review of an application.

- *First*, the Commission will continue to refer to the Executive Branch agencies those applications for international section 214 authorizations and submarine cable licenses or to assign, transfer control or modify such authorizations and licenses where the applicant has reportable foreign ownership, and all petitions for section 310(b) foreign ownership rulings. Some categories of applications that present a low or minimal risk to national security, law enforcement, foreign policy, and/or trade policy concerns, will be excluded from referral, including *pro forma* transfers of control and assignments.
- *Second*, for those applications that are referred, the applicants are required to provide responses to a set of standardized national security and law enforcement questions (Standard Questions) directly to the Committee before or at the time the applicant files its application with the Commission. This will enable the Executive Branch agencies to begin their review earlier in the process than is now the case and may eliminate the need for the Committee to send a specifically tailored questionnaire (Tailored Questions) to each applicant.
- *Third*, the rules require all applicants for international section 214 authorizations and submarine cable landing licenses, applications to assign, transfer control or modify such authorizations and licenses (including those that do not have reportable foreign ownership), and petitioners for section 310(b) foreign ownership rulings to provide certain certifications. These certifications, such as to designate a U.S. citizen or permanent U.S. resident as a point of contact, should facilitate faster reviews, make mitigation unnecessary for a number of applications reviewed by the Committee, strengthen compliance, and assist the Commission in its ongoing regulatory obligations.
- *Fourth*, the rules adopt the time frames set forth in the Executive Order: a 120-day initial review period followed by a discretionary 90-day secondary assessment.
 - The 120-day review period will begin when the Committee finds that an applicant's responses to any Tailored Questions are complete as set forth in the Executive Order.
 - Under the rules, the Commission will have the discretion to start its 120-day initial review clock if the Tailored Questions are not provided to an applicant within 30 days of referral or within a specified extension period.

- As part of this process, the Committee may decide to negotiate letters of assurance (LOA) or national security agreements (NSA) with carriers to address any potential national security or law enforcement concerns. The Department of Commerce, National Telecommunications and Information Administration (NTIA) files the Committee recommendation, including petitions to condition grant of the application on compliance with an LOA or NSA.
- *Finally*, the Order establishes a new subpart CC in Part 1 of the rules to provide a unified and transparent set of rules governing referral of applications to the Executive Branch agencies.

On December 30, 2020, Commission staff released a Public Notice seeking comment on the Standard Questions. On September 30, 2021, the Commission, in a Second Report and Order, adopted the Standard Questions – a baseline set of national security and law enforcement questions – for certain applicants with reportable foreign ownership. To expedite the review of such applications, applicants must provide answers to certain Standard Questions directly to the Committee prior to or at the same time they file their applications with the Commission. This process will replace the current practice of the Executive Branch seeking such threshold information directly from the applicants after the Commission refers the applications. The implementation of the Standard Questions will provide regulatory certainty, significantly decrease administrative burdens, and result in a timely and transparent process for Commission applicants, thereby encouraging and facilitating foreign investment and the provision of new services and infrastructure in the United States. The Standard Questions are six sets of questions required to be completed by certain applicants with reportable foreign ownership, as well as a supplement for the provision of personally identifiable information (PII). The Standard Questions below are based upon the questionnaires currently used by the Committee to obtain information from applicants and petitioners:

- Attachment A - Standard Questions for an International Section 214 Authorization Application. Standard Questions for an international section 214 authorization application filed pursuant to 47 CFR § 63.18, including a modification of an existing authorization.
- Attachment B - Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization. Standard Questions for an assignment or transfer of control of an international section 214 authorization application filed pursuant to 47 CFR § 63.24.
- Attachment C - Standard Questions for a Submarine Cable Landing License Application. Standard Questions for a cable landing license application filed pursuant to 47 CFR § 1.767 including a modification of an existing license.
- Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License. Standard Questions for an assignment or transfer of control of a cable landing license application filed pursuant to 47 CFR § 1.767.
- Attachment E - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee. Standard Questions for a petition for declaratory ruling for foreign ownership in a broadcast licensee above the

benchmarks in section 310(b) of the Communications Act (the Act) filed pursuant to 47 CFR §§ 1.5000-1.5004.

- Attachment F - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee. Standard Questions for a petition for declaratory ruling for foreign ownership in a common carrier wireless or common carrier earth station licensee above the benchmarks in section 310(b) of the Act filed pursuant to 47 CFR §§ 1.5000-1.5004.
- Attachment G - Personally Identifiable Information (PII) Supplement. Each set of Standard Questions references a supplement to assist the Committee in identifying PII.

In June 2024, the Commission received approval from OMB for the Standard Questions and the rules adopted in the *2020 Report and Order* that are subject to the PRA. On August 23, 2024, OIA issued a Public Notice informing the public that the requirements, including the requirement to file responses to the Standard Questions with the Committee, are effective on August 23, 2024. Now, all parties filing applications subject to Committee referral are required to submit answers to the Standard Questions to the Committee prior to or at the same time they file their applications with the Commission. OIA also established a webpage on the FCC website with information about how to prepare responses to the Standard Questions, including how to submit the responses to the Committee. See <https://www.fcc.gov/international-affairs/requirements-applications-and-petitions-subject-executive-branch-review>.

RELATED MATTERS: In July 2018, after seven years of review, the Executive Branch agencies recommended that the Commission deny the application for international section 214 authority filed by China Mobile International (USA) Inc. (China Mobile USA) on national security and law enforcement grounds. In May 2019, after an extensive review of the record in this proceeding, the Commission denied the application stating that China Mobile USA had not demonstrated that its application for authority to provide international telecommunications services was in the public interest.

On October 26, 2021, the Commission adopted an Order revoking China Telecom Americas' domestic section 214 authority and revoking and terminating China Telecom Americas' international section 214 authorizations. On November 5, 2021, China Telecom Americas filed with the Commission a motion to stay the Revocation and Termination Order. On November 15, 2021, China Telecom Americas filed with the United States Court of Appeals for the D.C. Circuit a petition for review of the Revocation and Termination Order. On November 15, 2021, China Telecom Americas filed with the D.C. Circuit an emergency motion to stay the Revocation and Termination Order. On December 2, 2021, the D.C. Circuit denied China Telecom Americas' emergency motion for a stay. On December 20, 2022, the D.C. Circuit denied China Telecom Americas' petition for review. *China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256 (D.C. Cir. 2022).

On January 27, 2022, the Commission adopted an Order revoking China Unicom Americas' domestic and international section 214 authority. On February 17, 2022, China Unicom Americas filed with the Commission a motion to stay the Revocation Order. On February 24, 2022, China Unicom Americas filed with the United States Court of Appeals for the Ninth Circuit a petition for review of the Revocation Order. On February 28, 2022, China Unicom

Americas filed with the Ninth Circuit a motion to stay the Revocation Order and an emergency motion for a temporary stay of the Revocation Order. On March 4, 2022, the Ninth Circuit denied China Unicom Americas' motion for a stay and denied the emergency motion for a stay as moot. The oral argument was held on February 15, 2023, and a decision on the petition for review remains pending.

On March 16, 2022, Commission adopted an Order revoking Pacific Networks' and ComNet's domestic section 214 authority and revoking and terminating their international section 214 authorizations. See OIA Briefing Sheet: China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority. On March 30, 2022, Pacific Networks and ComNet filed with the Commission a motion to stay the Revocation and Termination Order. On April 6, 2022, Pacific Networks and ComNet filed with the United States Court of Appeals for the D.C. Circuit a petition for review of the Revocation and Termination Order. On April 8, 2022, Pacific Networks and ComNet filed with the D.C. Circuit an emergency motion to stay the Revocation and Termination Order. On April 21, 2022, the D.C. Circuit denied Pacific Networks' and ComNet's emergency motion for a stay. On August 15, 2023, the D.C. Circuit denied Pacific Networks' and ComNet's petition for review. *Pacific Networks Corp. v. FCC*, 77 F.4th 1160 (D.C. Cir. 2023).

On June 17, 2020, NTIA, on behalf of the Executive Branch agencies, filed for a recommendation for partial denial of the application for a submarine cable landing license for the Pacific Light Cable Network (PLCN). The Executive Branch agencies recommended that the Commission partially deny the license application with respect to PLCN's connection to Hong Kong and with respect to PLCN's foreign owners, Hong Kong based Pacific Light Data Communication Co. Ltd. (PLDC) and China-based ultimate parent entity Dr. Peng Telecom & Media Group Co., Ltd. On August 27, 2020, the applicants withdrew the cable landing license for PLCN and filed a new application for the PLCN cable that did not include PLDC as an applicant or Hong Kong as a landing point. On October 28, 2021, NTIA, on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License advising the Commission that the Committee has no objection to the grant of the application, provided that the Commission conditions its consent on compliance with forthcoming national security agreements (NSAs). On December 16, 2021, NTIA filed two separate NSAs, one between DOJ, DHS and DOD, and Edge Cable Holdings USA, LLC and Meta Platforms, Inc., and the other between GU Holdings Inc. and Google LLC, and DOJ, DHS and DOD. The Committee stated it has no objection to the Commission approving the authority to construct, land, and operate PLCN, provided that the Commission conditions its approval on the assurances of: (1) Edge Cable Holdings USA, LLC and Meta Platforms, Inc. and (2) GU Holdings Inc. and Google abiding by the commitments and undertakings set forth in their respective NSAs. On January 26, 2022, the Commission granted the application after completing coordination with the State Department.

OIA BRIEFING SHEET

SUBJECT: China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority

SUMMARY:

- On October 26, 2021, the Commission adopted an Order on Revocation and Termination, revoking China Telecom (Americas) Corporation's (China Telecom Americas) domestic authority and revoking and terminating its international authority, pursuant to section 214 of the Communications Act (China Telecom Americas Revocation and Termination Order). The Commission ordered China Telecom Americas to discontinue any domestic or international telecommunications services within the United States by January 3, 2022.
- On January 27, 2022, the Commission adopted an Order on Revocation, revoking China Unicom (Americas) Operations Limited's (China Unicom Americas) domestic and international authority, pursuant to section 214 of the Communications Act (China Unicom Americas Revocation Order). The Commission ordered China Unicom Americas to discontinue any domestic or international telecommunications services within the United States by April 4, 2022.
- On March 16, 2022, the Commission adopted an Order on Revocation and Termination, revoking Pacific Networks Corp.'s (Pacific Networks) and ComNet (USA) LLC's (ComNet) domestic authority and revoking and terminating their international authority, pursuant to section 214 of the Communications Act (Pacific Networks/ComNet Revocation and Termination Order). The Commission ordered the Companies to discontinue any domestic or international telecommunications services within the United States by May 23, 2022.

BACKGROUND:

On April 9, 2020, the Department of Commerce, National Telecommunications and Information Administration (NTIA) filed a recommendation on behalf of the Executive Branch agencies requesting that the Commission revoke and terminate China Telecom Americas' international section 214 authorizations due to national security and law enforcement risks.

On April 24, 2020, the International Bureau, Wireline Bureau, and Enforcement Bureau (Bureaus) issued three Orders to Show Cause against four companies that are ultimately subject to the ownership and control of the Chinese government: China Telecom Americas, China Unicom Americas, Pacific Networks, and ComNet. The Orders to Show Cause directed the companies to explain why the Commission should not initiate a proceeding to revoke and/or terminate their domestic and international section 214 authorizations enabling them to operate in the United States and to reclaim their International Signaling Point Codes (ISPCs). China Unicom Americas, Pacific Networks, and ComNet submitted their responses on June 1, 2020. China Telecom Americas submitted its response on June 8, 2020.

On October 15, 2020, the International Bureau issued letters requesting that the U.S. Department of Justice, on behalf of the Attorney General as Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) under Executive Order 13913, address the arguments made by China Unicom Americas and by

Pacific Networks and ComNet in their responses to the Orders to Show Cause by November 16, 2020.

On November 16, 2020, NTIA, on behalf of interested Executive Branch agencies, filed comments regarding China Unicom Americas' and Pacific Networks' and ComNet's responses to the Orders to Show Cause. In their comments, the Executive Branch agencies contend that the same national security and law enforcement concerns that the Executive Branch raised in the China Telecom Americas and China Mobile International (USA) Inc. (China Mobile USA) recommendations apply equally to China Unicom Americas and Pacific Networks and ComNet.

On November 18, 2020, the International Bureau reclaimed China Telecom Americas' three ISPCs upon finding that China Telecom Americas was not in compliance with the conditions of its provisional ISPC assignments.

On December 14, 2020, the Commission released an Order Instituting Proceedings on Revocation and Termination and Memorandum Opinion and Order to determine whether to revoke China Telecom Americas' domestic section 214 authority and whether to revoke and/or terminate China Telecom Americas' international section 214 authorizations. The Commission stated that China Telecom Americas has failed to rebut the serious concerns of the Executive Branch about its continued presence in the United States and adopted procedures to allow for China Telecom Americas, Executive Branch agencies, and the public to present any remaining arguments or evidence in this matter.

On March 10, 2021, the International Bureau reclaimed China Unicom Americas' three ISPCs for failure to comply with the conditions of its provisional ISPC assignments.

On March 19, 2021, the Commission released an Order Instituting Proceeding on Revocation to determine whether to revoke China Unicom Americas' domestic and international section 214 authority. On March 19, 2021, the Commission also released an Order Instituting Proceeding on Revocation and Termination to determine whether to revoke Pacific Networks' and ComNet's domestic section 214 authority and revoke and/or terminate Pacific Networks' and ComNet's international section 214 authorizations. The Orders directed China Unicom Americas and Pacific Networks and ComNet to answer specific questions and adopted procedures to allow for China Unicom Americas and Pacific Networks and ComNet, Executive Branch agencies, and the public to present further arguments or evidence in these matters.

China Telecom Americas Revocation and Termination Order. On October 26, 2021, the Commission adopted the China Telecom Americas Revocation and Termination Order, revoking China Telecom Americas' domestic authority and revoking and terminating its international authority, pursuant to section 214 of the Communications Act. Based on the Commission's public interest analysis under section 214 of the Act and the totality of the extensive unclassified record alone, the Commission found that the present and future public interest, convenience, and necessity is no longer served by China Telecom Americas' retention of its section 214 authority. The Commission directed China Telecom Americas to discontinue any domestic or international services that it provides pursuant to its section 214 authority no later than sixty (60) days following the release of the Order.

- **Litigation.** On December 23, 2020, China Telecom Americas filed with the United States Court of Appeals for the Fourth Circuit a petition for review of the Order

Instituting Proceedings. On November 5, 2021, China Telecom Americas filed with the Commission a motion to stay the Revocation and Termination Order. On November 15, 2021, China Telecom Americas filed with the United States Court of Appeals for the D.C. Circuit a petition for review of the Revocation and Termination Order. On November 15, 2021, China Telecom Americas filed with the D.C. Circuit an emergency motion to stay the Revocation and Termination Order. On December 2, 2021, the D.C. Circuit denied China Telecom Americas' emergency motion for a stay. On December 20, 2022, the D.C. Circuit denied China Telecom Americas' petition for review. *China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256 (D.C. Cir. 2022)

China Unicom Americas Revocation Order. On January 27, 2022, the Commission adopted the China Unicom Americas Revocation Order, revoking China Unicom Americas' domestic and international authority, pursuant to section 214 of the Communications Act. Based on the Commission's public interest analysis under section 214 of the Act and the totality of the record, the Commission found that the present and future public interest, convenience, and necessity is no longer served by China Unicom Americas' retention of its section 214 authority. The Commission directed China Unicom Americas to discontinue any domestic or international services that it provides pursuant to its section 214 authority no later than sixty (60) days following the release of the Order.

- **Litigation. *China Unicom Americas Litigation.*** On February 17, 2022, China Unicom Americas filed with the Commission a motion to stay the Revocation Order. On February 24, 2022, China Unicom Americas filed with the United States Court of Appeals for the Ninth Circuit a petition for review of the Revocation Order. On February 28, 2022, China Unicom Americas filed with the Ninth Circuit a motion to stay the Revocation Order and an emergency motion for a temporary stay of the Revocation Order. On March 4, 2022, the Ninth Circuit denied China Unicom Americas' motion for a stay and denied the emergency motion for a stay as moot. The oral argument was held on February 15, 2023. On December 24, 2024, the Ninth Circuit denied China Unicom Americas' petition for review. *China Unicom (Americas) Operations Ltd. v. FCC*, 124 F.4th 1128 (9th Cir. 2024).

Pacific Networks and ComNet. On March 16, 2022, Commission adopted the Pacific Networks/ComNet Revocation and Termination Order, revoking Pacific Networks' and ComNet's domestic authority and revoking and terminating their international authority, pursuant to section 214 of the Communications Act. Based on the Commission's public interest analysis under section 214 of the Act and the totality of the record, the Commission found that the present and future public interest, convenience, and necessity is no longer served by the Companies' retention of their section 214 authority. The Commission directed the Companies to discontinue any domestic or international services that they provide pursuant to their section 214 authority no later than sixty (60) days following the release of the Revocation and Termination Order.

- **Litigation.** On March 30, 2022, Pacific Networks and ComNet filed with the Commission a motion to stay the Revocation and Termination Order. On April 6, 2022, Pacific Networks and ComNet filed with the United States Court of Appeals for the D.C. Circuit a petition for review of the Revocation and Termination Order. On April 8, 2022, Pacific Networks and ComNet filed with the D.C. Circuit an emergency motion to stay the Revocation and Termination Order. On April 21, 2022, the D.C. Circuit denied

Pacific Networks' and ComNet's emergency motion for a stay. On August 15, 2023, the D.C. Circuit denied Pacific Networks' and ComNet's petition for review. *Pacific Networks Corp. v. FCC*, 77 F.4th 1160 (D.C. Cir. 2023).

RELATED MATTERS: In July 2018, after seven years of review, the Executive Branch agencies recommended that the Commission deny the application for international section 214 authority filed by China Mobile USA on national security and law enforcement grounds. In May 2019, after an extensive review of the record in this proceeding, the Commission denied the application stating that China Mobile USA had not demonstrated that its application for authority to provide international telecommunications services was in the public interest.

OIA BRIEFING SHEET

SUBJECT: Review of International Section 214 Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and/or Trade Policy Risks

SUMMARY: On April 20, 2023, the Commission adopted an Order and Notice of Proposed Rulemaking (Notice) (FCC 23-28) proposing comprehensive changes to the Commission's rules that allow carriers to provide international telecommunications service pursuant to section 214 of the Communications Act of 1934, as amended (Act). By the Order, the Commission adopted a one-time collection of foreign ownership information from international section 214 authorization holders. By the Notice, the Commission proposes rules that would require carriers to renew, every 10 years, their international section 214 authority. In the alternative, the Commission seeks comment on adopting rules that would require all international section 214 authorization holders to periodically update information. Through these proposals, the Commission seeks to ensure that the Commission is exercising appropriate oversight of international section 214 authorization holders to safeguard U.S. telecommunications networks.

STATUS/KEY ISSUES:

Order. The Commission requested emergency OMB processing of the information collection requirement(s) contained in the Order and requested OMB approval no later than 37 days after the collection is received. On June 6, 2023, OMB approved the request for emergency PRA approval. The Commission's public notice seeking comment on the estimated burdens associated with the information collection requirement(s) adopted in the Order was published in the Federal Register on May 3, 2023. Comments were due on June 2, 2023. No comments were received. OIA published notice of the effective date of the information collection required by the Order and the filing deadline in the Federal Register on December 8, 2023. On December 13, 2023, OIA issued a Public Notice announcing the opening of the One-Time Information Collection filing window. All Authorization Holders were required to file their responses in the One-Time Information Collection Online Filing System no later than January 22, 2024.

Notice. The Notice was published in the Federal Register on August 1, 2023. Comments were due on or before August 31, 2023; and reply comments were due on or before October 2, 2023. Written comments on the Paperwork Reduction Act proposed information collection requirements were due by the public, Office of Management and Budget (OMB), and other interested parties on or before October 2, 2023. Thirteen comments were filed and ten reply comments were filed.

BACKGROUND:

Today, a company seeking to offer international services originating or terminating in the United States must first obtain international section 214 authorization to do so. As part of this process, the Commission relies on the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector to assess national security and law enforcement risks associated with the proposed services. However, once an authorization is granted, the Commission has no set process for the periodic review of existing authorizations to monitor risks associated with these carriers. The Commission receives updated information only when an authorization holder files an application for a modification, assignment, or transfer of

control of the authorization or notifies the Commission of a discontinuance while it is providing service to customers. Otherwise, the Commission does not ordinarily receive updated information about the ownership or the national security, law enforcement, foreign policy, and/or trade policy implications associated with these authorized services.

In 2020, the report of the United States Senate Committee on Homeland Security and Government Affairs, Permanent Subcommittee on Investigations (PSI Report) recommended the periodic review and renewal of foreign carriers' international section 214 authorizations to ensure that the Commission and the Executive Branch account for evolving national security, law enforcement, foreign policy, and/or trade policy risks. In particular, the PSI Report highlighted the national security concerns associated with Chinese state-owned carriers operating in the United States.

On April 20, 2023, the Commission adopted the Order and Notice based in part on the PSI Report recommendation. The Commission proposes several changes to strengthen the Commission's oversight of international section 214 authorizations and ensure that a carrier's authorization continues to serve the public interest, as the Act intended.

Order. The Commission adopted an Order requiring all international section 214 authorization holders to respond to a one-time collection to update the Commission's records regarding the foreign ownership of international section 214 authorization holders. Among other things, the information will allow the Commission to determine the number of active authorization holders, whether they have reportable foreign ownership, and identify those authorization holders that are no longer in business or no longer need their international section 214 authority. Overall, the information will assist the Commission in developing a timely and effective process for prioritizing the review of international section 214 authorizations that are most likely to raise national security, law enforcement, foreign policy, and/or trade policy concerns. In the Order, the Commission directs each authorization holder to identify its 10% or greater direct or indirect foreign interest holders that hold such equity and/or voting interests (reportable foreign ownership) as of thirty (30) days prior to the filing deadline. Additionally, the Commission requires each authorization holder to certify as to the accuracy of the information provided.

- Pursuant to the *Order*, Commission staff created an online one-time collection form that international section 214 authorization holders were required to complete to update the Commission's records regarding their foreign ownership. This was a necessary first step for the Commission to make an informed decision concerning the proposed rules and procedures set forth in the Notice. The electronic filing window opened on December 8, 2023 and closed on January 22, 2024.

Notice. To establish an effective and expeditious process for the renewal or, in the alternative, periodic review of international section 214 authorizations, in the Notice, the Commission proposes and seeks comment on the following issues:

- *Renewal of International Section 214 Authority.* The Commission proposes to adopt a 10-year renewal requirement or in the alternative, a periodic review process for all international section 214 authorization holders.
- *Proposed Rules Applicable to All Applicants.* In addition, to continue to address

evolving national security, law enforcement, foreign policy, and/or trade policy risks, the Commission proposes or seeks comment on other improvements to the Commission's rules applicable to applications for international section 214 authority and modification, assignment, transfer of control, and renewal of international section 214 authority.

- *Five (5) Percent Threshold for Reportable Ownership Interests.* The Commission seeks comment on whether to adopt a new ownership reporting threshold that would require disclosure of 5% or greater direct and indirect equity and/or voting interests.
- *Services and Geographic Markets.* The Commission proposes to adopt rules requiring applicants to provide information about their current and/or expected future services and geographic markets.
- *Foreign-Owned Managed Network Service Providers (MNSPs).* The Commission proposes to require all applicants to provide information on foreign-owned MNSPs.
- *Cross Border Facilities Information.* The Commission proposes to require applicants to identify the facilities that they use and/or will use to provide services under their international section 214 authority from the United States into Canada and/or Mexico and to provide updated information on a periodic basis.
- *Facilities Certifications.*
 - *Facilities Cybersecurity Certification.* The Commission proposes to require applicants to certify in their application that they will undertake to implement and adhere to baseline cybersecurity standards based on universally recognized standards.
 - *Facilities "Covered List" Certification.* The Commission proposes to require applicants to certify in their application whether or not they use equipment or services identified in the Commission's "Covered List" of equipment and services deemed pursuant to the Secure and Trusted Communications Networks Act to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons.
- *Other Changes to Parts 1 and 63 of the Commission's Rules.* The Commission proposes and seeks comment on modifications to Part 1 and 63 rules.

RELATED MATTERS: See OIA Briefing Sheets: China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority; Executive Branch Coordination Reform.

OIA BRIEFING SHEET

SUBJECT: Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and/or Trade Policy Risks

SUMMARY: On November 21, 2024, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that commences the first major comprehensive review of the Commission's submarine cable rules since 2001. The NPRM was published in the Federal Register on March 13, 2025, with comments due by April 14, 2025, and reply comments by May 12, 2025.

STATUS/KEY ISSUES: The Commission seeks comment on how best to improve and streamline its submarine cable rules to facilitate efficient deployment of submarine cables while at the same time ensuring the security, resilience, and protection of this critical infrastructure. Specifically, the Commission takes a number of actions to:

- ***Codify the Commission's legal jurisdiction and other legal requirements in the Commission's rules to provide regulatory certainty to submarine cable owners and operators.*** The NPRM proposes or seeks comment on codifying in the Commission's rules: (1) when a submarine cable license is required under the Cable Landing License Act; (2) an appropriate definition of a submarine cable system; (3) the existing public interest standard; (4) the character qualification requirements; and (5) a process to withhold or revoke a cable landing license.
- ***Improve the Commission's oversight of submarine cable landing licensees and information regarding a submarine cable system and its licensees during the 25-year license term.*** The NPRM proposes to adopt a three-year periodic reporting requirement for cable landing licenses. It also seeks comment on shortening the current 25-year submarine cable license term or adopting a shorter license term in combination with periodic reporting.
- ***Update application requirements for national security purposes and ensure the Commission has targeted and granular information regarding the ownership, control, and use of a submarine cable system.*** The NPRM seeks comment on modernizing the Commission's existing application rules to better identify and capture information on those entities that own and control the submarine cable system and connect with terrestrial networks in the United States. The NPRM proposes to adopt a presumption that any entity whose application for international section 214 authority was previously denied or whose domestic or international section 214 authority was previously revoked in view of national security and law enforcement concerns, and its current and future affiliates and subsidiaries, shall not be qualified to become a new submarine cable landing licensee. Further, the NPRM proposes to adopt this presumption with respect to any entity and its current and future affiliates and subsidiaries whose application is or was previously denied or whose authorization or license is or was previously revoked and/or terminated on national security or law enforcement grounds. The NPRM seeks comment on whether to lower the current 10% ownership reporting threshold to five percent (5%) and proposes to require submarine cable applicants to (1) provide detailed information concerning the submarine cable infrastructure and (2) include in their applications

information about the services they currently offer or plan to offer. Additionally, the NPRM seeks comment on whether certain information should be presumptively subject to confidential treatment.

- ***Adopt new compliance certifications to protect against national security, law enforcement, and other risks.*** The NPRM proposes that all submarine cable applicants and licensees certify: (1) whether or not they are in compliance with the Commission's rules and regulations, the Cable Landing License Act, the Communications Act of 1934, as amended, and other laws; (2) that they have created, updated, and implemented cybersecurity risk management plans; and (3) as a condition of the potential grant of their application, that the submarine cable system will not use covered equipment or services identified on the Commission's "Covered List" that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019. The NPRM also proposes to require all submarine cable landing licensees to certify as to whether or not they use, for the relevant submarine cable system, equipment or services identified on the "Covered List" within sixty (60) days of the effective date of any rule adopted in this proceeding. Additionally, the NPRM proposes to amend the Commission's rules by adding a new routine condition and a certification requirement prohibiting licensees from using, for the relevant submarine cable system, equipment or services identified on the "Covered List." The NPRM also seeks comment on whether to require a certification by all applicants/licensees that they have the ability to promptly and effectively interrupt, in whole or in part, traffic to and from the United States on the submarine cable system.
- ***Protect submarine cable infrastructure, including activities in coordination with our federal partners.*** The NPRM solicits recommendations for any additional steps the Commission can take to protect this critical infrastructure, including activities in coordination with other federal agencies.
- ***Update submarine cable rules and certain targeted requirements to protect submarine cable systems from national security and law enforcement risks.*** The NPRM seeks comment on (1) whether to require basic information about any entity that leases submarine cable landing stations and/or data center housing hardware to an applicant; (2) ways the Commission can address vulnerabilities associated with logical access to submarine cable systems; (3) risks posed by submarine cable landing licensees' use of remote service vendors and their services and steps the Commission could take to mitigate those challenges. The NPRM proposes, among other things, to require (1) applicants/licensees, with or without reportable foreign ownership, to report whether or not they use and/or will use foreign-owned Managed Network Service Providers (MNSPs) in the operation of the submarine cable, and (2) any applicant/licensee that indicates it uses and/or will use a foreign-owned MNSP will need to answer Standard Questions and those applications would be routinely referred to the relevant Executive Branch agencies. Also, the NPRM proposes to require all applicants to provide a list of the anticipated addresses or physical locations for the Network Operations Centers (NOC) on a presumptively confidential basis in their applications and periodic reports.
- ***Streamline procedures to expedite the FCC's submarine cable review processes.*** The NPRM seeks comment on, for example, (1) ways to modify the Commission's streamlining procedures to expedite processing of submarine cable applications while

ensuring national security, law enforcement, and other concerns are addressed, and (2) actions or measures the Commission can take to expedite the review and licensing process.

- ***Improve the quality of the circuit capacity data and facilitate the sharing of such information with other federal agencies.*** The NPRM seeks comment on modifying the circuit capacity reporting rules to improve the usefulness and reliability of the annual circuit capacity data collection while protecting confidential information. Also, the NPRM seeks comment on adopting a rule allowing the sharing of confidential circuit capacity data with relevant federal agencies.

BACKGROUND: This proceeding would undertake the first major comprehensive review of the Commission's submarine cable rules since 2001. Over the last two decades, technology, consumer expectations, international submarine cable traffic patterns, and investment in and construction of submarine cable infrastructure have greatly changed. Notably, national security and law enforcement threat environments have evolved significantly. The Notice of Proposed Rulemaking (NPRM) in this proceeding would seek comment on how best to improve and streamline the Commission's submarine cable rules to facilitate efficient deployment of submarine cables while at the same time ensuring the security, resilience, and protection of this critical infrastructure.

OIA BRIEFING SHEET

SUBJECT: Submarine Cables with China Landing Points and/or Chinese State-Owned Enterprise Ownership

SUMMARY: There are four FCC licensed submarine cable systems in operation today that land in China or Hong Kong, or have ownership by Chinese state-owned enterprises or their subsidiaries (Chinese SOEs) that are licensees of the cables. Two cable systems – the Trans-Pacific Express Cable Network and New Cross-Pacific – have mainland China landing points and ownership by Chinese SOEs that are licensees of the cables. The FASTER Cable System has ownership by Chinese SOEs that are licensees of the cable. The Asia America Gateway has a Hong Kong landing point, but no Chinese SOE ownership.

STATUS: In June 2020, the National Telecommunications and Information Administration (NTIA), on behalf of Executive Branch Agencies, recommended that the FCC deny the portion of the Pacific Light Cable Network (PLCN) application related to a landing in Hong Kong and the proposed Chinese ownership in the cable system. In August 2020, applicants withdrew the original application for PLCN and filed a new application without a connection to Hong Kong or operation by the Chinese owner. On October 28, 2021, NTIA, on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License advising the Commission that the Committee has no objection to the grant of the application, provided that the Commission conditions its consent on compliance with forthcoming national security agreements (NSAs). On December 16, 2021, NTIA filed two separate NSAs, one between DOJ, DHS and DOD, and Edge Cable Holdings USA, LLC and Meta Platforms, Inc., and the other between GU Holdings Inc. and Google LLC, and DOJ, DHS and DOD. The Committee stated it has no objection to the Commission approving the authority to construct, land, and operate PLCN, provided that the Commission conditions its approval on the assurances of: (1) Edge Cable Holdings USA, LLC and Meta Platforms, Inc. and (2) GU Holdings Inc. and Google abiding by the commitments and undertakings set forth in their respective NSAs. On January 26, 2022, the Commission granted the application after completing coordination with the State Department.

BACKGROUND: The national security landscape environment has changed and in June 2020, NTIA filed a recommendation for a partial denial of the application filed by Pacific Light Data Communications (PLDC), GU Holdings Inc. (GU Holdings) (a wholly owned subsidiary of Google) and Edge Cable Holdings USA, Inc. (Edge USA) (a wholly owned subsidiary of Facebook) for the PLCN cable that included a Hong Kong landing point. The Executive Branch recommended partial denial with respect to PLCN's Chinese owners – Hong Kong based-majority owner PLDC and Chinese parent entity Dr. Peng Group – and with respect to PLCN's Hong Kong landing site. The recommendation was based on concerns that the People's Republic of China (PRC) could acquire and collect sensitive personal data information on U.S. citizens and the U.S. government by creating the highest capacity pathway to Asia through PRC territory and PRC-owned infrastructure. Specifically, the Executive Branch asserted that PLCN's Chinese owners, PLDC and Chinese parent entity, Dr. Peng Group, have contracts with PRC government intelligence and security services to provide fiber optics, and also have an agreement with Huawei to provide data centers throughout China.

On August 27, 2020, the Applicants for the PLCN cable withdrew the application and GU Holdings and Edge USA, Inc. filed a new application for the portions of the cables connecting the United States with Taiwan and the Philippines, dropping PLDC and the Hong Kong landing from the application. GU Holdings provided commercial service between the United States and Taiwan pursuant to Special Temporary Authority (STA). *See* SCL-STA-20200827-00037, SCL-STA-20210308-00015, SCL-STA-20210817-00033. GU Holdings and Edge USA also had an STA for construction and testing of the cable system in U.S. territory. *See* SCL-STA-20200828-00039, SCL-STA-20210308-00016, SCL-STA-20210817-00034.

On October 28, 2021, NTIA, on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License provided the condition is conditioned on forthcoming national security agreements (NSAs). On December 16, 2021, NTIA filed two separate NSAs, one between DOJ, DHS and DOD, and Edge Cable Holdings USA, LLC and Meta Platforms, Inc., and the other between GU Holdings Inc. and Google LLC, and DOJ, DHS and DOD. The Committee stated it has no objection to the Commission approving the authority to construct, land, and operate PLCN, provided that the Commission conditions its approval on the assurances of: (1) Edge Cable Holdings USA, LLC and Meta Platforms, Inc. and (2) GU Holdings Inc. and Google abiding by the commitments and undertakings set forth in their respective NSAs. On January 26, 2022, the Commission granted the application after completing coordination with the State Department.

U.S. Cables With Mainland China Landing Points

- **Trans-Pacific Express (TPE) Cable Network: SCL-LIC-20070222-00002, SCL-MOD-20080714-00012**
In-Service Date: Sept. 30, 2008
Landing Points: China, Taiwan, South Korea, Japan, and Oregon
Licensees: (1) China Telecommunications Corporation; (2) China United Network Communications Group Company Limited; (3) MCI International LLC; (4) AT&T Enterprises, LLC; (5) Chunghwa Telecom Co. Ltd; (6) KT Corporation; and (7) NTT Ltd Japan Corporation.
FCC Action: On January 10, 2008, the Commission granted the Petition to Adopt Conditions to Authorizations and Licenses filed by the Department of Justice, Department of Homeland Security, and the Department of Defense, and conditioned grant of the application on Verizon Business Global LLC and its affiliates and subsidiaries, including MCI International, Inc., abiding by the commitments in their December 20, 2007 Agreement with the agencies.
- **New Cross-Pacific (NCP): SCL-LIC-20151104-00029**
In-Service Date: Feb. 22, 2018
Landing Points: China, Taiwan, South Korea, Japan, and Oregon,
Licensees: (1) China Mobile International Limited; (2) China Telecommunications Corporation; (3) China United Network Communications Group Company Limited; (4) Microsoft Infrastructure Group, LLC; (5) Microsoft Operations Pte Ltd; (6) Chunghwa Telecom Co., Ltd.; and (7) KT Corporation.
FCC Action: On January 12, 2017, the Commission granted the Petition to Adopt Conditions to Authorizations and Licenses filed by the Department of Homeland Security, with the concurrence of the Department of Justice, and conditioned grant of

the application on Microsoft Infrastructure Group, LLC abiding by the commitments in the National Security Agreement between Microsoft Infrastructure Group, LLC and the agencies, dated January 12, 2017.

U.S. Cables With Hong Kong Landing Points

- **Asia America Gateway (AAG): SCL-LIC-20070824-00015**
In-Service Date: Nov. 10, 2009
Landing Points: Hong Kong, Thailand, Brunei, Philippines, Singapore, Malaysia, Vietnam, California, Hawaii, and Guam
Licensees: (1) AT&T Enterprises, LLC; (2) Unified National Networks Sdn Bhd; (3) National Telecom Public Company Limited; (4) Network i2i Limited; (5) PLDT Inc.; (6) PT Telekomunikasi Indonesia International; (7) StarHub Ltd.; (8) TM Technology Services Sdn. Bhd.; (9) Telstra Corporation Limited; (10) Telstra International Australia Limited; and (11) Vietnam Posts and Telecommunications Group.
FCC Action: On July 2, 2008, the Commission granted the Petition to Adopt Conditions to Authorizations and Licenses filed by the Department of Homeland Security and Department of Justice, and conditioned grant of the application on AT&T Corp. abiding by the commitments contained in the Agreement between AT&T Corp. and the Department of Homeland Security dated June 10, 2008.

U.S. Cables With Chinese State-Owned Enterprise Ownership

- **FASTER: SCL-LIC-20150626-00015**
In-Service Date: Aug. 17, 2016
Landing Points: Taiwan, Japan, and Oregon
Licensees: (1) China Mobile International Limited; (2) China Telecom Global Limited; (3) GU Holdings Inc.; (4) Global Transit 2 Limited; (5) KDDI Corporation; and (6) Singapore Telecom USA, Inc.
FCC Action: On May 31, 2016, the Commission granted the Petition to Adopt Conditions to Authorizations and Licenses filed by the Department of Homeland Security, with the concurrence of the Department of Justice and the Department of Defense, and conditioned grant of the application on GU Holdings Inc. abiding by the commitments contained in the May 27, 2016, National Security Agreement with the Department of Homeland Security.

RELATED MATTERS: See OIA Briefing Sheets: China Telecom (Americas) Corporation, China Unicom (Americas) Operations Limited, and Pacific Networks Corp. and ComNet (USA) LLC Orders on Revocation and/or Termination of Section 214 Authority; Executive Branch Coordination Reform.

OIA BRIEFING SHEET

SUBJECT: Submarine Cable Interagency Coordination

SUMMARY: The Commission licenses submarine cables pursuant to authority under the Cable Landing License Act of 1921, as delegated by the President through Executive Order No. 10530. Before granting an application, the Commission coordinates with the Department of State and may seek assistance from any executive department or establishment of the Government as the Commission may deem necessary. In addition to the FCC, other federal government agencies are involved in regulating the installation of submarine cable systems through various authorizations and permits.

In the *2015 Submarine Cable Outage NPRM*, the Commission tasked the International Bureau (now Office of International Affairs (OIA)), in coordination with the Public Safety and Homeland Security Bureau (PSHSB), to develop and improve interagency coordination processes and best practices vis-à-vis submarine cable deployment activities and related permits and authorizations to increase transparency and information sharing among the government agencies, cable licensees, and other stakeholders.

STATUS/KEY ISSUES: Through the development of an interagency coordination process, Commission staff have been working with relevant federal agencies involved in regulating the installation of submarine cable systems and/or other cable-related undersea activities. Since 2016, OIA and PSHSB have hosted several interagency submarine cable meetings and are working to improve interagency coordination to develop best practices and facilitate deployment of submarine cables.

As a result of the interagency coordination meetings, the Commission has: (1) established an interagency contact/distribution list for rapid tracking and coordination of submarine cable related issues; (2) worked on creating a tracking system to coordinate pending submarine cable projects and other cable-related undersea activities; (3) improved the FCC's public facing submarine cable website with links to relevant regulatory agencies and other related information; (4) continued to work on enhancing interagency submarine cable coordination processes; and (5) continued to work with interagency partners for information sharing concerning infrastructure and tools to coordinate agency efforts.

BACKGROUND: In the *2015 Submarine Cable Outage NPRM* and *2016 Submarine Cable Outage Report and Order*, the Commission proposed a goal to develop and improve interagency coordination processes and best practices to increase transparency and information sharing among the government agencies, cable licensees, and other stakeholders.

Pursuant to the *2015 Submarine Cable Outage NPRM*, Commission staff established a staff-level federal interagency coordination group with agencies involved in regulating the installation of submarine cable systems and/or other undersea activities that may impact planned or existing submarine cables. In addition to the FCC, the agencies involved in the interagency coordination process include the: Bureau of Ocean Energy Management (BOEM) and U.S. Fish and Wildlife Service (FWS) of the Department of the Interior; Federal Energy Regulatory Commission (FERC); National Oceanic and Atmospheric Administration (NOAA) and National Telecommunications and Information Administration (NTIA) of the Department of Commerce; U.S. Army Corps of Engineers (Corps), Defense Intelligence Agency (DIA)/Air Force, Defense

Information Systems Agency (DISA), and the U.S. Navy (Navy) of the Department of Defense; Department of Energy; Department of Homeland Security; and Department of State.

RELATED MATTERS: The *2016 Submarine Cable Outage Report and Order* was adopted on June 24, 2016 and released on July 12, 2016. The North American Submarine Cable Association and the Submarine Cable Coalition filed two separate petitions for reconsideration of the *2016 Submarine Cable Outage Report and Order*. An *Order on Reconsideration* was adopted on December 20, 2019 and released on December 27, 2019. In the *Order on Reconsideration*, the Commission granted in part and denied in part the requests in the Petitions. The *Order on Reconsideration*, among other things, narrowed the scope of reportable outages to reduce the potential for reporting of mundane events and to ease reporting obligations on affected entities for outages involving planned maintenance that is announced to customers and clarified the definition of “outage” in the Commission’s rules.

A working group of the Communications Security, Reliability and Interoperability Counsel (CSRIC), an advisory committee to the Commission, examined issues related to submarine cables. In December 2014, the working group released a report on “Protection of Submarine Cables Through Spatial Separation.” In June 2016, the working group released a report on “Interagency and Interjurisdictional Coordination.” In August 2016, the working group released a report on “Clustering of Cables and Cable Landings.” Since the release of the reports, OIA and PSHSB have shared these reports with the interagency coordination group and rely on the recommendations to improve protection of submarine cables and improve coordination with other federal agencies.

OIA BRIEFING SHEET

SUBJECT: World Radiocommunication Conference (WRC)

SUMMARY: The WRC is a treaty-level conference held by the International Telecommunication Union (ITU) every three to four years. WRCs decide on the international allocation of spectrum to allow the deployment, growth and harmonization of all types of radiocommunication services such as mobile, fixed, broadcasting, satellite, maritime and aeronautical services.

The Department of State has overall responsibility for U.S. preparation for and participation in the WRC. The FCC provides the State Department with policy and technical expertise and serves as U.S. spokespersons on issues related to commercial radiocommunication services as well as amateur, broadcasting and state/local government radiocommunication services.

STATUS: The last WRC was held in November and December 2023 (WRC-23) in the United Arab Emirates. Preparations for the WRC-27, began immediately following WRC-23. To that end, the FCC has established the WRC-27 Advisory Committee (WAC), to develop private sector recommendations to the FCC on the issues to be considered at the WRC. The WAC currently has 39 private sector entities participating as WAC members for WRC-27. The first and second WAC meetings in preparation for WRC-27 were held on 3 June 2024 and on August 5, 2024, respectively. The Informal Working Group subcommittees have met 4 times between June-July 2024 and developed some draft WRC-27 preliminary United States views to the Inter-American Telecommunication Commission's Permanent Consultative Committee II (CITEL PCC.II). The first CITEL PCC.II meeting was held in September 2024 in Mexico. United States submitted 11 Preliminary Views to CITEL PCC.II to start developing regional support for the US Position in preparation for WRC-27. The third WAC meeting in preparation for WRC-27 is scheduled for April 15, 2025.

KEY ISSUES:

WRC-27: WRC-27 will address many issues critical to U.S. industry, in particular:

- ***Spectrum for broadband wireless services, including 5G/6G (Agenda Items 1.7):*** WRC-23 identified several mid-band frequencies to study for possible identification for 5G/6G use at the WRC-27. The ITU identified three candidate band ranges for studies (4.2-4.4 GHz in Region 1, 7.125-8.4 GHz (or portions thereof) and 14.75-15.35 bands). The 7.125-8.4 GHz band, is also included in the U.S. National Spectrum Strategy Implementation Plan . Allocating and identifying additional mobile spectrum for 5G/6G will be among the FCC's highest priorities at WRC-27. The FCC will seek to support the studies to globally identify the bands under Agenda Item 1.7 .
- ***Fixed Satellite Service (FSS) (Agenda Items 1.1, 1.2 and 1.3):*** WRC-27 will consider additional uses for the FSS in the frequency bands 47.2-50.2 GHz and 50.4-51.4 GHz by earth stations in motion. Studies to consider the regulatory relaxation of FSS antenna size provisions in the 13.75-14 GHz band under agenda item 1.2 will be considered. These FSS antenna size ***limitations*** were defined back at WRC-2003 in order to protect the existing radars and space research services should be reviewed to take into account current/emerging FSS system technology that could facilitate coexistence with

incumbents services. In addition, studies will consider appropriate regulatory actions for the provision of FSS NGSO gateways in the 51/52 GHz bands.

- **Mobile satellite Service (MSS) (Agenda Item 1.11, 1.13 and 1.14):** WRC-27 agenda item 1.11 will consider the spectrum needs for the mobile satellite service (MSS) in the L-band (frequency range of 1–2 GHz) to support possible new MSS allocations for intersatellite space links. Agenda item 1.13 will study MSS satellite direct-to-device that seeks to provide complementary service coverage for terrestrial mobile networks in the 694-2700 MHz frequency range. Agenda item 1.14 will seek to provide new MSS allocations in the 2 GHz frequency range.

Other issues to be addressed include:

- **Lunar Communications (Agenda Item 1.15):** WRC-27 will consider studies on frequency-related matters, including possible new or modified space research service (space-to-space) allocations, for future development of communications on the lunar surface and between lunar orbit and the lunar surface.
- **Space Weather (Agenda Item 1.17):** WRC-27 will consider regulatory provisions for receive-only space weather sensors and their protection in the ITU Radio Regulations, taking into account the results of ITU Radiocommunication Sector studies.
- **EESS passive (Agenda Item 1.19):** WRC-27 will consider possible allocations in the 4.2-4.4 GHz and 8.4-8.5 GHz bands for EESS passive systems that perform sea surface temperature observations for climate prediction purposes. This agenda item has direct implications with WRC-27 agenda item 1.7. EESS passive systems typically cannot share spectrum (in-band or adjacent band) with active services; and any potential EESS passive allocation in these 2 bands could present challenges for any future broadband license use (5G).
- **Unauthorized NGSO Operations (Agenda Item 1.5):** WRC-27 will consider measures to limit unauthorized NGSO operations. This issue is very political and led by Iran, African countries, and Russia.

WRC-27 Agenda Items

1.1 to consider the technical and operational conditions for the use of the frequency bands 47.2-50.2 GHz and 50.4-51.4 GHz (Earth-to-space), or parts thereof, by aeronautical and maritime earth stations in motion communicating with space stations in the fixed-satellite service and develop regulatory measures, as appropriate, to facilitate the use of the frequency bands 47.2-50.2 GHz and 50.4-51.4 GHz (Earth-to-space), or parts thereof, by aeronautical and maritime earth stations in motion communicating with geostationary space stations and non-geostationary space stations in the fixed-satellite service, in accordance with Resolution 176 (Rev.WRC-23);

1.2 to consider possible revisions of sharing conditions in the frequency band 13.75-14 GHz to allow the use of uplink fixed-satellite service earth stations with smaller antenna sizes, in accordance with Resolution 129 (WRC-23);

1.3 to consider studies relating to the use of the frequency band 51.4-52.4 GHz to enable use by gateway earth stations transmitting to non-geostationary-satellite orbit systems in the fixed-satellite service (Earth-to-space), in accordance with Resolution 130 (WRC-23);

Public Information Only

1.4 to consider a possible new primary allocation to the fixed-satellite service (space-to-Earth) in the frequency band 17.3-17.7 GHz and a possible new primary allocation to the broadcasting-satellite service (space-to-Earth) in the frequency band 17.3-17.8 GHz in Region 3, while ensuring the protection of existing primary allocations in the same and adjacent frequency bands, and to consider equivalent power flux-density limits to be applied in Regions 1 and 3 to non-geostationary-satellite systems in the fixed-satellite service (space-to-Earth) in the frequency band 17.3-17.7 GHz, in accordance with Resolution 726 (WRC-23);

1.5 to consider regulatory measures, and implementability thereof, to limit the unauthorized operations of non-geostationary-satellite orbit earth stations in the fixed-satellite and mobile-satellite services and associated issues related to the service area of non-geostationary-satellite orbit satellite systems in the fixed-satellite and mobile-satellite services, in accordance with Resolution 14 (WRC-23);

1.6 to consider technical and regulatory measures for fixed-satellite service satellite networks/systems in the frequency bands 37.5-42.5 GHz (space-to-Earth), 42.5-43.5 GHz (Earth-to-space), 47.2-50.2 GHz (Earth-to-space) and 50.4-51.4 GHz (Earth-to-space) for equitable access to these frequency bands, in accordance with Resolution 131 (WRC-23);

1.7 to consider studies on sharing and compatibility and develop technical conditions for the use of International Mobile Telecommunications (IMT) in the frequency bands 4 400-4 800 MHz, 7 125-8 400 MHz (or parts thereof), and 14.8-15.35 GHz taking into account existing primary services operating in these, and adjacent, frequency bands, in accordance with Resolution 256 (WRC-23);

1.8 to consider possible additional spectrum allocations to the radiolocation service on a primary basis in the frequency range 231.5-275 GHz and possible new identifications for radiolocation service applications in the frequency bands within the frequency range 275-700 GHz for millimetric and sub-millimetric wave imaging systems, in accordance with Resolution 663 (Rev.WRC-23);

1.9 to consider appropriate regulatory actions to update Appendix 26 to the Radio Regulations in support of aeronautical mobile (OR) high frequency modernization, in accordance with Resolution 411 (WRC-23);

1.10 to consider developing power flux-density and equivalent isotropically radiated power limits for inclusion in Article 21 of the Radio Regulations for the fixed-satellite, mobile-satellite and broadcasting-satellite services to protect the fixed and mobile services in the frequency bands 71-76 GHz and 81-86 GHz, in accordance with Resolution 775 (Rev.WRC-23);

1.11 to consider the technical and operational issues, and regulatory provisions, for space-to-space links among non-geostationary and geostationary satellites in the frequency bands 1 518-1 544 MHz, 1 545-1 559 MHz, 1 610-1 645.5 MHz, 1 646.5-1 660 MHz, 1 670-1 675 MHz and 2 483.5- 2 500 MHz allocated to the mobile-satellite service, in accordance with Resolution 249 (Rev.WRC-23);

1.12 to consider, based on the results of studies, possible allocations to the mobile-satellite service and possible regulatory actions in the frequency bands 1 427-1 432 MHz (space-to-Earth), 1 645.5-1 646.5 MHz (space-to-Earth) (Earth-to-space), 1 880-1 920 MHz (space-to-Earth) (Earth-to-space) and 2 010-2 025 MHz (space-to-Earth) (Earth-to-space) required for the future development of low-data-rate non-geostationary mobile-satellite systems, in accordance with Resolution 252 (WRC-23);

1.13 to consider studies on possible new allocations to the mobile-satellite service for direct connectivity between space stations and International Mobile Telecommunications (IMT) user equipment to complement terrestrial IMT network coverage, in accordance with Resolution 253 (WRC-23);

1.14 to consider possible additional allocations to the mobile-satellite service, in accordance with Resolution 254 (WRC-23);

1.15 to consider studies on frequency-related matters, including possible new or modified space research service (space-to-space) allocations, for future development of communications on the lunar surface and between lunar orbit and the lunar surface, in accordance with Resolution 680 (WRC-23);

1.16 to consider studies on the technical and regulatory provisions necessary to protect radio astronomy operating in specific Radio Quiet Zones and, in frequency bands allocated to the radio astronomy service on a primary basis globally, from aggregate radio-frequency interference caused by non-geostationary-satellite orbit systems, in accordance with Resolution 681 (WRC-23);

1.17 to consider regulatory provisions for receive-only space weather sensors and their protection in the Radio Regulations, taking into account the results of ITU Radiocommunication Sector studies, in accordance with Resolution 682 (WRC-23);

1.18 to consider, based on the results of ITU Radiocommunication Sector studies, possible regulatory measures regarding the protection of the Earth exploration-satellite service (passive) and the radio astronomy service in certain frequency bands above 76 GHz from unwanted emissions of active services, in accordance with Resolution 712 (WRC-23);

1.19 to consider possible primary allocations in all Regions to the Earth exploration-satellite service (passive) in the frequency bands 4 200-4 400 MHz and 8 400-8 500 MHz, in accordance with Resolution 674 (WRC-23);

2 ITU-R Recs. Incorporated by Reference

4 To review Recommendations and Resolutions from prior WRCs

7 Review of satellite regulatory procedures

9.2 Difficulties or inconsistency in application of the Radio Regulations

AI 10 Future agenda item

OIA BRIEFING SHEET

SUBJECT: Coordination Issues with Mexico

BACKGROUND: After recent elections in Mexico, IFT will be dissolved and a new Agency for Digital Transformation and Telecommunications (DTAT) will be created. DTAT will bring together all the legal powers on telecommunications held by the IFT, the Ministry of Infrastructure, Communications and Transportation (SICT), the Mexican Space Agency, and the Mexican Postal Service. Accordingly, IFT announced the cancellation of its planned January 2025 5G spectrum auction. The FCC works with the State Department, to coordinate wireless and broadcast services with Mexico's government.

For the quarter ending in March 2025, OIA processed approximately 38 U.S. and international broadcast application requests.

SUMMARY/ISSUES:

700 MHz Band Plan: In September 2012, IFT announced plans to adopt the Asia Pacific Telecommunity (APT) band plan for use in the 700 MHz band. This band plan is fundamentally different from the North American 700 MHz band plan used in the United States and Canada. In multiple meetings with Mexico from 2012-2014, the U.S. 700 MHz Working Group (comprised of FCC, US Department of State, National Telecommunications and Information Administration (NTIA), and public safety and commercial operators) documented the difficulties resulting from the incompatibility of the two band plans, including our concerns on the interference risk to the significant public safety and state and local narrowband deployments on the U.S. side of the common border, as well as potential adverse impact to the FirstNet broadband network operations in the border area. Nevertheless, IFT adopted the APT band plan. Subsequent negotiations since 2014 have focused on studies and analysis of proposals to allow for co-existence of the two differing band plans while protecting existing US commercial operations and public safety operations. In April 2020, Mexico's sole 700 MHz operator, Altán, entered into coordination agreements with Verizon and AT&T to relocate Altán's operations to the few sub-bands that are aligned between the US and APT band plan to mitigate interference. In August 2020, the State Department sent a letter to Mexico recognizing the operator agreements under the existing U.S.-Mexico 700 MHz Protocol as a solution to the pending interference issues. In March 2021, Mexico sent a reply letter confirming receipt and accepting the solution.

As described below, IFT has licensed one entity to operate a 700 MHz broadband network. There have been ongoing discussions between the U.S. and Mexican Governments regarding the necessary revisions of the existing agreement covering coordination of services in the 700 MHz band in the border region, while addressing any interference incidents that may occur in the interim.

600 MHz Wireless & DTV: On July 15, 2015, the FCC and IFT finalized an arrangement through an exchange of technical coordination letters that set forth a framework and common guidelines for repurposing TV spectrum for mobile broadband on both sides of the border. This transition was completed on July 3, 2020. This arrangement significantly reduces potential interference to future wireless operations in the border region and assures that mobile broadband services in the border markets will face less potential interference from Mexican television

broadcast stations. The FCC and IFT are working towards development of new bilateral arrangements to govern DTV service under the new band plan, and the newly created mobile broadband service in the 614-698 MHz band in the border region.

2.5 GHz: Education Broadband Service (EBS) and Broadband Radio Service (BRS)(2495-2690 MHz): Beginning in 2004, the Commission, through a series of rulemaking orders, transformed the rules applicable to the two services in the 2495-2690 MHz (2.5 GHz), the Educational Broadband Service (EBS) and the Broadband Radio Service (BRS). Although these changes made most of the 2.5 GHz band usable for wireless broadband, the Commission permitted a segment of the band to be used for legacy educational video operations and retained the eligibility, leasing, and educational use restrictions on the EBS portion of the band. Then in 2019, the Commission significantly changed EBS by adopting rules that permit existing EBS licensees to transfer or assign their licenses to commercial entities, though licensees are permitted to retain their licenses if they choose to do so. The Commission also adopted rules that will also enable new entrants in the band, by opening a Tribal priority filing window for eligible Tribes and then by making available the remaining white space through competitive bidding. In Mexico, participants in the IFT-10 auction held in October 2021 acquired blocks of spectrum in the 2.5 GHz and the 800 MHz bands. Telcel (America Móvil) acquired spectrum in 2.5GHz band that complemented the spectrum that Telcel previously acquired from Grupo MVS and Ultravision. Telcel obtained the 2500-2530 MHz/ 2620-2650 MHz range portions, and it is required to provide services using networks that take advantage of that spectrum band in at least 3 of 6 metropolitan areas (Aguascalientes, Tijuana, La Laguna, Guadalajara and Monterrey). Telcel is also required to provide wireless services in 2 highway sections of a list of roads determined by the IFT with any band and with its own or third-party infrastructure. These obligations must be fulfilled within a period of 2 years from the delivery of the concession titles.

3 GHz: 3100-3450 MHz is under study for sharing between military radar and 5G uses. The FCC cleared the 3300-3450 MHz band of non-federal secondary operations. Internationally, the 2023 World Radiocommunication Conference considered International Mobile Telecommunications-2020 5G use within 3300-3400 MHz.

In 2021, the 3450-3550 MHz band, cleared of non-federal secondary operations, was made available for flexible-use licenses. The FCC concluded an auction for licenses on an unpaired basis divided into ten 10-megahertz blocks in Partial Economic Areas located in the contiguous 48 states and the District of Columbia. The licenses are subject to restrictions requiring coordination with incumbent federal users of the spectrum.

In 2015, the FCC adopted rules for shared commercial use of the 3550-3700 MHz band (3.5 GHz band). The FCC established the Citizens Broadband Radio Service (CBRS) and created a three-tiered access and authorization framework to accommodate shared federal and non-federal use of the band. Access and operations will be managed by an automated frequency coordinator, known as a Spectrum Access System (SAS).

C-Band (3700-4200 MHz): On February 28, 2020, the FCC made 280 Megahertz of the 3.7-4.0 GHz Band available for 5G services and designated that fixed satellite service operations be relocated to the upper part of the band 4.0-4.2 GHz. FCC reallocated spectrum for both fixed and mobile flexible use operations in the 3.7-3.98 GHz band for geographic area licensing and auctioned spectrum in December 2020 with winning bidders announced February 2021. The first phase of the transition – the clearing of the lower 100 megahertz in 46 of the top 50 Partial Economic Areas - was completed by the December 5, 2021, deadline. The clearing of the rest of

the spectrum in those PEAs and the full 280 megahertz across the entire CONUS was completed on December 5, 2023.

STATUS:

700 MHz Band Plan: In November 2016, the Secretariat of Communications and Transportation (SCT) awarded the Red Compartida contract to the Altán consortium for the design, installation, deployment and operation of the network using 90 megahertz of the 700 MHz band. In December 2016, SCT sent a letter notifying the FCC that Altán will operate Red Compartida, which will require further coordination between the U.S. and Mexico and negotiations under the U.S.-Mexico 700 MHz Protocol.

In August 2019, Altán engaged in full commercial use of its network in frequencies in the 700 MHz band causing degradation and loss of service to commercial and public safety broadband services in the United States. Discussions between IFT and FCC focused on the immediate mitigation of interference and development of a bilateral band plan that would permit optimal use of the band by both countries. With the encouragement of regulators, immediate interference was successfully eliminated through the negotiation of technical adjustments between U.S. and Mexico operators that, among other things, moved Altán's operations to different frequencies in the 700 MHz band. By letters of August 17, 2020, and March 25, 2021, the U.S. State Department and the Mexican Ministry of Foreign Affairs entered into an Exchange of Letters memorializing mutual assent to the operator-to-operator agreements.

The FCC continues to work with the State Department and IFT to revise the existing 700 MHz Protocol and resolve areas of incompatibility between the two different band plans. U.S. efforts focus on having a revised protocol mirroring the operator-to-operator agreements, which have established technical criteria that will protect U.S. operations, permit FirstNet broadband operations, and allow for the introduction of 700 MHz services using the APT plan in Mexico without interfering with existing and future U.S. operations. In July 2021, Altán filed for bankruptcy protection in Mexico, which was granted by a civil court in August. Altán announced on September 1, 2021, that it had obtained a US\$50 million loan to continue deployment of its network. IFT announced in March 2022, that Altán deployment deadlines would be extended from 2024 until 2028. On June 10, 2022, the Mexico government announced it would become the majority shareholder and financier of a US\$388 million credit agreement to bail out the company. In August 2022, Altán submitted a proposal through IFT to reconfigure the existing operator-to-operator arrangement and develop a comprehensive 700 MHz band plan along the border. The FCC continues to work with the Government of Mexico to evaluate the ramifications of the proposed plan.

600 MHz Wireless & DTV: The successful conclusion of FCC's incentive auction in March 2017 resulted in a common North American band plan for 600 MHz, with Mexico, Canada, and the United States all agreeing to move TV operations below channel 37 (614 MHz). FCC staff provided IFT officials a comprehensive draft Memorandum of Understanding, which would serve as the basis for developing a new DTV protocol with Mexico. The FCC and the Government of Mexico continue discussions on the development of a 600 MHz wireless protocol.

2.5 GHz: Education Broadband Service (EBS) and Broadband Radio Service (BRS)(2495-2690 MHz): Given the potential for interference between systems using different access

technologies, FCC and IFT formed a task force to address interference issues and development of technical recommendations on a revised or new protocol to govern the band. T-Mobile continues to develop operator-to-operator agreements with AT&T Mexico and Telcel regarding coordination in the band, incorporating smaller broadband permit holders into the discussions with other agreements in negotiation for the El Paso, Yuma/East of San Diego markets. In addition, the FCC monitors this carrier negotiation process and facilitates when necessary, the coordination of smaller broadband permit holders with the Government of Mexico by acting as liaison in conducting operator-to-operator coordination between these smaller permit holders and the larger Mexican carriers.

3GHz: In terms of current use, Mexico has a government fixed system, point-to-point, and point-to-multipoint operations in 3.3-3.35 GHz, which are being migrated to other frequency bands in light of the IFT12 auction. Telcel provides mobile and fixed wireless services nationwide in 3.35-3.45 GHz. Additionally, a federal government satellite system operates in 3.4-3.7 GHz, for which all earth station locations are known and are expected to remain in the band for at least 10 more years. There is a mobile operator providing nationwide fixed wireless access service in 3.55-3.6 GHz.

In terms of future use of the band, Mexico has auctioned some of 3.3-3.45 GHz and 3.3-3.35 may be included for auction in the upcoming IFT12 auction in 2025. Mexico has not announced any plans to transition the 3.7-4.0 GHz band from satellite use to mobile terrestrial use; for the time being, it will remain available for satellite downlink.

The FCC and the Government of Mexico continue to discuss arrangements necessary for equal access to spectrum in the border areas. NTIA is coordinating with Mexico in the 3.35 and 3.45 GHz band.

C-Band (3700-4200 MHz): FCC and the Government of Mexico continue to discuss arrangements necessary to facilitate equal access to spectrum in the border areas.

OIA BRIEFING SHEET

SUBJECT: Coordination Issues with Canada

BACKGROUND: Innovation, Science & Economic Development Canada (ISED) is Canada's ministerial body responsible for telecommunications and radio communications policy. ISED is also responsible for spectrum policy and management and is the lead negotiator for agreements concerning coordination of services in the border area. For the quarter ending in March 2025, OIA processed approximately 32 US and international broadcast application requests.

SUMMARY/ISSUES:

General Coordination Agreement (GCA): The GCA is a binding treaty between the U.S. and Canada governments signed January 2021, which provides a framework for coordination of both broadcast and non-broadcast uses of spectrum in the border area. The GCA expedites the delegation of authority from State Department to the Commission to pursue non-binding arrangements with Canada, extends the authority so constant renewal is unnecessary, and replaces many outdated rules dating back to 1962.

700 MHz Public Safety Broadband: ISED had allocated the D-Block for PS Broadband use and therefore, the U.S. and Canada band plans at 700 MHz are now aligned. Canada has no mandated technology for its future PS Broadband but expects its licensees would have to use LTE to be interoperable with FirstNet. FirstNet designated AT&T to build, deploy, operate and maintain the network, with a focus on ensuring robust coverage for public safety.

600 MHz Wireless: In September 2017, the FCC and ISED finalized the results of the incentive auction through an exchange of letters. With the transition of television services out of 600 MHz spectrum complete in both countries as of January 2022, the FCC and ISED are working towards development of a new bilateral arrangement to govern operation of 600 MHz wireless in the border region.

700 MHz Air-Ground (A/G): In October 2014, the FCC adopted a Report and Order adding provisions for air-ground communication in the 700 MHz band between low-altitude aircraft and associated ground stations in the U.S. The existing Arrangement Q between the FCC and ISED does not cover A/G and would require a new Statement of Intent (SOI).

Advanced Wireless Services-4 (AWS-4): The FCC's ASW-4 Report and Order (*AWS-4 R&O*) increased the nation's supply of spectrum for wireless flexible use, including for mobile broadband, by 40 megahertz by adopting service, technical and licensing rules for stand-alone wireless service in the spectrum, which is also sharing with the MSS.

Advanced Wireless Services-3 (AWS-3): In March 2014, the Commission adopted a Report and Order with technical, assignment, and licensing rules for commercial use of the spectrum in the 1695-1710, 1755-1780, 2020-2025, and 2155-2180 MHz bands (collectively "AWS-3"). The AWS-3 Report and Order required that commercial operators successfully coordinate with Federal incumbents before operating in certain Protection Zones. In July 2014, the FCC and National Telecommunications and Information Administration (NTIA) put out a Joint Public Notice Announcing AWS-3 Coordination Details, which refined the default nationwide coordination zones and provided additional information regarding coordination between Federal and non-Federal commercial shared use of the 1695-1710 MHz and 1755-1780 MHz bands.

Public Information Only

Because of the need for a 3-way agreement between ISED, FCC and NTIA, the agencies are working towards development of a new bilateral arrangement.

VHF Interoperability Channels: ISED identified two channels, 159.81 MHz and 159.93 MHz, which they suggested the channels might be used for public safety interoperability communications. FCC and ISED need to figure out how to deal with the adjacent channels in order to minimize the impact to Wireless Telecommunications Bureau (WTB)'s Industrial/Business spectrum as the US continues licensing the adjacent channels in the coordination zone for Industrial/Business use.

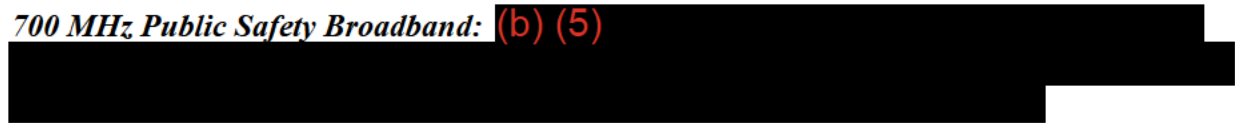
3.5 GHz: The Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* creating a new Citizen's Broadband Service to promote small cells and spectrum sharing. This band was identified for potential broadband use in the NTIA 2010 Fast Track Report. FCC authorized commercial deployment in January 2020. Canada released licensing framework for band in March 2020 and FCC auctioned priority access licenses for band in August 2020. Spectrum Access System (SAS) operators have expressed resistance to implementing any protection criteria that is not enforceable through FCC rules or international treaty.

C-Band (3700-4200 MHz): On February 28, 2020, the FCC made 280 megahertz of the 3.7-4.0 GHz band available for 5G services and designated that fixed satellite service operations be relocated to the upper part of the band 4.0-4.2 GHz. The FCC reallocated spectrum for both fixed and mobile flexible use operations in the 3.7-3.98 GHz band for geographic area licensing and auctioned spectrum in December 2020 with winning bidders announced February 2021. The first phase of the transition – the clearing of the lower 100 megahertz in 46 of the top 50 Partial Economic Areas - was completed by the December 5, 2021, deadline. The clearing of the rest of the spectrum in those PEAs and the full 280 megahertz across the entire CONUS was completed on December 5, 2023.

STATUS:

General Coordination Agreement (GCA): United States and Canada governments signed General Coordination Agreement (GCA) and regulatory Agencies signed the Transitional Arrangement in January 2021. The documents improve U.S. effectiveness in eliminating harmful interference along our shared border. The FCC and NTIA, along with the Department of State, have led the negotiations and the spectrum management and coordination modernization effort. The General Coordination Agreement and the Transitional Arrangement enable the FCC, NTIA, and ISED to facilitate rapid deployment of radio communications systems while minimizing harmful interference, as well as strengthen both countries' ability to manage their spectrum resources efficiently and effectively along the United States-Canada border. The modernized agreement supersedes, among other existing instruments, the Above 30 MHz Agreement, which has not been updated since 1962 and restricted the types of arrangements available for spectrum coordination. Under the new framework, the FCC, NTIA, and ISED will have flexibility to create and update spectrum coordination arrangements in response to rapidly evolving communications needs.

700 MHz Public Safety Broadband: (b) (5)



600 MHz Wireless: (b) (5)

700 MHz Air-Ground: (b) (5)

AWS-4: (b) (5)

AWS-3: (b) (5)

VHF Interoperability Channels: (b) (5)

3.5 GHz: (b) (5)

C-Band (3700-4200 MHz): (b) (5)

OIA BRIEFING SHEET

SUBJECT: Prison Jammer Interference from Mexico

BACKGROUND: Prison jamming operations have been a source of interference for several years, with a recurring pattern of operational compliance coinciding with government intervention, followed by renewed interference once the dust settles. This interference is a significant problem for US public safety and commercial wireless operations and is not confined to just one prison. Verizon, AT&T FirstNet, T-Mobile, and the City of El Paso are currently experiencing interference in the El Paso, TX area that may be attributed to frequency jamming operations at Mexico prison CERESO #3 in Ciudad Juarez, CH. The County of San Diego is experiencing interference that may be attributed to frequency jamming operations at CERESO Tijuana. The FCC's Enforcement Bureau contacted the Government of Mexico through the CMERAR (Joint Commission) process in an attempt to mitigate the interference issues. The operators are experiencing impact across several bands including 700, 800, and 2500 MHz. Months after initial correspondence, the Government of Mexico has indicated that it is no longer receiving cooperation from the prison system and is receiving pushback when attempting to request adjustments to the jamming operation.

SUMMARY/ISSUES: The prisons are regulated by a separate ministry agency, rather than the telecommunications regulator with whom the FCC has a working relationship, so the issue will require broader diplomatic resolution. Accordingly, the Commission is working with State Department to reach a solution with the Government of Mexico. (b) (5)

STATUS: As of early 2025, the FCC is working with the State Department, as well as other US agencies that have experience with Mexico’s telecommunications and security industries, to resolve the issue with Mexico. The FCC also has regular meetings with the affected operators to discuss the status of the issue and potential solutions.

Public Safety & Homeland Security Bureau**March 2025****Table of Contents**

SUBJECT	PAGE NUMBER
PUBLIC SAFETY SPECTRUM	
4.9 GHz Band (WP Docket No. 07-100)	1
FirstNet/700 MHz Public Safety Broadband Network (PS Docket Nos.16-269, 12-94, and 06-229; WT Docket 06-150)	3
NETWORK RELIABILITY	
988 Outage Reporting Rulemaking (PS Docket Nos. 23-5, 15-80; WC Docket No 18-336)	4
Communications Security, Reliability, and Interoperability Council	6
Network Outage Reporting System (PS Docket Nos. 15-80, 04-35)	7
Disaster Information Reporting System (PS Docket No. 21-346)	8
Mandatory Disaster Response Initiative (PS Docket No. 21-346)	10
CYBERSECURITY	
Reporting on Border Gateway Protocol (BGP) Risk Mitigation Progress NPRM (FCC No. 24-62, PS Docket No. 24-146); Secure Internet Routing NOI (PS Docket No. 22-90)	11
Smart Device Labeling R&O and FNPRM (Internet of Things) (PS Docket No. 23-239)	13
ALERTING	
Wireless Emergency Alerts (PS Docket 15-91)	15
Emergency Alert System (PS Docket 15-94)	17
NATIONAL SECURITY/EMERGENCY PREPAREDNESS	
FCC Disaster and Emergency Response Activities	19
Communications Assistance for Law Enforcement Act (CALEA) (PS Docket No. 22-217, ET Docket No. 04-295, RM-11376, RM-10865)	22

Space Communications Security	24
Secure and Trusted Communications Networks Act (see also WCB and OET briefing sheets on this topic)	26
911	
Location-Based Routing for Wireless 911 Calls (PS Docket No. 18-64)	31
Interim 911 Requirements for Supplemental Coverage from Space (GN Docket No. 23-65; IB Docket No. 22-271; PS Docket No. 24-318)	33
Dispatchable Location and Multi-Line Telephone 911 Requirements (PS Docket Nos. 18-261 and 17-239, GN Docket No. 11-117)	35
E911 Wireless Location Accuracy/Z-Axis (PS Docket No. 07-114)	37
Next Generation 911 (PS Docket No. 21-479)	39
Text-to-911 (PS Docket Nos. 10-255, 11-153)	42
Annual 911 Fee Report to Congress (PS Docket No. 09-14)	43
911 Fee Diversion Rulemaking (PS Docket Nos. 20-291 and 09-14)	45
Improving 911 Reliability - Reliability and Continuity of Communications Networks (PS Docket Nos. 15-80, 13-75, 11-60, 04-35)	47
911 Over Wi-Fi	49

PSHSB BRIEFING SHEET

SUBJECT: 4.9 GHz Band (WP Docket 07-100)

SUMMARY: In 2002 the Commission allocated fifty megahertz of spectrum in the 4940-4990 MHz band (4.9 GHz band) for fixed and mobile services (except aeronautical mobile service) and designated this band for use in support of public safety. On October 18, 2024, the Commission adopted an *Eighth Report and Order* (FCC 24-114) which takes another major step towards ensuring that the 4.9 GHz band is efficiently and intensely used in support of public safety missions nationwide. To that end, the Commission built on the coordinated nationwide approach to the band established in the 2023 *Seventh Report and Order*, which adopted a nationwide Band Manager framework to coordinate operations in the 4.9 GHz band, optimize public safety use, and facilitate the integration of the latest commercially available technologies, including 5G, for the benefit of public safety users. The *Eighth Report and Order* provides that the 4.9 GHz Band Manager, once selected, will be eligible to apply for a nationwide overlay license and authorized to enter into a sharing agreement with the First Responder Network Authority (FirstNet). Pursuant to this sharing agreement, FirstNet may use unassigned spectrum in the 4.9 GHz band as part of its nationwide public safety broadband network (NPSBN) in a manner that protects incumbent operations.

STATUS:

- The Commission retained a freeze on new licensees entering the band and re-established a freeze prohibiting incumbents from expanding operations or modifying other technical parameters. The Bureaus released a Public Notice announcing the re-established freeze on November 15, 2024.
- The Bureaus also released a Public Notice announcing that the Universal Licensing System (ULS) is prepared to collect granular licensing data from incumbent licensees in the 4.9 GHz band. Incumbent licensees will have six months to submit the data.
- The Commission delegated broad authority to the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (the Bureaus) to establish the procedures by which a selection committee will choose the Band Manager.
- Once the Band Manager is selected, the Commission will assign a nationwide “overlay” license to the Band Manager giving it access to the entire 50 megahertz of spectrum in areas where spectrum is unassigned to incumbent licensees.
- In addition, the Band Manager, once selected, will be authorized to enter into a sharing agreement with FirstNet for use of unassigned 4.9 GHz band spectrum that will be covered by the Band Manager’s license.
- The Band Manager’s primary responsibilities will include: (1) frequency coordination and interference protection for the operations of existing incumbent public safety licensees; (2) managing a spectrum sharing agreement with FirstNet; (3) incentivizing the use of the latest commercially available technologies; and (4) submitting an annual report to the Commission.

- There are four petitions for judicial review and three petitions for stay of the Eighth R&O.¹ On February 28, 2025, the FCC filed an opposition to the motions for stay pending judicial appeal filed by the Sheriff's Associations and BART.

¹ See Coalition for Emergency Response and Critical Infrastructure ("CERCI") v. FCC, Docket No. 24-1364, filed November 27, 2024 (DC Cir.); Public Safety Spectrum Alliance, et al. v. FCC, Docket No. 24-1363, docketed November 26, 2024 (DC Cir.); National Sheriff's Association et al. v. FCC, No. 25-1028, filed January 17, 2025 (DC Cir.); San Francisco Bay Area Rapid Transit District (BART) v. FCC, No. 25-1034 (DC Cir.); Petition of San Francisco Bay Area Rapid Transit District (BART) for Stay Pending Judicial Review, WP Docket No. 07-100; Petition of the National Sheriffs' Association (NSA) and the California State Sheriffs' Association (CSSA) for Stay Pending Judicial Review, WP Docket No. 07-100; Motion of the Government Wireless Technology and Communications Association, the State of Washington Department of Transportation and the State of Utah Department of Transportation for Partial Stay, WP Docket No. 07-100.

PSHSB BRIEFING SHEET

SUBJECT: FirstNet/700 MHz Public Safety Broadband Network (PS Docket Nos. 16-269, 12-94, and 06-229; and WT Docket 06-150)

SUMMARY: The Middle-Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) created the First Responder Network Authority (FirstNet), an independent authority within NTIA, to build and operate a nationwide public safety broadband network on 20 megahertz of spectrum in the 700 MHz band. FirstNet received an initial 10-year license from the Commission in 2012, and on May 26, 2023, the Public Safety and Homeland Security Bureau renewed FirstNet's license (see below). FirstNet is charged with administering \$7 billion in federal funds for the construction, deployment, and operation of the network. In 2017, FirstNet selected AT&T as its nationwide partner for deployment and entered into a 25-year contract. Pursuant to the contract, AT&T is deploying FirstNet infrastructure nationwide, and FirstNet subscribers have access both to FirstNet and AT&T's services on its system. In addition to reallocating the spectrum and licensing FirstNet, the Commission is charged under the Act with "facilitating the transition" of the spectrum to FirstNet and renewing the license. While the Act gave states the option of "opting out" of the network, no state elected to do so.

STATUS:

- FirstNet's 10-year initial license term ended on November 15, 2022. On August 22, 2022, as provided by statute, FirstNet submitted an application to the Commission requesting renewal of its license. FirstNet's initial license remained valid while the renewal application was pending.
- On May 26, 2023, the Bureau released an order (DA 23-452) renewing FirstNet's license for ten years from the November 15, 2022 expiration of FirstNet's initial license, or for the remaining period of its authorization from Congress, whichever is sooner. As required by the Spectrum Act, the Bureau found that FirstNet had met its duties and obligations under the Act during the initial license term. The alternative renewal term is based on the provision in the Spectrum Act that FirstNet's statutory authority shall terminate 15 years after the statutory date of enactment, i.e., on February 22, 2027, unless Congress extends that authority.
- The renewal order conditions renewal on FirstNet fully implementing all of the recommendations made by the Inspector General (OIG) of the Department of Commerce in a previously issued report on FirstNet's network security. The order also states that the Bureau will continue to monitor FirstNet's performance with respect to security and reliability under its renewed license. On July 14, 2023, FirstNet filed a letter in the FCC's Universal Licensing System that the OIG Report's recommendations have been fully implemented by the FirstNet Authority and the OIG closed the above-referenced audit on June 27, 2023.
- Commission staff routinely coordinate with FirstNet regarding a variety of activities, including issuance of Special Temporary Authority (STA), development of National Environmental Protection Act (NEPA) protocols, and consulting with FirstNet and NTIA on their rulemaking/statutory interpretation activity as appropriate.

PSHSB BRIEFING SHEET

SUBJECT: 988 Outage Reporting Report and Order (PS Docket Nos. 23-5 and 15-80; and WC Docket No. 18-336)

SUMMARY: The Department of Health and Human Services' (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) and Vibrant Emotional Health (988 Lifeline administrator), a New York-based mental health non-profit, operate the 988 Suicide & Crisis Lifeline, which is a 24/7 hotline available to people in suicidal crisis and mental health distress and includes the VA's Veterans Crisis Lifeline. The 988 Lifeline facilitates counseling through a national network of more than 200 crisis centers that help thousands of people overcome crisis situations every day.

On December 1, 2022, the 988 Lifeline suffered a nationwide outage lasting several hours. Once it was aware of the outage, HHS sought to notify the public that they would need to text or use the webchat to contact the 988 Lifeline.

STATUS: In response to this outage, the Commission adopted a Notice of Proposed Rulemaking in January 2023, proposing rules requiring reporting and notice of service outages potentially affecting 988 special facilities. In July 2023, the Commission adopted the *988 Outage Reporting Order (Order)* implementing reporting and notice requirements for service outages potentially affecting 988 special facilities, which are similar to those currently required when outages potentially affect 911 special facilities. The *Order* adopts rules designed to ensure that the Commission, SAMHSA, the Department of Veteran's Affairs (VA), and the 988 Lifeline administrator receive timely and actionable information about 988 service outages. The requirements become effective on April 15, 2025.

- *988 Outage Reporting.* The *Order* requires a new category of "covered 988 service providers" to report outages that potentially affect the 988 Lifeline to the Commission's Network Outage Reporting System (NORS), similar to the Commission's existing rules that require the reporting of outages that potentially affect 911.
- *Thresholds for Reportable 988 Special Facility Outage.* The *Order* defines an outage that potentially affects a 988 special facility as events that result in a loss of the ability of the 988 Suicide & Crisis Lifeline to receive, process, or forward calls for at least 30 minutes in duration.
- *Order.* The *Order* requires cable, satellite, wireless, wireline, and interconnected VoIP providers (originating service providers) to report these outages in NORS. The adopted reporting threshold is the same as the threshold used to report outages to 911 special facilities, e.g., and outage that potentially affects at least 900,000 user-minutes and lasts 30 minutes or more.
- *Notice.* The *Order* also requires that covered 988 service providers—defined as providers that provide the 988 Suicide & Crisis Lifeline with capabilities such as the ability to receive, process, or forward calls—and originating service providers provide notice to SAMHSA, the VA, and the 988 Lifeline administrator when an outage that potentially affects a 988 special facility occurs. For outages lasting longer than 2 hours, the service providers must follow-up with subsequent notifications of material information as soon as possible after discovery of the new material information and

continue providing additional material information until the outage is completely repaired and service is fully restored.

- *Contact Information.* Covered 988 service providers and originating service providers are also required to maintain up-to-date contact information for those individuals identified by SAMHSA, the VA, and the 988 Lifeline administrator as the appropriate individuals to receive outage notifications.

PSHSB BRIEFING SHEET

SUBJECT: Communications Security, Reliability, and Interoperability Council (CSRIC)

SUMMARY: CSRIC is a Federal advisory committee, first chartered in 2007, and most recently chartered for the ninth time on March 26, 2024. The current iteration of CSRIC, CSRIC IX, will run through March 25, 2026 and is co-chaired by Billy Bob Brown of the Cybersecurity and Infrastructure Security Agency and Todd Piatt of Motorola Solutions. CSRIC makes recommendations and develops best practices to ensure the reliability and interoperability of the nation's communications systems, including telecommunications, media and public safety communications systems. The FCC Chair appoints members from among commercial communications entities, public safety agencies, Federal/state/tribal/local partners and consumer or community organizations or other non-profit entities to bring a diversity of expertise and viewpoints. CSRIC accomplishes much of its work through subcommittees known as working groups, and meets quarterly to consider recommendations from the working groups and hear progress reports. Once CSRIC reviews and discusses a working group's draft report, it may vote to approve the report as a CSRIC recommendation to the Commission. Commission staff in turn uses CSRIC recommendations to address the identified issues of concern.

STATUS AND KEY ISSUES: CSRIC IX held its first meeting on June 28. Its next meeting is scheduled for March 19. CSRIC IX has three working groups, each addressing an assigned topic: Working Group 1: Harnessing Artificial Intelligence/Machine Learning to Ensure the Security, Reliability, and Integrity of the Nation's Communications Networks; Working Group 2: Ensuring Consumer Access to 911 on All Available Networks As Technology Evolves; and Working Group 3: Preparing for 6G Security and Reliability.

PSHSB BRIEFING SHEET

SUBJECT: Network Outage Reporting System (PS Docket Nos. 15-80, 04-35)

SUMMARY: The Commission established Part 4 outage reporting rules in 2004 to address the critical need for rapid, complete, and accurate information on significant communications service disruptions, including disruptions to 911 service, that could affect homeland security, public health or safety, and the economic well-being of the nation. The rules require communications providers, including wireline, wireless, paging, cable, satellite, Signaling System 7, and interconnected Voice over Internet Protocol (VoIP) service providers to report major communications disruptions of voice and/or paging services that meet certain thresholds. Submarine cable outages must also be reported in NORS.

These entities file reports electronically through the Commission's Network Outage Reporting System (NORS), and such reports are presumed confidential. Federal, state, tribal, and territorial agencies that are directly responsible for emergency management or first responder support functions may apply for read-only access to communications outage data.

The Commission has amended the outage reporting rules to keep pace as technology transitions continue to unfold. PSHSB has gained considerable experience in administering the NORS and has identified ways the Commission could refine the rules to improve their utility, including the most recent change to incorporate outage reporting for submarine cable facilities.

PSHSB uses NORS data to track network reliability trends, and staff shares aggregated anonymized data with industry parties to work collaboratively toward industry-wide improvements. NORS data also helps PSHSB assess the scope and impact of major communications outages; this data provided much of the factual foundation of the Derecho Report released in January 2013, the Multistate 911 Outage Report from October 2014, the March 8 VoLTE 911 Outage Report from May 2017, the Multistate 911 Outage Report from August 2018, the June 2020 Nationwide T-Mobile Network Outage Report, the AT&T Mobility Network Outage Report from February 2024, and others.

KEY ISSUES:

- The Commission adopted a *Further Notice of Proposed Rulemaking* accompanying the *2024 Second Report and Order* (PS Docket Nos. 21-346, 15-80; ET Docket No. 04-35) on January 25, 2024, that sought comment on, among other things, whether filing in NORS (and DIRS) should be mandatory for TV and radio broadcasters, satellite, broadband Internet access service providers, and FirstNet.

STATUS:

- On July 21, 2023, the Commission released a Report and Order that adopted rule changes requiring entities that provide the 988 Lifeline with capabilities such as the ability to receive, process, or forward calls to report outages that potentially affect the 988 special facilities to the Commission via NORS. Those requirements become effective on April 15, 2025.

PSHSB BRIEFING SHEET

SUBJECT: Disaster Information Reporting System (DIRS) (PS Docket No. 21-346)

SUMMARY: DIRS, available since September 11, 2007, is a web-based system through which the Commission collects operational status and restoration information from communications providers during major disasters and subsequent recovery efforts. DIRS provides communications providers with a single, coordinated, and consistent Federal process to report their communications infrastructure status information during disasters. DIRS currently allows filings for wireline, wireless, broadcast, cable communications, interconnected Voice over Internet Protocol (VoIP), satellite, and broadband services.

As of February 2025, daily reporting in DIRS is mandatory for cable communications, wireline, wireless, and interconnected Voice over Internet Protocol (VoIP) providers while DIRS is activated in geographic areas where they provide service. These providers must also submit a final DIRS report to the Commission within 24 hours of the deactivation of DIRS that provides the status of their infrastructure that has not yet been fully restored at the time of deactivation. Filing in DIRS is voluntary for other service providers. A provider's NORS reporting obligations are suspended for outages they timely report in DIRS.

The Commission works with federal partners to determine when to activate DIRS, the geographic areas to cover, and when to request initial reports. Typically, DIRS activation precedes an anticipated major emergency, like a major hurricane, or follows an unpredictable disaster. However, the current protocol gives the Commission and Federal partners wide latitude to request the activation of DIRS; ESF-2 activation is not required. Every year, PSHSB administers a test of DIRS with registered DIRS participants.

When DIRS is activated, PSHSB creates situation reports and maps, which are provided to DHS, FEMA and Federal ESF-2 members; A subset of this information is made available to the public on the Commission's website.

As of September 30, 2022, state and federal agencies with direct responsibility for emergency management and/or first responder support functions may apply to the FCC for read-only access to communications data in NORS and DIRS. As of February 26, 2025 the Commission has approved NORS and/or DIRS information sharing for 21 entities.

KEY ISSUES:

- **Confidential Treatment:** The information submitted receives presumptively confidential treatment. This information is, however, shared in aggregated form with Federal government agencies involved in ESF-2 activities, most notably FEMA.
- **DIRS Further Notice of Proposed Rulemaking:** An *FNPRM* accompanying the *2024 Second Report and Order* sought comment on whether filing in DIRS should be mandatory for TV and radio broadcasters, satellite, broadband Internet access service providers, and FirstNet. The *FNPRM* also considered whether to require mandatory DIRS filers to submit after-action reports 60 days after Public Notice following a disaster

detailing how their networks fared and the effectiveness of their pre-disaster response plans.

- **ATIS Petition for Clarification and/or Reconsideration (ATIS Petition):** The Alliance for Telecommunications Industry Solution (ATIS) filed a Petition for Clarification and/or Reconsideration of the *2024 Second Report and Order* on May 10, 2024. Among other issues, ATIS requests that the FCC extend the NORS waiver to encompass outages that occur just prior to the activation of DIRS.

STATUS:

- Daily reporting in DIRS became mandatory for cable communications, wireline, wireless, and interconnected VoIP providers on February 20, 2025.
- During the last year, PSHSB activated DIRS for New Mexico wildfires, Hurricanes Beryl, Debby, Francine, Helene, and Milton, Tropical Storm Ernesto, and 2025 Kentucky flooding.

PSHSB BRIEFING SHEET

SUBJECT: The Mandatory Disaster Response Initiative (MDRI) (PS Docket No. 21-346)

SUMMARY: The MDRI was adopted by the Commission in 2022 to improve the reliability and resiliency of wireless networks during emergencies by reducing wireless phone outages for the public and supporting faster service restoration after hurricanes, wildfires, and other disasters.

The MDRI requires facilities-based mobile wireless providers to: (1) Provide roaming to one another when a network is down, where technically feasible; (2) Establish mutual aid agreements to share physical assets and to consult with one another before and during emergencies; (3) Enhance municipal preparedness; (4) Increase consumer readiness; and (5) Improve public awareness and stakeholder communications regarding restoration times.

The MDRI can be triggered: when the Federal Emergency Management Agency's (FEMA) Emergency Support Function (ESF-2) is activated; when the Commission's Disaster Information Reporting System (DIRS) is activated; or when the Chief of the Public Safety and Homeland Security Bureau (Bureau) issues an activation Public Notice upon request of a state that has activated its Emergency Operations, activated mutual aid, or proclaimed a local state of emergency.

Facilities-based mobile wireless providers were obligated to test their roaming capabilities under these mandatory agreements and must provide reports to the Commission on the timing, duration and effectiveness of their activities performed under the rules when directed to do so by the Bureau.

KEY ISSUES:

- **MDRI FNPRM.** The Commission proposed to delegate authority to PSHSB to develop a form for MDRI after-action reports and sought comment on the confidentiality protection that the Commission should afford MDRI after-action reports. These issues remain before the Commission.

STATUS:

- Compliance with the MDRI for all facilities-based mobile wireless providers began on May 1, 2024.
- As of February 2025, the MDRI was activated in response to Hurricane Beryl in Texas; Hurricane Debby in Florida, North Carolina, South Carolina, and Virginia; Hurricane Francine in Louisiana and Mississippi; Hurricane Helene in Georgia, Florida, North Carolina, South Carolina, Tennessee, and Virginia; Hurricane Milton in Florida; and flooding in Kentucky.
- PSHSB required facilities-based mobile wireless providers to file after-action reports describing their implementation of MDRI after Hurricanes Beryl, Milton, and Helene.

PSHSB BRIEFING SHEET

SUBJECT: Reporting on Border Gateway Protocol (BGP) Risk Mitigation Progress (FCC No. 24-62, PS Docket No. 24-146); Secure Internet Routing (PS Docket No. 22-90)

SUMMARY: Border Gateway Protocol (BGP) is an Internet routing protocol used to exchange Internet traffic across independently managed networks that comprise the Internet. BGP's initial design exposes internet traffic to routing vulnerabilities, allowing for bad actors to deliberately redirect traffic to prevent it from reaching its intended destination. This redirection of traffic is referred to as a "BGP hijack," and may enable theft, extortion, state-level espionage, and the disruption of transactions, along with exposing U.S. citizens' personally identifiable information. On February 28, 2022, through a Notice of Inquiry (NOI), the FCC launched the Secure Internet Routing proceeding to inquire into BGP vulnerabilities. On June 6, 2024, the FCC adopted a Notice of Proposed Rulemaking (NPRM) that seeks to increase the security of the information routed across the Internet by proposing certain reporting obligations on providers of broadband Internet access service (BIAS) that concern their use of BGP security measures that utilize the Resource Public Key Infrastructure (RPKI). The NPRM was officially released on June 7, 2024.

KEY ISSUES:

- **Recommended and best practices:** Commenters to the NOI including non-profit associations, ISPs, and other network operators suggest that network operators' widespread implementation of recommended and best practices would improve the security of BGP-related Internet routing. These practices include the following:
 - **BGP monitoring and event detection:** Network operators monitor their networks to understand the frequency and impact of BGP attacks. They monitor the global routing of their traffic to assess stability, resilience, privacy, and security.
 - **BGP coordination:** Network operators make their contact data and routing policies publicly available in Internet Routing Registries (IRRs) to improve coordination with other network operators.
 - **Preventing IP Spoofing:** Network operators set network controls to ensure packets entering or leaving their networks correspond to legitimate address allocations and expected routing.
 - **Path filtering:** Network operators set network controls to reject requests to receive or advertise route information about potential paths for network traffic that contradict routing policy or other routing criteria.
 - **BGP Route Origin Validation and Authentication:** Network operators implement BGP route origin validation using technologies such as Resource Public Key Infrastructure (RPKI), which "provides a way for the holders of Internet number resources . . . to formally demonstrate their right to use these resources, to bind prefix and origin . . . [network] information, and for third parties to verify assertions made about these resources."
- **Collective action problem:** The recommended and best practices require a high rate of global adoption to be effective. Major Internet routing equipment vendors and academics

observe that the cost of not adopting recommended and best practices and other Internet routing security practices are almost entirely borne by the public, while the cost of adopting such practices are borne almost entirely by network operators.

STATUS:

- On February 28, 2022, the FCC issued a Notice of Inquiry regarding steps that the FCC should take to protect the nation's communications network from vulnerabilities posed by BGP. The NOI sought comment on steps the Commission should take in protecting and strengthening the nation's communications network and other critical infrastructure from BGP vulnerabilities. Specifically, the FCC sought comment on how to measure BGP security, including whether the industry had metrics in place for identifying and quantifying BGP incidents. The NOI also sought comment on industry implementation of BGP security measures, and asked what costs were associated with BGP security measures, including ongoing costs for implementation. In response, the FCC received 45 comments from various entities, including individuals, universities, non-profit associations, Federal agencies, ISPs, and other network operators.
- On April 5, 2023, PSHSB announced the changing of the *Ex Parte* status from Permit-But-Disclose to Exempt for all communications for this proceeding.
- On July 31, 2023, PSHSB hosted a Border Gateway Protocol Security Workshop, which was open to the public. The workshop highlighted the critical importance of addressing risks associated with BGP in light of the risk of consumer harm posed by unsecured Internet routing and explored effective security practices to mitigate these vulnerabilities, namely that RPKI is an available architecture that will help network operators secure route origins. Among the presenters at the Workshop were representatives from several Federal agencies that have also been actively working on BGP issues – the Office of the National Cyber Director (ONCD), the Cybersecurity and Infrastructure Security Agency (CISA), the Office of the Director of National Intelligence (ODNI), the National Security Division within the Department of Justice (NSD), and the National Institute of Standards and Technology (NIST).
- On June 6, 2024, the FCC adopted an NPRM that proposes to require BIAS providers to develop BGP Routing Security Risk Management Plans (BGP Plans) that detail their progress, and plans for implementing, the RPKI-based security measures. The NPRM also proposes to require the nine largest BIAS providers to file quarterly public data reports that would allow the FCC to monitor progress in the implementation of RPKI-based security measures and assess the reasonableness of their BGP Plans. The NPRM seeks comment on various other issues related to implementing those RPKI-based security measures.
- On September 12, 2024, the FCC released a Public Notice announcing a limited modification to the *ex parte* rules for this proceeding. The exception applies to any discussions held and presentations made at meetings of the Internet Routing Security Working Group (IRSWG). The IRSWG is a joint working group of federal government and communications and information technology sector stakeholders convened in furtherance of the National Cybersecurity Strategy Implementation Plan to help advance Internet routing security.

PSHSB BRIEFING SHEET

SUBJECT: Smart Device Labeling R&O and FNPRM (Internet of Things) (PS Docket No. 23-239)

SUMMARY: The Commission's Internet of Things (IoT) labeling program focusses on wireless consumer-based IoT products, which include one or more devices and the additional product components that make the product smart, such as a wireless thermostats and the app used to control it. Certification standards must be based on the National Institute of Standards and Technology (NIST) cybersecurity guidelines. While participation is voluntary, companies that choose to participate will be required to comply with the Commission's program requirements. The March 2024 Order adopting the program requirements relies on the Commission's core Title III authority to regulate RF interference.

Under the Commission's consumer IoT labeling program, approved products will bear an easy-to-understand and quickly recognizable label that includes a U.S. Cyber Trust Mark and a QR code that consumers can scan for easy-to-understand information on the security of the product. The FCC's IoT cybersecurity labeling program aims to provide consumers with a tool that will help them understand the relative security risk that an IoT device or product may pose, compare IoT devices, and have a level of confidence for whether the IoT devices they ultimately purchase and bring into their homes meet certain cybersecurity standards.

The FCC is the owner of the program, with ultimate control over program oversight and structure. The program will be supported by the FCC-selected Lead Administrator, as well as Cybersecurity Labeling Administrators (CLAs). The Lead Administrator will, among other responsibilities, work with the FCC conditionally approved CLAs and a variety of stakeholders, to identify or develop standards and testing procedures for IoT products for approval by the Public Safety and Homeland Security Bureau (Bureau). The CLAs will collaborate with the Lead Administrator and the Commission to stand up the program and be responsible for day-to-day program management, including receiving and reviewing applications and authorizing use of the label.

Under the application process, a manufacturer seeking approval to use the label files an application with a CLA, that is supported by a test report from an accredited and recognized testing lab. Then, the CLA reviews the application and supporting documentation for compliance with the Commission's rules, and either grants or denies the applicant's use of the FCC IoT Label. The FCC IoT Label is a binary label with layering, which means that the product either qualifies or does not qualify to bear the mark. The layering includes the U.S. Cyber Trust Mark and a QR code that links to a publicly available decentralized registry with more specific cybersecurity information of the product, including the date the manufacturer will stop supporting the product. The information in the registry will be supplied by the entities authorized to use the FCC IoT Label (e.g., manufacturers) through a common Application Programming Interface (API).

The success of the Commission's labeling program relies on a robust consumer education campaign and would encourage joint participation by the government, manufacturers, retailers, industry, and other cybersecurity groups to promote label recognition, brand trust, and transparency.

KEY ISSUES:

- **International Recognition:** Recognizing the significant importance of international label recognition, the Order directs the Bureau and the Office of International Affairs to work with other federal agencies to develop international recognition of the label and mutual recognition of international labels. This would enable authorized users of the US Cyber Trust Mark to realize the benefits that an internationally recognized label can have to promote global market access.
- **Consumer Outreach and Education:** To be successful, it is important that consumers understand the benefits of the IoT Labeling Program, which will require significant consumer education and outreach. Establishing a consumer education campaign is the responsibility of the Lead Administrator, and the Commission is responsible for coordinating the publicizing of the benefits of the IoT Labeling program with relevant agencies, including DHS, CISA, FBI, FTC, CPSC and other industry stakeholders that have indicated a willingness to assist with consumer education.
- **Program Standards and Administrators:** The Bureau issued a series of Public Notices announcing selection of UL LLC as a conditionally approved CLA and as the Lead Administrator and conditionally approved an additional 10 CLAs. UL, as Lead Administrator, is responsible for making a number of recommendations to the Bureau addressing program implementation. The Bureau will release public notices seeking comments on the recommendations.

STATUS:

- PSHSB released a Public Notice on December 4, 2024, announcing UL as the Lead Administrator and starting the 90-day stakeholder engagement period. During this period, UL in collaboration with CLAs and other stakeholders (e.g., cyber experts from industry, government, and academia), will submit recommendations to the Bureau addressing standards and technical requirements; post market surveillance and recertification requirements; and label design. UL requested and was approved a 60-day extension of the 90-day stakeholder engagement period to May 3, 2025.

PSHSB BRIEFING SHEET

SUBJECT: Wireless Emergency Alerts (WEA) (PS Docket No. 15-91)

SUMMARY: Under the 2006 Warning Alert and Response Network (“WARN”) Act, the Commission established Wireless Emergency Alerts (WEA), through which commercial mobile service (CMS) providers may voluntarily elect to transmit emergency alerts to their customers. On April 7, 2012, WEA became operational. Based on our records, 80 wireless carriers, including the three nationwide carriers, have opted in to provide WEA alerts, either in whole or in part. As of February 13, 2025, WEA has been used nearly 96,000 times by more than 600 alerting authorities. WEA messages have also been credited with bringing 198 missing children to safety.

WEA can send 360-character Alert Messages and Alert Messages in Spanish. WEA Messages can also contain embedded references, such as a URL or phone number. Alert Messages must also be narrowly geo-targeted with no more than one tenth of a mile of overshoot. Alert Messages must also be preserved in a consumer-accessible format for 24 hours after receipt, or until the consumer chooses to delete the message.

There have been three Nationwide WEA Tests: October 3, 2018, August 11, 2021, October 4, 2023. FEMA contracted with RAND to produce a report on the 2023 nationwide WEA test. The report found that 91% of adults in the United States received the 2023 nationwide test. These results confirmed what PSHSB found during localized testing in 2022. On June 27, 2024, the Commission released its own report on the nationwide WEA test.

In September 2022, PSHSB, in conjunction with 37 alert originators, conducted 38 localized end-to-end WEA tests designed to measure WEA’s reliability, accuracy, and speed. On April 24, 2023, PSHSB released a report announcing its findings. For reliability, testing showed that 91.1% of volunteers inside the target area reported their device presented them with the test alert message. For speed, 50% of test respondents reported receiving the test alert less than two minutes after receipt by FEMA IPAWS. Self-reported information from the three nationwide carriers indicated that the median interval to transit their networks was less than one second. For accuracy, testing revealed a significant number of mobile devices presented the test alert message despite their being more than one-tenth of a mile outside the target test area. The median distance outside of the allowable presentation area was 3.13 miles, with approximately 10% of devices 11.76 miles outside of the allowable presentation area. Limited testing of geofencing, which is meant to limit WEA overshoot, revealed that it worked less than one third of the time (32.1%).

KEY ISSUES:

- On October 19, 2023, PSHSB released a Public Notice seeking partners to test ways to deliver WEAs without cell towers, either because the towers have been damaged or destroyed such as during the wildfires in Maui, Hawai’i, or there are coverage gaps where no cellular service is available. PSHSB sought to partner with any entity that has a technology, method, or other solution to delivering WEAs to mobile devices not connected to a functioning cell tower. PSHSB is assessing responses to this Public Notice.

- The Third WEA R&O, adopted in October 2023, required Participating CMS Providers to support multilingual WEA through the use of Alert Messages translated into the 13 most common non-English languages spoken in the United States, English, and American Sign Language via templates; support the presentation of Alert Messages on WEA-capable mobile devices that link the recipient to a native mapping application on their mobile device to depict the recipient's geographic position relative to the emergency incident; support up to two end-to-end WEA tests, per county (or county equivalent), per year, that consumers receive by default; and refresh their WEA election status by filing this information in an electronic database hosted by the Commission. The Commission delegated to PSHSB the question of how multilingual WEA should be implemented.
- On January 8, 2025, PSHSB adopted an Order on delegated authority that implements the Commission's directive that requires CMS Providers that voluntarily participate in WEA (Participating CMS Providers) to implement multilingual template alerts. The Order has not yet been published in the *Federal Register*.
- On February 27, 2025, the Commission adopted a Report and Order providing alert originators with the flexibility to send silent Wireless Emergency Alerts, i.e., without triggering the audio attention signal, vibration cadence, or both. To promote accessibility, the order allows the device users to override the alert originator's decision to send the alert without triggering the vibration cadence. The Report and Order also promotes informed consumer choice by requiring mobile devices as "WEA-capable" to support all current WEA capabilities. In an accompanying Further Notice the Commission sought comment on providing alert originators greater flexibility to send WEAs using the Public Safety Message classification. It also sought comment on providing the public with greater flexibility on how alerts are presented on their mobile devices.

STATUS:

- The rules requiring commercial mobile service providers that participate in WEA to implement multilingual templates, will not take effect until 30 months from the date of the rule's publication in the *Federal Register*.
- The rules requiring commercial mobile service providers that participate in WEA to enable alert originators to send silent alerts will take effect 36 months after publication of the order in the *Federal Register*. The definitions of WEA-capable mobile device, and mobile device, for purposes of WEA, along with conforming edits will take effect 180 days from the date of the rule's publication in the *Federal Register*.
- The rules allowing Participating CMS Providers to participate in Performance and Public Awareness Tests, which allows two WEA tests per county (or county equivalent), per calendar year that the public receives by default, became effective on July 17, 2024.
- The rules requiring Participating CMS Providers to support the presentation of location-aware maps will become effective on December 16, 2026.

PSHSB BRIEFING SHEET

SUBJECT: Emergency Alert System (EAS) (PS Docket No. 15-94)

SUMMARY: EAS is a nationwide emergency alerting mechanism under which broadcast, cable, satellite, and wireline radio and video service providers (EAS Participants) must provide alerts from the President to address the nation in a national emergency, and may transmit alerts from the National Weather Service (NWS) and state or local alert originators regarding emergencies such as severe weather, wildfires, and child abductions (Amber Alerts). The Commission, in conjunction with the Federal Emergency Management Agency (FEMA), implements EAS at the federal level.

Nationwide Tests. The Commission, in coordination with FEMA, periodically conducts nationwide tests of the EAS (and WEA). The last such test involved simultaneous nationwide tests of the EAS and WEA systems on October 4, 2023. Similar tests were conducted in 2011, 2016, 2017, 2018, 2019, and 2021. The Commission's responsibilities include providing information about the test to interested members of the public, helping EAS Participants (*i.e.*, broadcasters, cable operators, and certain other audio and video programming providers) prepare for the test and submit specific operational data using the Commission's online EAS Test Reporting System (ETRS) before and after the test regarding their EAS operations and processing of the test message, and analyzing data and issuing reports on the results of the tests. "Report: October 4, 2023 Nationwide Emergency Alert Test[.]" which the Commission prepared based upon the test results and related data reported in ETRS, found that the test message was received by 96.6% of EAS Participants (increase from 89.3% in 2021). The overall retransmission success rate was 93.6% (increase from 87.1% in 2021). While the Federal Emergency Management Agency did not conduct a nationwide EAS test in 2024, EAS Participants nevertheless were subject to the annual requirement to file ETRS Form One.

State EAS Plans. State Emergency Communications Committees (SECCs), consisting of EAS Participants, authorized state and local alert originators, and other stakeholders, are required to submit updated State EAS Plans annually. These plans describe how Presidential alerts will be distributed in the SECC's jurisdiction and contain guidelines for alert originators to activate the EAS. The dates when State EAS Plans filed in the FCC's Alert Reporting System (ARS) have been approved by the Bureau are published on the Commission's website. The Bureau continuously reviews plans for approval as they are filed. On June 6, 2023, the Bureau issued a Public Notice providing additional information about ARS improvements and streamlined filing procedures, as well as additional guidance about the required content of these plans, to assist SECCs with preparing and submitting compliant plans.

False Alert Reporting. The Commission adopted rules in July 2018, requiring entities to report false EAS alerts to the Commission's Network Operations Center. Those rules became effective July 23, 2019. The Bureau compiles and investigates reports as they are submitted. On June 17, 2021, the Commission adopted an Order amending the WEA and EAS rules to enable voluntary reporting by the FEMA Administrator and State, Tribal, or local governments of false EAS and WEA alerts.

Alerting Security. In October 2022, the FCC issued an *Alerting Security Notice of Proposed Rulemaking* to secure the Emergency Alert System (EAS) and Wireless Emergency Alerts

(WEA) programs, proposing rules for improving the alert systems, along with cybersecurity risk management requirements for alerting participants.

KEY ISSUES:

- **EAS Multilingual Alerting NPRM:** On Feb. 16, 2024, the Commission released a Notice of Proposed Rulemaking (NPRM) that proposed a model for processing EAS alerts that would create pre-scripted (“template”) alert messages in English as well as Arabic, Chinese, French, German, Haitian Creole, Hindi, Italian, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese for select emergencies (such as wildfires). TV and radio broadcasters, cable service providers, and other services that make up the EAS public alert distribution system would be required to broadcast the template alerts in the language that matches their programming content. Comment was sought on several issues related to the processing model, such as whether American Sign Language could and should be included, and whether additional spoken languages should be considered.
- **Missing and Endangered Persons (MEP):** On August 8, 2024, the Commission released a Report and Order that adopted a new, dedicated EAS event code, “MEP,” for missing and endangered persons. The MEP EAS event code can be used for alerts for all missing and endangered persons that do not meet the criteria for an “AMBER Alert,” such as Ashanti Alerts, Silver Alerts, and Feather Alerts. The MEP EAS event code will facilitate the more efficient and widespread dissemination of alerts and coordinated responses to incidents involving all missing and endangered persons—including Indigenous persons—across multiple jurisdictions.
- **Comprehensible Alerts Order:** On September 30, 2022, the Commission adopted rules making EAS alert messages clearer and easier to understand by all members of the public, and in particular, to improve the viewable text versions of these messages to be more accessible for persons who are deaf or hard of hearing and others who are unable to access the audio message. As a further means of enhancing EAS text and audio, the Commission required EAS Participants to, upon receipt of an alert in the legacy EAS format, poll the Integrated Public Alert and Warning System Common Alerting Protocol feed for a higher-quality version of an alert.

STATUS:

- The missing and endangered persons event code for EAS will become effective on September 8, 2025.
- EAS Participants were required to comply with the triggered CAP polling requirement as of December 12, 2023. EAS Participants were required to comply with the required change to the text of the National Alert where such a change did not require set top box replacement by March 12, 2023. Where cable operators support for clearer text for the National Alert necessitates set top box replacement, they have until December 12, 2028 to comply.

PSHSB BRIEFING SHEET

SUBJECT: FCC Disaster and Emergency Response Activities

SUMMARY: To respond to a disaster, the FCC works closely with FEMA, CISA, and the White House under the National Response Framework to coordinate communications response. The FCC, either independently or at the request of and in coordination with CISA or FEMA, conducts disaster response activities to determine and ensure the availability of communications to the public and to first responders during and after disasters and emergencies such as hurricanes, wildfires and earthquakes. Examples of these activities include:

- *Situational Awareness Provision:* The Commission assesses the status of communications infrastructure and services in areas impacted by disasters and emergencies. These assessments are used to inform FEMA as well as state, local, tribal, and territorial (SLTT) public safety and emergency management officials of disaster impacts, enabling prioritization of restoration resources and response personnel. An added benefit of on-site assessments is the identification of network weaknesses which can be addressed during post-disaster recovery to strengthen communications networks and make them more resilient.
- *Assistance & Coordination:* The FCC, through PSHSB, coordinates across all sectors to: resolve or respond to requests for assistance or information; provide response or communications status information to government and public safety partners; coordinate security, emergency aid, and rescue; streamline logistical support; facilitate foreign language messaging; or provide coordination and contact instructions. The 24x7 FCC Operations Center is the Commission's central intake and coordination point for all requests from Federal and SLTT partners, members of industry, public safety officials, and consumers, and conducts proactive outreach to state 911 coordinators, public safety officials, Broadcast Associations, and others to assess operating status and offer support, as necessary.
- *Spectrum Management:* Spectrum management activities include spectrum monitoring, interference resolution, and coordination of frequency assignments or sharing arrangements. If necessary, FCC personnel may deploy to perform spectrum management and deconfliction support. Travel expenses and overtime for FCC personnel who deploy under a Stafford Act mission assignment are reimbursed by FEMA.
- *Communications Assessments:* The FCC may assess the status of communications services and infrastructure to raise awareness of the scope of disaster impacts; to make recommendations to industry and emergency management leaders on where to prioritize restoration efforts; and to validate the provision and availability of communications services, to include conducting cellular surveys to determine if wireless networks will support the establishment of FEMA disaster recovery centers and identify the availability of cellular communications in at-risk communities. This includes providing relevant stakeholders information about areas where emergency communications may be disrupted, degraded, or are unavailable, and where residents may be unable to call for assistance or receive emergency alerts or disaster messaging.
- *Search and Rescue (SAR):* The FCC is a member of the National Search and Rescue Committee (NSARC) and a member of the FEMA Spectrum management working group. PSHSB fulfills this responsibility for the FCC and provides awareness of

communications regulations that impact SAR operations to the NSARC, FEMA, and FCC leadership. The FCC further supports FEMA by providing on-scene spectrum management for conducting search and rescue operations in support of the Emergency Support Function #9 Search and Rescue Annex to the National Response Framework.

- *Regulatory Flexibility:* In emergency situations, the FCC Operations Center, in coordination with appropriate Bureaus and Offices, is available 24x7 to grant requests for Special Temporary Authority, permitting the operation of a communications facility for a limited period at a specified variance from the terms of an FCC license.
- *Public Messaging:* An event webpage is created for each major disaster to aggregate communications to industry and the public. The Commission maintains tip sheets in six languages to educate consumers about how best to communicate during a disaster. The PSHSB also publishes Public Notices to inform residents of the FCC 24x7 Operations Center availability, points of contact for disaster and emergency waiver and STA information, the activation of the Disaster Information Reporting System, the importance of coordination between telecommunications providers and debris removal companies, and reminders to enrolled users on the invocation and use of the GETS and WPS.

STATUS: Coordination with federal agencies to refine the Nation's ability to respond to disasters and significant events is an ongoing effort. Each season introduces unique challenges requiring the Commission to explore alternative applications of its rules, roles, and responsibilities. Commission personnel collaborate with the Federal Emergency Management Agency (FEMA), the Cybersecurity and Infrastructure Security Agency, and the White House to build FCC response mechanisms into national policy. This includes updating existing plans and policies, such as the National Response Framework Emergency Support Function Annexes. In tandem, the Commission continues to refine its own incident management and continuity plans to ensure alignment with whole-of-federal government efforts and to complement the efforts and to fulfil the needs of State, Local, Tribal, and Territorial (SLTT) stakeholders.

During the 2024 disaster season, the Commission was able to exercise its new capabilities and work with SLTT officials to refine reporting and response support. Wildfires remains a major concern relating to the resilience of communications infrastructure and the provision of public safety communications to impacted communities. The FCC provided regulatory and personnel support to FEMA and the State of New Mexico, during this year's New Mexico wildfires. In this capacity, deployed FCC personnel conducted cellular surveys, assessed the status of cellular infrastructure, and identified areas where cell service provision was sparse, enabling FEMA to coordinate the deployment of much-needed temporary mobile solutions to fill vital gaps.

The 2024 hurricane season presented significant challenges. Hurricanes Beryl, Francis, Helene, and Milton all had unanticipated impacts to communications infrastructure and services in the states and counties affected. These more severe impacts required longer deployments and more creative solutions to reach areas where road access was not possible. This season was the first ever that the FCC leveraged the Civil Air Patrol to perform cellular surveys of hurricane-impacted areas from the air. Further, the severity of this season's impacts demanded more enhanced coordination with state and local officials and also with industry to validate the information the FCC collected and reported regarding the status of service. In some cases, while reports reflected few cell sites out in specific areas, cellular coverage in these areas, which were largely rural, did not adequately support consumer or public safety needs. It was imperative to

have open dialog and to ensure an FCC presence in the impact areas to raise awareness of community-specific communications challenges.

In January 2025, Chairman Brendan Carr visited North Carolina for his first official trip as head of the agency to emphasize the commitment for the FCC to support those communities suffering the greatest impacts. Chairman Carr visited several of Hurricane Helene's hardest-hit areas to assess the status of recovery and restoration and to meet with emergency management and public safety officials, telecom crews, broadcasters, and other government representatives working to rebuild impacted communities. During the response phase, while still a Commissioner at the FCC, then Commissioner Carr had visited the North Carolina Emergency Operations Center in Raleigh, NC.

PSHSB BRIEFING SHEET

SUBJECT: Communications Assistance for Law Enforcement Act (CALEA) (PS Docket No. 22-217, ET Docket No. 04-295, RM-11376, RM-10865)

SUMMARY: CALEA Section 103 (47 U.S.C. § 1002) requires “telecommunications carriers to provide technical capabilities to law enforcement in order to conduct electronic surveillance pursuant to lawful authorization. Under CALEA, “telecommunications carrier” includes entities providing services that constitute substantial replacements for a portion of the local telephone exchange.” In 2005, the Commission determined that CALEA covers common carriers, facilities-based broadband Internet access providers, and providers of interconnected Voice over Internet Protocol (VoIP) service. CALEA exempts “information services” from this requirement, and the Commission treats such services as segregable from covered communications.

A telecommunications carrier is CALEA-compliant if it conforms to publicly available technical requirements or standards adopted by an industry association or standard-setting organization, or by the FCC. Technical requirements or standards for implementing the assistance capability requirements of Section 103 must (i) “protect the privacy and security of communications not authorized to be intercepted,” (ii) “minimize the cost of such compliance on residential ratepayers,” and (iii) serve the public interest and U.S. policy to promote innovation. See Section 107, 47 U.S.C. § 1006.

In January 2025, the Commission released a Declaratory Ruling concluding that section 105 of the Communications Assistance for Law Enforcement Act (CALEA) affirmatively requires telecommunications carriers to secure their networks from unlawful access or interception of communications.

KEY ISSUES: DHS/DOJ/FBI assertion that law enforcement’s technological capability to conduct lawful surveillance pursuant to CALEA is at risk of “going dark” given the rise of new communications modalities (e.g., SnapChat, Google Voice, online gaming), the prevalence of user-installed encryption, and heightened post-Snowden privacy concerns.

STATUS:

- A DOJ Petition (2007) claiming that the CDMA2000 CALEA standard is deficient remains pending. The technology at issue was to be obsolete by 2019; however there are isolated pockets where the technology is still used. PSHSB continues to engage DHS, DOJ and FBI in high-level discussions about the “going dark” problem, and to encourage these agencies to refresh the 2007 DOJ Petition record.
- In a FNPRM issued concurrently with the 2005 *CALEA First Report and Order*, the Commission asked whether certain classes of communications service providers – notably small and rural providers and providers of broadband networks for educational and research institutions – should be exempt from CALEA or provided other kinds of relief. The Commission also asked whether CALEA should apply to types of VoIP service other than two-way, interconnected VoIP. This proceeding remains pending.
- Federal legislation was introduced in the Senate on June 23, 2020 titled the Lawful Access to Encrypted Data Act, S.4051, 116th Cong. (LAED Act). The LAED Act would impose law enforcement assistance obligations for decryption of data directly on

consumer device manufacturers, over-the-top software providers, and operating system providers. There was no movement on this legislation after its introduction in the prior Congress.

- In December 2022, the Bureau launched CEFS for voluntary electronic filing of System Security and Integrity Policies and Procedures (SSI Plans) for covered entities. The CEFS allows covered entities to file their System Security and Integrity Policies and Procedures (SSI Plans) confidentially and securely online.
- On May 15, 2023, the Bureau released an [Order](#) amending the rules to require electronic filing of SSI plans by entities subject to CALEA. Mandatory electronic filing for CALEA SSI Plans took effect as of June 29, 2023.
- In September 2023, the Wireline Bureau adopted new rules for Voice over Internet Protocol (VoIP) Providers to Obtain Direct Access to Telephone Numbers <https://www.fcc.gov/document/fcc-updates-rules-curb-robocallers-access-phone-numbers-0> and requiring interconnected VoIP applicants for direct access authorization to certify that they comply with CALEA.

PSHSB BRIEFING SHEET

SUBJECT: Space Communications Security

SUMMARY: PSHSB is the focal point for the Commission on space communications security, both nationally and internationally, and leads the Commission's efforts on matters related to national and homeland security elements of space-provided communications. This includes electronic attacks, cyber-related space issues, uplink/downlink jamming of satellite communications and telemetry tracking and control of satellites, RF/laser dazzling of national satellites, and space weather (solar flares and other geomagnetic disturbances effect on critical infrastructure and communications networks). The Bureau works with senior staff within the Intelligence Community, Law Enforcement, Federal Departments and Agencies, and other organizations, and international partners around the world.

Space Communications Monitoring Facility. PSHSB operates the Commission's Space Communications Monitoring facility in Columbia, MD. This facility is the registered space communications monitoring facility for the U.S. with the International Telecommunication Union (ITU) and telecommunications regulatory authorities around the world. Through this facility, the FCC monitors space communications services and assets and identifies risks to national security, public safety, and the communications sector. Its ancillary role is to detect and identify sources of interference, domestically and internationally, and to support the national security and public safety missions of other federal government departments and agencies. The Commission is in the process of modernizing this facility with all new hardware and software, to include a new monitoring system, that consists of upgraded features and capabilities.

KEY ISSUES:

- *Use of non-U.S. Global Navigation Satellite Systems (GNSS) in the U.S.* In November 2018, the Commission granted in part the European Commission's request for a waiver of the Commission's rules so that non-Federal devices in the U.S. may access specific signals transmitted from Galileo. In August 2020, PSHSB issued an order granting a request by AT&T to use Galileo for E911 location purposes.
- *Interference Resolution Support provided to European Space Agency (ESA) and National Aeronautics and Space Administration (NASA) on Reports of Satellite Interference.* At the request of the French Administration, the FCC assists ESA in the resolution of harmful radiofrequency interference (RFI) reported throughout the U.S. affecting their Soil Moisture and Ocean Salinity (SMOS) satellites. FCC has supported this effort since 2010. The FCC similarly assists NASA in the resolution of harmful RFI to their Soil Moisture Active Passive (SMAP) satellites.
- *Interference Resolution and Interagency Support provided on GPS disruption/outage reports.* Reports are received from various entities throughout the U.S. on the loss or degradation of GPS. PSHSB leads the Commission's response, in coordination with interagency partners and FCC field offices, and represents the FCC in the interagency task force, in locating and silencing reported sources of interference nationwide.
- *Purposeful Interference Response Team (PIRT).* FCC is one of the founding members of the PIRT and actively supports its efforts for a whole-of-government approach to address purposeful interference (PI) affecting space systems and the services and capabilities they provide. PIRT is an interagency organization chartered by the National Security Council,

that promotes and facilitates timely and effective reporting, analysis, and response for instances of suspected PI affecting U.S. Government (USG) National Security Space, USG civil space systems, and USG-leased commercial space-supported services, capabilities or interests. The PIRT is chaired by USSPACECOM and is comprised of the following agencies: FCC, DoD, DoS, DoC, DHS, DoT, ODNI, NRO, NSA, NGA, CIA, NASIC, DIA, NASA, NOAA, and DoJ.

- *International Space Radio Monitoring Meeting (ISRMM)*. Since 2003, the FCC has represented the U.S. in this multilateral international forum. The ISRMM is comprised of telecommunications regulatory administrations from around the world engaged in space communications issues, including China, Germany, Greece, Japan, South Korea, Sultanate of Oman, Switzerland, Ukraine, Austria, Brazil, France, Netherlands, Saudi Arabia, Pakistan, Vietnam, Iran, United Arab Emirates, Qatar, Egypt, Romania, and United Kingdom. This group brings together space communications regulatory and industry personnel from around the world to discuss the latest technologies in space monitoring, geolocation, interference mitigation, policies, regulations, and recent events to note in this area.

PSHSB BRIEFING SHEET

(See also WCB briefing sheet on related Supply Chain Reimbursement Program, WCB and OEA briefing sheets on establishment of online reporting portal for advanced communications services (WC Docket No. 18-89), and OET briefing sheet on Equipment Authorization, ET Docket No. 21-232, EA Docket No. 21-233.)

SUBJECT: Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) and Supply Chain National Security Designations

SUMMARY: The Commission has undertaken numerous efforts to address concerns about untrusted equipment and services in our nation's networks and supply chains. On November 22, 2019, the Commission adopted an Order prohibiting the use of Universal Service Fund (USF) support to be used to purchase equipment or services from entities deemed to undermine or pose a threat to our national security; such entities as Huawei, Hikvision, Hytera, Dahua, and ZTE have been deemed as national security threats, consistent with Congressional and Executive Branch actions to protect our nation's supply chain from equipment and services that pose a national security risk or a threat to the safety of U.S. persons.

In March 2020, the President signed the Secure and Trusted Communications Networks Act (Secure Networks Act), which directed the Commission to take further actions to protect our networks from security threats. Specifically, section 2 of the Secure Networks Act directs the Commission to publish a list of communications equipment and services (Covered List) that are deemed to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons, based exclusively on any of four sources (see "Key Issues" below) for such a determination and that such equipment or services possess certain capabilities as enumerated in section 2(a).

On June 30, 2020, PSHSB finalized the designations of Huawei and ZTE as national security threats to our communication networks, meaning that as of that date, USF funds may not be used for equipment or services produced or provided by Huawei and ZTE.

In July 2020, the Commission adopted a Declaratory Ruling and Second Further Notice of Rulemaking to integrate the Secure Networks Act into the Supply Chain proceeding. In the Declaratory Ruling, the Commission found that the 2019 Supply Chain Order's prohibition on the use of USF support for equipment and services produced or provided by covered companies is consistent with and substantially implements the prohibition required by section 3(a) of the Secure Networks Act. The Second Further Notice proposed and sought comment on publishing a list of covered communications equipment and services under section 2 of the Secure Networks Act, a prohibition on the use of federal subsidies for covered equipment and services as required by section 3 of the Secure Networks Act, and a mandate for providers of advanced communication service to report whether they purchase or obtain covered equipment or services, as required by section 5 of the Secure Networks Act.

On December 11, 2020, the Commission adopted a Second Report and Order, which adopted several rules to protect the security of our communications networks and implemented the Secure Networks Act. This included requiring Eligible Telecommunications Carriers (ETCs) to remove and replace covered equipment from their networks; establishing the Secure and Trusted Communications Networks Reimbursement Program; establishing the procedures and criteria for

publishing a list of covered communications equipment or services that pose an unacceptable risk and prohibit USF support from being used for such; and adopting a reporting requirement to ensure the FCC is informed about the ongoing presence of covered equipment in communications networks. In the Second Report and Order, the Commission defined covered equipment and services as those to be included on the Covered List, which is published and maintained by PSHSB pursuant to section 2 of the Secure Networks Act. The Covered List is published on the FCC's website (<https://www.fcc.gov/supplychain/coveredlist>).

KEY ISSUES:

- Over the last decade, both the Executive Branch and Congress have repeatedly stressed the importance of identifying and eliminating potential security vulnerabilities in communications networks and their supply chains. For example, the National Defense Authorization Acts of 2018 and 2019 explicitly bar Department of Defense and federal agencies from using specified equipment or services from Huawei and ZTE.
- Section 2 of the Secure Networks Act, among other things, requires the Commission to publish and update a list of covered equipment or services deemed to pose a threat to national security or U.S. persons, as determined by one or more of several sources specifically enumerated in the Act. The Commission itself is not a source for making such determinations; rather, the Secure Networks Act requires the Commission to accept determinations made by one of four statutorily enumerated sources and update the Covered List accordingly. These sources are:
 - An interagency body with national security expertise (i.e., the FASC, the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (“the Committee” formerly known as Team Telecom), CFIUS);
 - The Department of Commerce acting under its authority under Executive Order 13873;
 - The equipment and services identified in section 889(f)(3) of the 2019 National Defense Authorization Act;
 - Determinations made by a national security agency:
 - Defined as: DHS, DOD, FBI, NSA, ODNI.
- Section 889 of the 2019 National Defense Authorization Act, paragraph (f)(3) subparagraph defines covered telecommunications equipment or services to mean “Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities)” and “For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).” In the FCC’s Equipment Authorization proceeding (FCC 22-84), the FCC adopted the requirement that entities named on the Covered List provide subsidiary/affiliate information to the Commission and also stated that this information would be made public. Currently, foreign ownership information collected by the FCC and the means by which the FCC collects the information are insufficient for the

purposes of identifying whether certain foreign-owned companies are indeed subsidiaries and affiliates.

- Section 3 of the Secure Networks Act, among other things, prohibits the use of federal monies, such as the Universal Service Fund, to purchase, rent, lease, or otherwise obtain, or to maintain, listed communications equipment or services. Further, it establishes a reimbursement program for the replacement of communications equipment or services posing such risks.

STATUS:

- On July 31, 2020, Huawei filed an application for review and ZTE filed a petition for reconsideration of PSHSB's final designations of both companies as national security threats. In its application, Huawei stated that the Secure Networks Act relegated the FCC to the ministerial role of keeping a list of USF-excluded equipment based on the determination of other agencies. In its petition, ZTE argued the FCC overstepped its role under the Secure Networks Act by totally banning ZTE. On November 24, 2020, the Bureau found no basis to review ZTE's designation and denied its petition. On December 10, 2020, the FCC affirmed Huawei's final designation. On June 22, 2021, the Fifth Circuit denied Huawei's Petition for Review of the Commission's decision.
- On March 12, 2021, the Bureau initially published the Covered List of certain equipment or services produced by the following entities: (1) Huawei Technologies Company, (2) ZTE Corporation, (3) Hytera Communications Corporation, (4) Hangzhou Hikvision Digital Technology Company, and (5) Dahua Technology Company. The publication of the equipment and services of these entities was based on the third enumerated source in the Secure Networks Act, as defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.
- On March 25, 2022, the Bureau expanded the Covered List to include equipment and services from three entities that have been deemed a threat to national security:
 - Information security products, solutions, and services of AO Kaspersky Lab were added based on a Binding Operational Directive issued by the Department of Homeland Security (DHS) to remove such products from federal information systems, which the Bureau interpreted as a finding from DHS that such products pose an unacceptable risk to national security; and
 - Services provided by China Telecom (Americas) Corp, and China Mobile International USA Inc., subject to section 214 of the Communications Act of 1934 were added based on a determination by an Executive Branch interagency body with national security expertise (the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector).
- On September 20, 2022, the Bureau updated the Covered List to add equipment and services from Pacific Network Corp. and its wholly-owned subsidiary ComNet (USA) LLC and China Unicom (Americas) Operations Limited based on a determination that those services have been deemed a threat to national security by NTIA on behalf Executive Branch interagency bodies, and as confirmed by the Department of Justice, in coordination with the Department of Defense.

- In October 2022, CUA filed a petition for reconsideration of the Bureau's addition of CUA's 214 services to the Covered List. (b) (5)
- On September 20, 2023, pursuant to the Secure Networks Act, the Bureau issued a Public Notice announcing that no updates have been made to the Covered List for the last 12 months following the last update on September 20, 2022.
- On July 23, 2024, the Bureau updated the Covered List to include cybersecurity and anti-virus software produced or provided by Kaspersky Lab, Inc. based on a determination by the Department of Commerce that such software poses undue and unacceptable risks to U.S. national security. This addition to the Covered List reflects a broader set of Kaspersky equipment and services than what was originally added to the Covered List in 2022—this latest addition includes third-party equipment with integrated Kaspersky cybersecurity or anti-virus software.
- In December 2024, Section 1709 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 was enacted, which directs the Commission to update the Covered List with respect to certain equipment and services of Shenzhen Da-Jiang Innovations Sciences and Technologies Company Limited (DJI) and Autel Robotics when certain conditions are met. Section 1709 provides that within one year of enactment of Section 1709 (December 23, 2025), a national security agency shall make a determination about whether communications or video surveillance equipment or services of DJI or Autel Robotics poses unacceptable risk to the national security of the United States or U.S. persons. If a national security determination is made, then the FCC must update the Covered List not later than 30 days after the determination. If a national security determination is not made, then the FCC shall add certain equipment and services of DJI and Autel Robotics to the Covered List within one year of enactment of Section 1709 of the NDAA FY 2025 (December 23, 2025).
 - The Bureau is monitoring the Department of Commerce's Bureau of Industry and Security's (BIS) Advance Notice of Proposed Rulemaking in which BIS is considering rules to address the undue or unacceptable risks posed by certain transactions involving information and communication technology and services (ICTS) integral to unmanned aircraft systems when the ICTS are produced, designed, developed, manufactured, or supplied to foreign adversaries. This proceeding may result in a national security determination concerning DJI and Autel Robotics, and possibly other entities' services and equipment.
- If no determinations have been made by a relevant national security agency regarding adding an entity to the Covered List, pursuant to the Secure Networks Act and the Commission's rules, on July 23, 2025, the FCC must issue a Public Notice indicating that there are no updates to the Covered List in the last 12 months.
- To resolve data insufficiencies to make determinations regarding the status of covered entity subsidiaries and affiliates, the PSHSB is coordinating with Bureaus and Offices with respective foreign-ownership data collection responsibilities to refine data collection processes and to explore whether or not changes to FCC foreign ownership data

collection rules should be amended to better meet Commission analytical needs. Further, the PSHSB has made technical recommendations to how foreign ownership information should be collected and stored to promote more streamlined tracking and analysis processes.

PSHSB BRIEFING SHEET

SUBJECT: Location-Based Routing for Wireless 911 Calls (PS Docket No. 18-64)

SUMMARY: In March 2018, the Commission adopted a Notice of Inquiry (NOI) seeking comment on the feasibility of location-based routing, which uses precise location information from the handset to more accurately route 911 calls, as a means of reducing the incidence of misrouted wireless calls to 911 and improving emergency response times. In June 2022, the Commission adopted a Public Notice inviting parties to refresh the record on the issues raised in the NOI. In December 2022, the Commission adopted a Notice of Proposed Rulemaking (NPRM) proposing to require wireless providers to use location-based routing to route wireless 911 calls and texts to Public Safety Answering Points (PSAPs). In January 2024, the Commission adopted a Report and Order with rules requiring wireless providers to implement location-based routing for wireless voice calls and real-time text (RTT) communications to 911 on their Internet Protocol (IP)-based networks.

KEY ISSUES:

- Historically, the 911 system has been configured to route wireless 911 calls to PSAPs based on the location of the cell tower that handles the call. This can result in the call being answered by a different PSAP from the one that serves the caller's location, particularly in the case of wireless 911 calls made near jurisdictional borders.
- Each time a wireless 911 call routes incorrectly, call-takers must transfer the call to the proper PSAP, which can waste valuable time and resources during emergencies.

STATUS:

- In September 2016, the Communications Security, Reliability and Interoperability Council V (CSRIC V) adopted its "Task 2" report examining 911 location-based routing (CSRIC V LBR Report). The CSRIC V LBR Report contained an in-depth review of five location-based routing solutions that could be used for wireless 911 call routing.
- In March 2018, the Commission released an NOI on location-based routing and misroutes. The NOI sought data on the frequency of wireless 911 call misrouting, the impact of misrouting on public safety, and the current state of location-based routing technologies, including those identified in the CSRIC V LBR Report.
- In June 2022, the Commission adopted a Public Notice seeking updated information on improvements to and the implementation of location-based routing technologies.
- In December 2022, the Commission adopted an NPRM with proposed rules to require Commercial Mobile Radio Service (CMRS) and covered text providers to deploy technology that supports location-based routing on their IP-based networks and to use location-based routing to route all 911 voice calls and texts originating on their IP-based networks when caller location information meets certain requirements for accuracy and timeliness. The Commission also proposed to require CMRS and covered text providers to deliver 911 calls, texts, and associated routing information to Next Generation 911 (NG911) networks.

- In January 2024, the Commission adopted a Report and Order with rules to require CMRS providers to deploy location-based routing technology nationwide for wireless voice calls and RTT communications to 911 originating on their IP-based networks (i.e., 4G LTE, 5G, and subsequent generations of IP-based networks).
 - CMRS providers must use location-based routing to route wireless 911 voice calls and RTT communications to 911 originating on their IP-based networks when location information available to the CMRS provider's network at time of routing is ascertainable within a radius of 165 meters at a confidence level of at least 90%. In the absence of such conditions, CMRS providers must use alternative routing methods based on "best available" location information.
 - Nationwide CMRS providers were required to deploy and use location-based routing for wireless 911 voice calls by November 13, 2024, and non-nationwide CMRS providers will be required to do so for wireless 911 voice calls by May 13, 2026. All CMRS providers must deploy and use location-based routing for RTT communications to 911 by May 13, 2026. CMRS providers and PSAPs may modify these deadlines by agreement.
 - CMRS providers must also certify compliance and submit one-time reports on their implementations of location-based routing.
 - The Commission deferred consideration of proposals from the NPRM to require CMRS providers and covered text providers to implement location-based routing for Short Message Service (SMS) texts to 911. The Commission also deferred consideration of proposals from the NPRM concerning IP-formatted delivery of wireless 911 voice calls, texts, and associated routing information to the Commission's pending NG911 docket (PS Docket No. 21-479). (See Next Generation 911 and Text-to-911 Briefing Sheet.)
- In January 2025, the three nationwide CMRS providers submitted the required one-time reports on their deployment of location-based routing. The results show that, in aggregate, 85% of wireless 911 voice calls originating from the nationwide carriers are now routed using location-based routing, with the rest routed using tower-based routing. Non-nationwide CMRS providers will be required to submit similar reports in July 2026.

PSHSB BRIEFING SHEET

SUBJECT: Interim 911 Requirements for Supplemental Coverage from Space (GN Docket No. 23-65; IB Docket No. 22-271; PS Docket No. 24-318)

SUMMARY: As part of the supplemental coverage from space (SCS) regulatory framework adopted in the March 2024, the Commission requires terrestrial wireless service providers that use SCS arrangements to extend their service areas to take certain steps to enable 911 calls and texts to reach the appropriate Public Safety Answering Point (PSAP). Given that SCS deployments are relatively new, the Commission requires on an interim basis that terrestrial wireless providers route all SCS 911 calls and texts to a PSAP using either location-based routing (i.e. the call is routed using location from the handset) or emergency call center service (i.e. an intermediary call center will accept the call before forwarding the call to a PSAP). In addition, the Commission requires terrestrial wireless service providers to submit annual reports on its use of SCS for 911 voice calls and text messages and its compliance with the Commission's 911 requirements.

KEY ISSUES:

- A primary goal of SCS is to promote public safety by expanding the availability of emergency communications to consumers, especially in remote, unserved, or underserved areas.
- The interim approach ensures that SCS end users have access to robust 911 services even during the initial stages of SCS deployment while recognizing that it would be premature to apply the full complement of 911 requirements applicable to traditional terrestrial voice services to the satellite partner.

STATUS:

- In March 2024, the Commission adopted interim 911 requirements for SCS, which became effective May 30, 2024. OMB approved the information collections associated with the SCS interim 911 rules in September 2024.
- Terrestrial wireless service providers who are delivering SCS 911 voice calls and SCS 911 text messages must either (i) Use information regarding the location of a device, including but not limited to device-based location information, to route SCS 911 voice calls and SCS 911 text messages to an appropriate PSAP and transmit the phone number of the device used to send the SCS 911 voice call or SCS 911 text message and available location information to an appropriate PSAP; or (ii) Use an emergency call center, at which emergency call center personnel must determine the emergency caller's phone number and location and then transfer or otherwise direct the 911 caller to an appropriate PSAP. Service providers must comply with these requirements when they begin delivering SCS 911 voice calls or SCS 911 text messages.
- Each terrestrial wireless service provider that uses SCS arrangements must maintain records of all SCS 911 voice calls texts received on its network and received at its emergency call center. By October 15 of each year, each service provider must submit a

report to the Commission regarding its SCS 911 voice calls and texts, and its emergency call center data, current as of September 30 of that year.

- Each terrestrial wireless service provider that uses SCS arrangements must certify on a one-time basis, prior to the use of SCS location information to meet the Commission's 911 rules, that neither they nor any third party they rely on to obtain location information or associated data used for compliance with the Commission's 911 rules will use such location information or associated data for any non-911 purpose and have implemented measures sufficient to safeguard the privacy and security of such location information or associated data.
- Each terrestrial wireless service provider that uses SCS arrangements must advise subscribers of the circumstances under which SCS 911 service may be limited compared to typical wireless 911 service (such as delay in connection, missing location or callback number, moving into or out of SCS/terrestrial coverage).
- The FNPRM adopted in March 2024 sought comment on appropriate long-term 911 requirements for SCS, including whether the Commission should require location-based routing as a primary routing and delivery methodology for SCS 911 voice calls and texts. The FNPRM also sought comment on network prioritization and roaming issues raised by SCS arrangements.

PSHSB BRIEFING SHEET

SUBJECT: Dispatchable Location and Multi-Line Telephone 911 Requirements (PS Docket Nos. 18-261 and 17-239, GN Docket No. 11-117)

SUMMARY: In 2018, Congress enacted two statutes directed at the improvement of 911: (1) Kari's Law Act of 2017 (Kari's Law), which required implementation of direct 911 dialing and on-site notification capabilities in multi-line telephone systems (MLTS), and (2) Section 506 of RAY BAUM'S Act, which required the Commission, by September 23, 2019, to "conclude a proceeding to consider adopting rules to ensure that the dispatchable location is conveyed with a 9-1-1 call, regardless of the technological platform used and including with calls from [MLTS]." MLTS are telephone systems that serve consumers in enterprise environments such as office buildings, campuses, and hotels.

In August 2019, the Commission adopted a Report and Order addressing both statutes. The Commission adopted rules to implement Kari's Law by requiring direct dialing and notification for calls to 911 from MLTS. Consistent with Section 506 of RAY BAUM'S Act, the Commission also adopted rules to ensure that, to the maximum extent technically feasible, "dispatchable location" information, such as the street address, floor level, and room number of a 911 caller, is conveyed with 911 calls so that first responders can more quickly locate the caller. The rules require provision of improved 911 location information by fixed telephony service, MLTS, interconnected Voice over Internet Protocol (VoIP) services, Internet-based Telecommunications Relay Services (TRS), and mobile text services.

Both the Kari's Law and RAY BAUM'S Act rules apply to any MLTS that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020.

KEY ISSUES ADDRESSED IN THE REPORT AND ORDER:

- **Direct Dialing and Notification for MLTS.** The Report and Order adopted rules defining terms used in Kari's Law and clarified other aspects of the statute, including the notification requirement and the enforcement of obligations in situations where multiple parties may be responsible for compliance.
 - When an MLTS 911 call is made, notification must contain, at a minimum, the following information: (1) the fact that a 911 call has been made, (2) a valid callback number, and (3) the information about the caller's location that the MLTS conveys to the public safety answering point (PSAP) with the call to 911; provided, however, that notification does not have to include a callback number or location information if it is technically infeasible to provide this information.
 - The destination point for MLTS notification must be a location where someone is likely to see or hear the notification, but it does not have to be continuously staffed or monitored.
 - The compliance date for the MLTS direct dialing and notification rules was Feb. 16, 2020.

- Dispatchable Location. The Report and Order adopted dispatchable location requirements for MLTS, as well as fixed telephony, interconnected VoIP services, TRS, and mobile text services. The dispatchable location requirements vary depending on the particular service involved and whether the device used to make the call is fixed or non-fixed (nomadic).
 - *Fixed devices*. Fixed devices in these services must provide automated dispatchable location, which is location information generated automatically, without any action by the 911 caller when he or she places the call.
 - *Non-fixed devices*. The rules for non-fixed devices require automated dispatchable location if it is technically feasible. If automated dispatchable location is not feasible, the rules provide options such as alternative location information or enhanced location information, depending on the particular service.
 - Alternative location information may be coordinate-based, and it must be sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings.
 - Enhanced location information also may be coordinate-based, and it must consist of the best available location that can be obtained from any available technology or combination of technologies at reasonable cost.
 - The rules extend dispatchable location requirements to outbound-only interconnected VoIP services, i.e., VoIP services that permit users to initiate calls even if they do not permit users to receive calls.
- Consolidation of 911 Rules. The Report and Order also consolidated the Commission's 911 rules into part 9 of the Code of Federal Regulations, moving existing 911 rules from parts 64, 20, 25, and 12 into part 9.

STATUS: The Report and Order was released on August 2, 2019. The rules became effective on January 6, 2020. These rules establish different compliance deadlines for meeting the applicable dispatchable location requirements depending on whether the device originating the 911 call is fixed or non-fixed. Providers of fixed telephony, fixed MLTS, fixed interconnected VoIP, VRS, IP Relay, and IP CTS were required to comply with these requirements by January 6, 2021. Providers of non-fixed MLTS, non-fixed interconnected VoIP, VRS, IP Relay, and IP CTS, and mobile text were required to comply with these requirements by January 6, 2022.

PSHSB BRIEFING SHEET

SUBJECT: E911 Wireless Location Accuracy/Z-Axis (PS Docket No. 07-114)

SUMMARY: The Commission's wireless Enhanced 911 (E911) rules require wireless 911 services to provide Public Safety Answering Points (PSAPs) with accurate and actionable location information for wireless 911 calls. The wireless E911 rules apply to all Commercial Mobile Radio Service (CMRS) providers, except Mobile Satellite Service operators.

KEY ISSUES: In January 2015, the Commission adopted a *Fourth Report and Order* updating its E911 location accuracy rules to respond to Americans' increasing use of wireless phones to call 911, especially from indoors, where traditional location technologies often do not work effectively or at all. In November 2019, the Commission adopted a *Fifth Report and Order* specifying a vertical (z-axis) location accuracy metric for indoor wireless E911 calls for each of the benchmarks and geographic requirements previously established in the Commission's E911 wireless location accuracy rules. In July 2020, the Commission adopted a *Sixth Report and Order and Order on Reconsideration* that (1) increased z-axis technology deployment options, (2) encouraged the development of dispatchable location technologies, and (3) required wireless providers to deploy either dispatchable location or z-axis technology on a nationwide basis by April 3, 2025. The current rules include the following requirements:

- **For Horizontal location information:**

All CMRS providers must provide (1) dispatchable location (street address and floor level), or (2) x/y location within 50 meters, for the following percentages of wireless 911 calls within the following timeframes, measured from the April 2015 effective date of rules:

- Within 2 years (April 2017): 40 percent of all wireless 911 calls.
- Within 3 years (April 2018): 50 percent of all wireless 911 calls.
- Within 5 years (April 2020): 70 percent of all wireless 911 calls.
- Within 6 years (April 2021): 80 percent of all wireless 911 calls.

- **For Vertical location information:**

- Within 3 years (April 2018): All CMRS providers must make uncompensated barometric data available to requesting PSAPs from any handset with the capability to deliver such sensor data.
- Within 6 years and 8 years (April 2021 and April 2023): Nationwide CMRS providers must deploy either (1) dispatchable location, or (2) z-axis technology that achieves the +/- 3-meter z-axis metric, in each of the top 25 and 50 Cellular Market Areas (CMAs), respectively. Non-nationwide CMRS providers that serve any of the top 25 or 50 CMAs have an additional year to meet these requirements.
- In each CMA where dispatchable location is used, nationwide CMRS providers must ensure that dispatchable location is supported by a sufficient number of total dispatchable location reference points to equal 25 percent of the CMA population.

- Where z-axis technology is used: CMRS providers must use a technology that provides 3-meter vertical accuracy for 80% of wireless E911 calls made from the z-axis capable device. CMRS providers must deploy compliant z-axis technology to cover 80 percent of the CMA population, or 80 percent of buildings taller than 3 stories in the CMA, or they must deploy z-axis capable handsets enabled with z-axis technology on a nationwide basis.
- By January 2022, the rules require all CMRS providers to provide dispatchable location with wireless E911 calls if it is technically feasible for them to do so.
- By April 2025, nationwide wireless providers must deploy dispatchable location or z-axis technology on a nationwide basis. Non-nationwide providers have an additional year to meet this requirement throughout their service area.
- The *Fourth Report and Order* also adopted reporting requirements for CMRS providers to demonstrate compliance with the above metrics based on quarterly live 911 call data reported in six cities and surrounding areas that are representative of various morphologies. CMRS providers have reported this data to the Commission since 2017.
- CTIA established the 911 Location Technologies Test Bed, LLC to independently operate the Indoor Test Bed consistent with the Commission's rules.

STATUS: In January 2021, the Commission dismissed and denied two petitions for reconsideration of the July 2020 *Sixth Report and Order*. Following that Order, in February 2021, the three nationwide CMRS providers requested waivers of the April 3, 2021, vertical location deadline.

On June 3, 2021, the Enforcement Bureau entered into consent decrees with the nationwide providers that resolved these investigations.

The consent decrees required each carrier (1) to start delivering 911 vertical location information to PSAPs nationwide beginning June 10, 2021, (2) to implement a compliance plan that includes specific testing, reporting, and public interest conditions, and (3) to meet all vertical location requirements by April 3, 2022, that would have been applicable to the carriers on April 3, 2021. On June 2, 2022, the three nationwide wireless carriers submitted their z-axis compliance certifications.

On March 6, 2025, the FCC issued a public draft Sixth Further Notice of Proposed Rulemaking (*Sixth Further Notice*) proposing improvements to the Commission's wireless E911 location accuracy rules, which reduce emergency response times and ultimately save lives by enabling 911 call centers and first responders to quickly and accurately identify the location of wireless 911 callers.

PSHSB BRIEFING SHEET

SUBJECT: Next Generation 911 (PS Docket No. 21-479)

SUMMARY: Replacing the legacy 911 system with a broadband-enabled, Internet Protocol (IP)-based Next Generation 911 (NG911) system will offer more flexibility, resilience, functionality, innovation potential, and competitive opportunities than is presently possible. Unlike legacy 911, which is Time Division Multiplexing (TDM)-based and primarily supports 911 voice calling, NG911 will enable PSAPs to receive emergency calls from the public via voice, text, and video, and to deliver enhanced data to emergency responders dispatched to aid 911 callers.

The transition to NG911 requires state and local 911 authorities to upgrade their networks and 911 facilities from legacy TDM to IP-based infrastructure. This transition is underway, but the pace of transition is not uniform across the nation. Some states and jurisdictions have made substantial progress towards NG911, while many others have not started the transition due to limited funding and the complexities of planning, implementation, and governance.

The Commission has adopted rules requiring service providers to start or continue the transition to NG911 in coordination with 911 Authorities.

KEY ISSUES:

- In 2013, pursuant to a directive in the Next Generation 9-1-1 Advancement Act, the Commission submitted a report to Congress containing recommendations for: (1) a legal and regulatory framework for the development of NG911 services and the transition from legacy 911 to NG911 networks; (2) legal mechanisms to ensure efficient and accurate transmission of 911 caller information to emergency response agencies; and (3) recommendations for removing jurisdictional barriers and inconsistent legacy regulations.
- In 2014, the Commission established the Task Force on Optimal PSAP Architecture, a federal advisory committee, to provide recommendations regarding actions that PSAPs can take to optimize their security, operations, and funding as they migrate to NG911. In 2016, the Task Force issued a consolidated report and recommendations on: (1) optimal technical requirements for transitioning PSAPs from legacy to NG911 architecture; (2) cybersecurity protection for legacy, transitional, and NG911 PSAPs; and (3) finding mechanisms for PSAPs transitioning to NG911.
- The Commission has tasked the Communication Security, Reliability, and Interoperability Council (CSRIC) with examining multiple NG911-related issues over the last several iterations of CSRIC. (See CSRIC briefing sheet)

STATUS:

- On October 19, 2021, the National Association of State 911 Administrators (NASNA) filed a petition asking the Commission to initiate a rulemaking or notice of inquiry to facilitate the transition to NG911. Specifically, NASNA asked the Commission to:

- Establish FCC authority over the delivery of 911 services by originating service providers (OSPs) via IP-based emergency services networks (ESInets);
 - Set a demarcation point for the allocation of costs between OSPs and 911 authorities and establish that OSPs are responsible for all costs associated with delivering 911 calls to the ESInet gateway, except where state law or regulation provides otherwise; and
 - Implement an NG911 readiness registry through which 911 authorities would initiate a timeframe for OSPs to begin delivering NG911 calls.
- On December 20, 2021, the Bureau opened PS Docket 21-479 to address NASNA’s petition and released a Public Notice seeking comment on the petition. On June 8, 2023, the Commission adopted a Notice of Proposed Rulemaking in PS Docket No. 21-479 that proposed steps to advance the nationwide transition to NG911.
 - On July 18, 2024, the Commission adopted a Report and Order in PS Docket Nos. 21-479 and 18-64. These rules require wireline providers, CMRS providers, covered text providers, providers of interconnected Voice over Internet Protocol (VoIP) services, and providers of Internet-based Telecommunications Relay Service (Internet-based TRS) (collectively “originating service providers” or “OSPs”) to take actions to start or continue the transition to NG911 in coordination with 911 Authorities.
 - These rules implement a two-phased approach to guide the transition to NG911. Each phase is initiated by a 911 Authority submitting a valid request to OSPs within the jurisdiction where the 911 Authority is located for the OSPs to comply with NG911 requirements. Upon receiving a valid Phase 1 request from a 911 Authority, an OSP must commence delivery of 911 traffic in IP-based Session Initiation Protocol (SIP) format to one or more in-state NG911 Delivery Points designated by the 911 Authority. Upon receiving a valid Phase 2 request from a 911 Authority, an OSP must commence delivery of 911 traffic to the designated in-state NG911 Delivery Point(s) in an IP-based SIP format that complies with NG911 commonly accepted standards identified by the 911 Authority. The rules also permit 911 Authorities and OSPs to enter into mutual agreements that modify the Phase 1/Phase 2 terms and timelines.
 - Nationwide CMRS providers, covered text providers, interconnected VoIP providers, and wireline providers other than rural incumbent local exchange carriers (RLECs) will have six months following a 911 Authority’s valid Phase 1 request to comply with Phase 1 requirements, and six months following a valid Phase 2 request to comply with Phase 2 requirements. RLECs, non-nationwide CMRS providers, and Internet-based TRS providers will have one year following a 911 Authority’s valid Phase 1 request to comply with Phase 1 requirements, and one year following a valid Phase 2 request to comply with Phase 2 requirements.
 - OSPs must transmit 911 traffic from origination to NG911 Delivery Points and are responsible for the associated costs. 911 Authorities are responsible for the cost of transmission from NG911 Delivery Points to PSAPs.

- The NG911 rules are default rules. They do not preempt state and local 911 authorities, which may adopt alternative rules to govern the NG911 transition and cost allocation within their jurisdictions.

The rules took effect on November 25, 2024. Certain provisions of the rules (pertaining to valid requests, challenges to requests, and modifications of the NG911 requirements by mutual agreement) contain information collections under the Paperwork Reduction Act (PRA) and are currently under review by the Office of Management and Budget (OMB). Compliance with these rules will not be required until OMB approves the information collections.

PSHSB BRIEFING SHEET

SUBJECT: Text-to-911 (PS Docket Nos. 10-255 and 11-153)

SUMMARY: Sending text messages has become an everyday activity for mobile device users, and adding non-voice capabilities to our 911 system improves emergency response, saves lives, and reduces property damage. The ability to send texts to 911 substantially improves public access to 911 services, particularly for people with disabilities and for callers that need to contact 911 silently because placing a voice call could put the caller in danger. The Commission has adopted rules requiring service providers to support the delivery of text-to-911.

KEY ISSUES:

- In 2014, the Commission adopted an order requiring CMRS providers and providers of interconnected text messaging applications (collectively, “covered text providers”) to deliver text-to-911 to PSAPs that are capable of receiving 911 texts.
- The Bureau maintains a PSAP Text-to-911 Registry, which PSAPs can use to notify covered text providers that they are ready to accept texts. [PSAPs can alternatively notify covered text providers directly of their request.](#) Covered text providers must begin delivering 911 texts to the notifying PSAP within six months of the notification date.
- Because not all PSAPs are yet text-capable, the Commission requires covered text providers to provide an automatic “bounce-back” text message in situations where a consumer attempts to text 911 in a location where the PSAP is not text-to-911 capable.
- In 2016, the Commission adopted a timeline for wireless carriers and manufacturers to implement real-time text (RTT). As part of this implementation, carriers must provide RTT-based text-to-911 to PSAPs that request it. The Bureau has updated the Text-to-911 Registry to accept PSAP requests for RTT.

STATUS:

- Since the Commission mandated text-to-911 for covered text providers, the availability of text to 911 has increased significantly as more PSAPs have upgraded to become text-capable. As of [February 24, 2025](#), [3398](#) PSAPs are listed in the Text-to-911 Registry as text-capable. These PSAPs cover the majority of the U.S. population, including most major urban areas.
- The volume of texts-to-911 received by PSAPs is significantly lower than the volume of voice 911 calls. Nonetheless, there have been numerous instances in which 911 texts have led to successful responses where the caller was unable to make a voice call.
- The Commission’s 2019 Kari’s Law/RAY BAUM’S Act Report and Order adopted 911 location requirements for mobile text providers that took effect in January 2022. (See briefing sheet on Kari’s Law/RAY BAUM’S Act.)

PSHSB BRIEFING SHEET

SUBJECT: Annual 911 Fee Report to Congress (PS Docket No. 09-14)

SUMMARY: The NET 911 Act requires the Commission to submit an annual report to Congress on the collection and distribution of 911 and Enhanced 911 (E911) fees and charges by the states, the District of Columbia, and U.S. territories. *See* 47 U.S.C. 615a-1(f)(2). This annual report includes findings on which jurisdictions have diverted the 911 fees they collected during the prior calendar year. In late 2020, Congress revised Section 615a-1, requiring the Commission to issue 911 fee diversion rules and also changing the statutory standard for what constitutes 911 fee diversion for purposes of the annual 911 fee report to Congress. Under 47 U.S.C. 615a-1(f)(2) as amended, the annual 911 fee report shall include “findings on the amount of [911] revenues obligated or expended by each State or political subdivision thereof for any purpose or function other than the purposes and functions designated” in the Commission’s rules “as purposes and functions for which the obligation or expenditure of any such [911] fees or charges is acceptable.”

To prepare the Commission’s annual 911 Fee Report, the Public Safety and Homeland Security Bureau (“Bureau”) sends a questionnaire to 56 states and jurisdictions in which it asks each one about its collection and distribution of 911 and E911 fees or charges during the prior calendar year.

KEY ISSUES:

For each calendar year, the annual 911 fee report identifies:

- The total 911/E911 fees or charges collected by states and other reporting jurisdictions. Some states and reporting jurisdictions collect 911/E911 fees at the state level, some collect fees at the local level, and others collect fees at both the state and local levels.
- States and other reporting jurisdictions that diverted or transferred 911/E911 fees for purposes other than 911/E911 and the total amount of 911/E911 funds diverted by all reporting jurisdictions.
- States and reporting jurisdictions that engaged in Next Generation 911 (NG911) programs and the total amount of reported NG911 expenditures from 911/E911 fees.
- States and other reporting jurisdictions that deployed statewide, regional, and local Emergency Services IP Networks (ESInets).
- Deployment of text-to-911, i.e., the number of PSAPs that are capable of receiving text-to-911 and projections for PSAPs that would be text-capable by the end of the next calendar year.
- States and other reporting jurisdictions that lack authority for oversight or auditing of whether 911 fees are used to implement or support 911, or that lack authority to audit service providers to verify that the collected fees match the service provider’s number of subscribers.

- Amounts spent on 911-related cybersecurity programs for PSAPs.

STATUS: The FCC submitted the Sixteenth Annual 911 Fee Report to Congress on December 30, 2024. The report identified three states (Nevada, New Jersey, and New York) that diverted 911 funds in calendar year 2023. The Seventeenth Annual 911 Fee Report to Congress, which will cover 911 fee data from calendar year 2024, is due to Congress no later than December 31, 2025.

PSHSB BRIEFING SHEET

SUBJECT: 911 Fee Diversion Rulemaking (PS Docket Nos. 20-291 and 09-14)

SUMMARY: At the end of 2020, Congress enacted the Don't Break Up the T-Band Act of 2020, which is set forth in Division FF, Title IX, Section 902 of the Consolidated Appropriations Act, 2021. Section 902 included new congressional mandates related to preventing 911 fee diversion. Section 902 directed the Commission to issue final rules within 180 days (or by June 25, 2021) defining what uses of 911 fees by states and taxing jurisdictions constitute 911 fee diversion for purposes of the new legislation. In addition, Section 902 required the Commission to form a new federal advisory committee, the Ending 9-1-1 Fee Diversion Now Strike Force (911 Strike Force). Section 902(d)(3) required the 911 Strike Force to study how the Federal Government can most expeditiously end diversion of 911 fees or charges by States and other taxing jurisdictions (911 fee diversion), and to report its findings to Congress by September 23, 2021, 270 days after the statute's enactment.

911 Fee Diversion Rules. On June 25, 2021, the FCC released a Report and Order (R&O) with final rules to address 911 fee diversion. The R&O amended Part 9 of the Commission's rules to establish a new Subpart I that addresses 911 fees and fee diversion in accordance with and for the purposes of the statute. New section 9.23 (47 CFR 9.23) designates acceptable obligations or expenditures:

(a) Acceptable purposes and functions for the obligation or expenditure of 911 fees or charges for purposes of section 902 are limited to:

- (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and
- (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.

Section 9.23 also provides illustrative examples of acceptable and not acceptable expenditures of 911 fees. In addition, it includes a voluntary safe harbor provision that provides that if a state or taxing jurisdiction collects fees or charges designated for "public safety," "emergency services," or similar purposes and a portion of those fees goes to the support or implementation of 911 services, the obligation or expenditure of such fees or charges shall not constitute diversion, provided that the state or taxing jurisdiction meets certain criteria.

New Section 9.24 provides that a state or taxing jurisdiction may petition the Commission for a determination that an obligation or expenditure of a 911 fee for a purpose or function other than those already deemed "acceptable" by the Commission should be treated as an acceptable expenditure. The state or taxing jurisdiction must demonstrate that the expenditure: (1) supports public safety answering point functions or operations, or (2) has a direct impact on the ability of a public safety answering point to receive or respond to 911 calls or to dispatch emergency responders. 47 CFR § 9.24.

In addition, the new rules codify the specific obligations and restrictions that Section 902 imposes on states and taxing jurisdictions. Section 9.25 requires that any state or taxing

jurisdiction that receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, shall provide the information requested by the Commission to prepare the annual 911 fee report. 47 CFR § 9.25. Section 9.26 provides that any state or taxing jurisdiction identified as a 911 fee diverter in the annual 911 fee report to Congress shall be ineligible to participate or send a representative to serve on any advisory committee established by the Commission. 47 CFR § 9.26.

911 Strike Force. Congress directed the 911 Strike Force to examine three specific topics, and the 911 Strike Force established three working groups, each assigned to study one of these topics:

- (i) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding how the Federal Government can most expeditiously end 911 fee diversion;
- (ii) consider whether criminal penalties would further prevent 911 fee diversion; and
- (iii) determine the impacts of 911 fee diversion.

In addition, the Federal Communications Commission asked the 911 Strike Force to examine certain additional, related issues, including further consideration of the acceptable uses of 911 fees for public safety radio systems, and the underfunding of 911 services.

The Commission established the 911 Strike Force in accordance with the requirements of Section 902, and the 911 Strike Force held its initial meeting on June 3, 2021. On September 17, 2021, the 911 Strike Force held its final meeting and voted to adopt its proposed final report with its findings and recommendations to Congress.

STATUS: The final rules adopted in the R&O became effective on October 18, 2021. The Commission received two petitions for reconsideration of the R&O, one from the Boulder Regional Emergency Telephone Service Authority (BRETSA) (filed Sept. 16, 2021) and the other from a group of 16 Colorado emergency telephone service entities (filed Sept. 15, 2021). Oppositions and replies to the petitions were filed in January 2022. The petitions remain pending.

On September 23, 2021, the 911 Strike Force's final "Report and Recommendations" document was published on the Commission's website and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The Strike Force Report is available at <https://www.fcc.gov/911strikeforce>. The Strike Force was, by federal statute, a limited-term entity, and it officially disbanded in September 2021, having completed its statutorily mandated tasks.

PSHSB BRIEFING SHEET

SUBJECT: Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies (PS Docket Nos. 15-80, 13-75, 11-60, 04-35)

SUMMARY: After widespread 911 outages during the June 2012 derecho storm, the Commission required “covered 911 service providers” (*i.e.*, entities that provide core 911 capabilities such as call routing and location information directly to public safety answering points (PSAPs) or that operate central offices that directly serve PSAPs) to take reasonable measures to provide reliable service with respect to 911 circuit diversity, central-office backup power, and diverse network monitoring, as evidenced by an annual certification of compliance. Covered 911 service providers may implement and certify an alternative measure for any of the specific certification elements, including circuit auditing, as long as they provide an explanation of how such alternative measures are reasonably sufficient to mitigate the risk of failure. The Commission also required covered 911 service providers to notify PSAPs of outages potentially affecting 911 service more quickly, within 30 minutes of discovery, and to follow up with additional information within two hours.

KEY ISSUES:

- In November 2022, the FCC adopted a *Second Report and Order* that required covered 911 service providers and originating service providers to obtain and maintain accurate contact information for the 911 special facilities and PSAPs they serve. It also obligated covered 911 service providers that cease operations to so advise the Commission in writing. Finally, it adopted rules to harmonize the timing, means, frequency, and content of outage notifications delivered from covered 911 service providers and originating service providers to better inform 911 special facilities of service outages. In a July 2024 *Order on Reconsideration*, the Commission denied the Competitive Carriers Association’s Petition for Reconsideration of the *Second Report and Order* and reaffirmed the Commission’s decision.

STATUS:

- On November 23, 2021, EB entered into a consent decree with T-Mobile because T-Mobile failed to properly notify PSAPs of an outage potentially affecting 911. T-Mobile agreed to pay a civil penalty and abide by a compliance plan to ensure it meets its notification responsibilities going forward.
- On December 17, 2021, EB entered into consent decrees with three service providers that failed to deliver 911 calls and failed to properly notify PSAPs of an outage potentially affecting 911. The service providers agreed to pay a civil penalty and abide by compliance plans to ensure compliance moving forward.
- On October 17, 2023, the Commission issued a Notice of Apparent Liability for Forfeiture against Lumen Technologies for its apparent failures to deliver 911 calls, properly notify PSAPs of outages, or deploy an adequate and reliable system for avoiding, warning of, or resolving significant 911 outages. The \$867,000 amount of the proposed forfeiture included an upward adjustment to reflect the company’s prior violations of the same rules.
- On March 6, 2025, the Commission publicly released a draft Further Notice of Proposed Rulemaking to support the reliability and interoperability of NG911 systems and to

ensure that the NG911 transition does not inadvertently create vulnerabilities in the nation's critical public safety networks.

PSHSB BRIEFING SHEET**SUBJECT:** 911 Over Wi-Fi

SUMMARY: Section 301 of RAY BAUM’S Act of 2018 requires the Commission, within three years of the date of enactment (i.e., by March 23, 2021), to submit to Congress and make publicly available a study on the public safety benefits and technical feasibility and cost of:

- making telecommunications service provider-owned Wi-Fi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;
- the provision by non-telecommunications service provider-owned Wi-Fi access points of public access to 9-1-1 services during times of emergency when mobile service is unavailable; and
- other alternative means of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

STATUS: On March 23, 2021, the Public Safety and Homeland Security Bureau submitted the final report to Congress and published it on the Commission’s website (<https://www.fcc.gov/document/report-congress-911-over-wi-fi>). The Report described the potential opportunities to leverage Wi-Fi access points in support of 911 services. However, the Report observed, “the comment record also indicates that today there are limits to the feasibility of providing the public with unrestricted access to 911 services over Wi-Fi or unlicensed spectrum. Existing Wi-Fi and unlicensed infrastructure typically are not engineered to provide the resiliency and reliability needed to support communications in a major emergency and are likely to be affected by many of the same conditions that impair mobile networks in such circumstances (e.g., power outages, physical damage to infrastructure from storms, floods, or wildfires). In addition, opening these platforms to the public for purposes of 911 access would require modifying or disabling authentication protocols and other safeguards, which could result in increased vulnerability.”

The Report stated that, “Further study of the technical and policy challenges identified in this Report is required before the conditions in the evolving Wi-Fi ecosystem will support reliable provision of 911 services over Wi-Fi access points and spectrum for unlicensed devices. Commenters make clear that further work is needed to establish non-proprietary standards that would support 911 services over Wi-Fi and unlicensed spectrum. In addition, some commenters suggest that legal and regulatory changes may be needed to address liability, privacy, and security concerns with providing public access to 911 over Wi-Fi and unlicensed spectrum.”

In March 2023, the Commission’s Communications Security, Reliability, and Interoperability Council (CSRIC) VIII issued a report with recommendations regarding 911 Service Over Wi-Fi. The link to CSRIC VIII’s report is: <https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-1>

Space Bureau**Briefing Sheets****March 2025****Table of Contents**

SPACE BUREAU	
Subject	Page
Large Non-Geostationary-Satellite Orbit (NGSO) Fixed-Satellite Service (FSS) Constellations and Application Processing Rounds	1
NGSO FSS Spectrum Sharing Proceeding	4
Space Exploration Holdings, LLC (SpaceX)	6
Earth Stations in Motion (ESIMs) in the Fixed-Satellite Service (FSS)	10
Space Situational Awareness and Space Mission Authorization	12
Small Satellite Licensing	15
Mitigation of Orbital Debris	16
Expedited Initial Processing of Satellite and Earth Station Applications	19
Non-voice, Non-Geostationary-Satellite Orbit (NGSO) Mobile-Satellite Service (MSS) Constellations and Associated Processing Rounds	21
Ligado Networks LLC (formerly “LightSquared”)	24
Satellite Systems Proposed to Communicate with Consumer Devices (SCS)	27
17 GHz Proceeding	29
In-space Servicing, Assembly, and Manufacturing (ISAM)	31
Section 25.136 Earth Station Siting Public Notice and Applications	33
NEPA and Space Activities	34
Lunar Communications	37
Regulatory Fees	38
Global Navigation Satellite Systems (GNSS)	40
SES Acquisition of Intelsat	43

SB BRIEFING SHEET**SUBJECT: LARGE NON-GEOSTATIONARY-SATELLITE ORBIT (NGSO) FIXED-SATELLITE SERVICE (FSS) CONSTELLATIONS AND APPLICATION PROCESSING ROUNDS**

SUMMARY: Constellations of NGSO FSS satellites traveling in low- and medium- Earth orbit may provide broadband services to industry, enterprise, and residential customers with lower latency and wider coverage than have previously been available via satellite. Applications for NGSO FSS system licenses and petitions for declaratory ruling seeking U.S. market access for non-U.S.-licensed NGSO FSS systems are considered in groups based on filing date, under a processing round procedure. The Commission will grant applications that meet the Commission's licensing and technical criteria. Whenever there is potential for interference, operators are expected to develop sharing arrangements among themselves or resort to the FCC's default mechanism that prescribes splitting the overlapping spectrum during the periods of time when interference may occur.

Since 2016, the Commission has initiated several processing rounds for NGSO FSS system applications seeking to launch NGSO satellite constellations using the Ku-, Ka-, and/or V-bands. OneWeb, SpaceX, and Kepler have launched the first satellites of their constellations. As of October 2024, OneWeb had over 600 satellites in orbit, SpaceX had more than 7,000 Starlink satellites in orbit, and Kepler had over 20 satellites in orbit.

BACKGROUND:

Ku-Band/Ka-Band Processing Rounds. In April 2016, OneWeb filed a Petition for Declaratory Ruling requesting access to the U.S. market for its NGSO constellation in the Ku- and Ka-bands (10.7-12.7 GHz, 14.0-14.5 GHz, 17.8-18.6 GHz, 18.8-19.3 GHz, 27.5-28.35 GHz, 28.35-29.1 GHz, and 29.5-30.0 GHz bands). In July 2016, a public notice announced a processing round for the submission of applications for NGSO systems using the same frequency bands applied for by OneWeb. Applications to be considered in this processing round were accepted until November 15, 2016. On May 26, 2017, the FCC initiated another processing round to cover some frequencies not included in the OneWeb application. This processing round had a cut-off date of July 26, 2017, and included the following frequency bands: 12.75-13.25 GHz; 13.85-14.0 GHz; 18.6-18.8 GHz; 19.3-20.2 GHz; and 29.1-29.5 GHz.

Applications from New Spectrum Satellite for use of Ku-band frequencies, filed in July 2017, and from Kuiper for use of Ka-band frequencies triggered a Ku-/Ka-band processing round announced by a Public Notice of March 24, 2020. During the filing window that closed on May 26, 2020, 8 applications were filed including a submission from New Spectrum Satellite that replaced its previous 2017 application. Some of these applications were submitted as amendments to pending applications or modifications to existing grants.

V-Band Processing Rounds. On November 1, 2016, a public notice accepted for filing a June 2016 Boeing application and initiated a processing round for additional NGSO V-band applications in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz, and 50.4-51.4 GHz bands.

Applications were accepted until March 1, 2017, and eight other requests were filed, including a second application from Boeing. Boeing subsequently withdrew its initial application.

On August 4, 2021, the FCC initiated a second V-band NGSO processing round in response to an application filed in April 2020 by AST & Science LLC. Two additional petitions for market access, filed by Mangata Networks LLC and Viasat, Inc., were provisionally included in this processing round because the petitioners requested either a waiver of the processing round rules or inclusion in the prior V-band processing round. As part of the second V-band processing round, additional NGSO applications in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz bands were accepted until November 4, 2021. Applications in this round are listed below.

STATUS: The Commission has acted on all applications filed in the first Ku-, Ka-, and V-band processing rounds. In December 2024 the Commission issued letters to the eleven remaining pending applicants inquiring as to whether the applicants would like to continue with their application, and issued a March 12, 2025 deadline to submit any amendments. Viasat withdrew their application, and the other applicants requested continued review.

Currently Licensed Systems from the (2016) NGSO FSS Ku/Ka Band Processing Round

Company	Adm.	Status
Kepler Communications	CAN	Granted 11/15/18
O3b/SES	UK	Granted 06/06/18
SpaceX	System is filed separately through US and Norway	Granted 03/08/18 MOD1 granted 04/26/19 MOD2 granted 12/19/19 MOD3 granted 04/27/21 MOD4 pending
Space Norway AS	NOR	Granted 11/02/17
Telesat Canada	CAN	Granted 11/02/17
Theia Holdings A, Inc.	US	Granted 05/09/19
ViaSat, Inc.	NETH	Granted 04/23/20
OneWeb	UK	Granted 06/22/17

Currently Licensed Systems from the 2017 V-band Processing Round

Satellite System	Adm.	Status
Theia	US	Granted 05/10/19
SpaceX	US	Granted 11/15/18; MOD granted in 11/2023 to eliminate separate V-band constellation and add V-band to its authorized 7,500 second-generation Starlink satellites.
OneWeb	UK	Granted 08/24/20
ViaSat	NETH	Granted 04/22/20

Filings in response to the 2020 Ku-Band/Ka-Band Processing Round:

Satellite System	Adm	Status
New Spectrum Satellite	CAN	Pending
Kuiper	US	Granted 07/29/20
SpaceX (Gen2)	US	Granted in part / deferred in part on 11/19/22
Mangata	UK	Pending
Kepler	CAN	Pending
O3b	UK	Pending
Telesat	CAN	Pending
OneWeb	UK	Granted in part / deferred in part 04/23/23; MODS pending

Applications filed in August 2021 V-Band Processing Round:

Satellite System	Adm	Status
AST&Science LLC	US	Amended application to a US licensed system and added other technical changes on 3/11/24; Granted V-band and TT&C / Deferred in part 08/02/24
Mangata	UK	Pending
Hughes	Germany	Pending
Intelsat NGSO	Germany	Pending
Telesat LEO Inc.	CAN	Pending
SN Space Systems	UK	Pending
OneWeb	UK	Pending
Kuiper	US	Pending
Astra	US	Pending

SB BRIEFING SHEET**SUBJECT: NGSO FSS SPECTRUM SHARING PROCEEDING**

SUMMARY: The number of applications filed in recent years for non-geostationary satellite orbit (NGSO), fixed-satellite service (FSS) system authorizations, and the number of satellites launched, are unprecedented. The Commission has initiated several “processing rounds” for NGSO FSS system applications, in which timely filed applications are considered together on an equal basis. (See separate briefing sheet on NGSO applications and processing rounds). The Commission’s rules establish a default spectrum-splitting procedure absent coordination between two or more NGSO FSS systems.

In April 2023, the Commission adopted a [Report and Order](#) that clarifies protection obligations between NGSO FSS systems authorized through different processing rounds by using a degraded throughput methodology, and subjects those protections to a sunset period. The sunset provision entitles NGSO FSS systems to protection from systems approved in a subsequent processing round until ten years after the first authorization or market access grant in that subsequent processing round. After the sunset period, new entrants authorized in later processing rounds will share spectrum on an equal basis with earlier-round incumbents. The Report and Order also clarifies that NGSO FSS operators licensed or granted market access in the United States must coordinate with each other in good faith regardless of their processing-round status. In the Report and Order, the Commission also explains expectations for information sharing during this good-faith coordination. At the same time, the Commission adopted a Further Notice of Proposed Rulemaking, to seek comment on which specific metrics should be used to define the protection afforded to an NGSO FSS system in an earlier round from a later-round system and seeks comment on implementation of the degraded throughput methodology.

On November 15, 2024, the Commission adopted a Second Report and Order that: (1) clarifies certain details of the degraded throughput methodology that, in the absence of a coordination agreement, must be used in compatibility analyses by NGSO FSS system licensees authorized through later processing rounds to show they can operate compatibly with, and protect, NGSO FSS systems authorized through earlier processing rounds; (2) adopts a 3% time-weighted average throughput degradation as a long-term interference protection criterion; (3) adopts a 0.4% absolute increase in link unavailability as a short-term interference protection criterion; and (4) declines to adopt additional protection metrics or to adopt an aggregate limit on interference from later-round NGSO FSS systems into earlier-round NGSO FSS systems. The Commission also included an Order on Reconsideration that dismisses in part and, on alternative and independent grounds, denies a petition for reconsideration filed by OneWeb and affirms the Commission’s decision in 2023 to adopt a ten-year sunset period as a companion to the new inter-round protection requirement.

BACKGROUND: This proceeding continues the Commission’s efforts to modernize and refine its rules governing NGSO FSS systems. In September 2017, the Commission updated and streamlined the existing rules covering NGSO FSS systems to facilitate the deployment of these new and technically complex constellations. For example, among other things, it adopted a new

threshold to characterize situations, where, in the absence of a coordination agreement, spectrum will be split among NGSO FSS systems. The Commission also relaxed the NGSO milestone rules and removed international geographic coverage rules. Petitions for reconsideration have been filed addressing several aspects of the 2017 NGSO FSS Order. In 2020, the Commission adopted a Second Report and Order that removed the domestic coverage requirement for NGSO FSS systems.

STATUS: On November 15, 2024, the Commission adopted a Second Report and Order and Order on Reconsideration.

SB BRIEFING SHEET**SUBJECT: SPACE EXPLORATION HOLDINGS, LLC (SPACEX)**

SUMMARY: SpaceX was licensed in April 2018 as part of the first NGSO FSS Ku-, Ka-band processing round, or 2016 Processing Round, to deploy and operate the Starlink satellite system to provide broadband to consumers and businesses. (See separate briefing sheet on NGSO FSS processing rounds). SpaceX is currently launching satellites, and as of October 2024, has launched more than 7,000 first- and second- generation satellites and is providing service. SpaceX's first-generation satellites are authorized pursuant to four license modifications that lowered the operational altitude to 550 km and upgraded the technical hardware of its satellites to match the physical design of its second generation satellites and deploy upgraded communications equipment. In December 2022, SpaceX was also licensed to partially deploy its second-generation constellation as part of the 2020 Ku/Ka-band processing round. SpaceX is licensed to deploy up to 7,500 second-generation satellites at altitudes of 525, 530, and 535 km. In October 2023, SpaceX was authorized to deploy antennas for V-band communications on its 7,500 second-generation satellites. In March 2024, SpaceX was also authorized to communicate using E-band frequencies on its second generations satellites. SpaceX has filed several amendments to pending applications and/or modifications to its licensed systems, including the addition of direct-to-cellular capabilities and additional frequencies in the Ku-, Ka-, V-, E-, and W-bands. In December 2023, SpaceX was authorized to deploy and conduct initial on-orbit testing for direct-to-cell antennas.

BACKGROUND:

First Generation System (Gen1 system). In April 2018, as part of the first NGSO FSS Ku-, Ka-band Processing Round, the Commission authorized SpaceX to construct, deploy and operate an NGSO constellation consisting of 4,425 satellites operating at an altitude of 1,150 km using Ku- and Ka-band spectrum. SpaceX subsequently filed four applications for system modifications, which were approved. SpaceX's Third Modification to specify operations of the remaining 2,824 first-generation satellites in the lower altitude range, at altitudes ranging from 540 km to 570 km with inclinations of 53° (1584 satellites), 53.2° (1,584), 70° (720), 97.6° (520), in lieu of altitudes ranging from 1,100 km to 1,330 km was granted in part in with respect to 10 satellites scheduled for imminent launch and reserved a decision on all other aspects of the application. ViaSat filed a petition for reconsideration of that decision. The Commission granted the remainder of SpaceX's modification application in April 2021. The license included reporting conditions designed to monitor efforts concerning orbital debris mitigation. The Commission also concluded that there was no need for environmental review under NEPA and denied Viasat's petition for reconsideration of the January 2021 ten-satellite grant. Hughes and SES/O3b filed Petitions for Reconsideration. These petitions remain pending. Viasat, DISH, and the Balance Group appealed the Commission's order to the D.C. Circuit. On August 26, 2022, the Court of Appeals for the D.C. Circuit upheld the SpaceX Third Modification Order. A fifth modification application remains pending to add small very high frequency (VHF) beacons to up to 150 satellites of its first-generation system, similar to a pending application for its second-generation system. The beacons will serve as a backup telemetry, tracking, and command system for the first-generation satellites while the satellites are conducting initial orbit raising maneuvers. The beacon amendment remains pending.

Second-generation System (Gen2 System). On April 26, 2020, as part of the 2020 Ku/Ka-band processing round, SpaceX filed an application for a second-generation constellation of nearly 30,000 satellites operating at altitudes from 328 km to 614 km. SpaceX then amended its application, slightly reducing the number of proposed satellites and reconfiguring the orbital shells so the satellites would operate between 340 km and 614 km. Many parties filed petitions, comments, letters, and ex parte notices within the comment window and after the close of the comment window, including other satellite operators, government agencies, environmental groups, academic institutions and individual professors and graduate students, and private citizens. The issues raised on the record largely mirrored concerns raised regarding the third SpaceX modification of its first-generation system, including potential interference, space safety and orbital debris mitigation, and environmental concerns, among others.

On November 29, 2022, the Commission granted-in-part and deferred-in-part SpaceX's second-generation application, as amended. The Commission authorized SpaceX to deploy up to 7,500 satellites at altitudes of 525 km, 530 km, and 535 km. The Commission deferred consideration of the remaining 22,488 satellites in SpaceX's proposed constellation. The Commission also deferred consideration of SpaceX's use of E-band frequencies as well as the addition of small radiofrequency beacons using VHF frequencies. As part of its basis for grant, the Commission relied on SpaceX's commitment to modify its authorization for a separate V-band constellation to operate V-band frequencies on its authorized 7,500 second-generation satellites instead of as separate satellites, thereby slightly reducing the total number of Commission-authorized SpaceX satellites. Leolabs and Viasat have filed petitions for reconsideration of the SpaceX Gen2 Partial Grant, and Astroscale, DISH, and SES/O3B have submitted letters commenting on the partial grant. DISH and the International Dark Sky Association also appealed the order to the Court of Appeals for the D.C. Circuit. Oral argument was held on December 11, 2023. The D.C. Circuit upheld the order on the merits in July 2024.

VHF Beacon Amendment. On November 20, 2024, the Space Bureau granted-in-part, SpaceX's application to add VHF beacons to up-to-450 of its Gen2 satellites to operate as a backup TT&C system during orbit raising and in the event of an emergency once the satellites are at their operational altitudes.

V-band Modification Application. On March 22, 2023, SpaceX submitted an application requesting to modify its V-band authorization to eliminate its separate V-band constellation and instead add V-band frequencies to its authorized 7,500 second-generation Starlink satellites, consistent with its previous commitments. The application was granted, with conditions, on October 13, 2023. On August 13, 2024, SpaceX filed a modification application requesting that its first V-band NGSO processing round system include only the number of V-band payloads on Gen 2 satellites that SpaceX has launched on or before November 19, 2024 (SpaceX's first milestone date to launch and operate 50% of its 7,500 satellite constellation.) SpaceX requests that it be able to deploy additional V-band payloads on Gen2 satellites, up to the 7,500 authorized satellites, after November 19, 2024, but those satellites be considered part of the second V-band processing round. SpaceX also filed a related STA to allow it to continue launching satellites in the V-band while the request remains pending, and this STA was dismissed as moot with the clarification that SpaceX's authorization to deploy in V-band remains in effect while its milestone modification request is pending. Application was placed on public notice on November 15, 2024 and remains pending.

E-band Partial Grant. On March 8, 2024, the Space Bureau, Wireless Telecommunications Bureau and the Office of Engineering and Technology granted SpaceX authority to communicate in E-band frequencies (71.0-76.0 GHz and 81.0-86.0 GHz bands) with the 7,500 Gen2 satellites previously authorized by the Commission. The order continued to defer action on the remaining 22,488 satellites in SpaceX's proposed second-generation constellation.

MSS Application. On February 7, 2023, SpaceX filed a modification seeking to add the 1.6 GHz, 2 GHz, and 2.4 GHz MSS frequencies to its second-generation satellites. On March 26, 2024, the application was dismissed as unacceptable for filing because it does not substantially comply with Commission requirements established in rulemaking proceedings which determined that the 1.6/2.4 GHz and 2 GHz bands are not available for additional MSS applications. However, on the same day it dismissed the application, the Space Bureau also issued two public notices seeking comment on SpaceX's petitions for rulemaking to revise the Commission's spectrum-sharing rules for these bands. Dish Network and Globalstar oppose SpaceX's petitions for rulemaking.

Direct-to-Cellular Application. SpaceX's Gen 2 Modification to add SCS pursuant to a lease agreement with T-Mobile was granted on November 26, 2024. At that time the Space Bureau deferred consideration of SpaceX's waiver request of the out-of-band emission (OOBE) limit adopted in the SCS rules. On March 7, 2025, the Space Bureau and the Wireless Telecommunications Bureau, granted SpaceX a limited waiver of the OOBE limit to allow for additional flexibility to implement a new system while protecting against the potential for disruptions to adjacent terrestrial networks with conditions.

Given international treaty obligations, pursuant to the SCS framework and its SCS authorization, SpaceX must certify and the FCC must approve, certain details of operations in a particular country before it starts commercial operations. To date the Commission has approved several such certifications including operations in New Zealand, Australia, Japan and Chile.

SpaceX's request and applications for the 300 km orbital shells. On November 26, 2024, the Space Bureau also granted SpaceX's applications to allow SpaceX to lower satellites and operate the previously licensed 7,500 satellites at around 350 km.

Second generation upgrade modification and amendment. On October 11, 2024, SpaceX filed a modification to its authorization for the 7,500 Gen2 satellites, and on October 17, 2024, SpaceX filed another amendment to the pending portion of its Gen2 application, as amended. Collectively, these applications seek to upgrade the physical design of the Gen2 satellites; add communications in additional frequencies in the Ku-, Ka-, V-, E-, and W- bands; and reconfigure the orbital shells of the Gen2 constellation; among other changes. SpaceX requests that any action on these applications also includes action on the remaining 22,488 Gen2 satellites deferred in prior grants. These applications were placed on public notice on February 7, 2025 and are pending.

Starship Part 25 Application. On December 18, 2024, SpaceX filed for a license for radiofrequency communication operations with its Starship vehicles—including variations of the Starship: "standard Ship," tanker, propellant depot, and "Human Landing System (HLS)". The license request also includes communications on the lunar surface, including a WiFi-like radiofrequency operation for crew-to-crew and crew-to-vehicle communications.

Communications would support several types of missions including: Starship launches of Starlink satellites; tanker and depot variants of Starship located in LEO and used for refueling for lunar missions; additional tanker and depot operations in MEO/HEO for additional refueling on the way to the moon; and translunar and lunar operations of the HLS variant as part of the Artemis program, including communications via the Lunar Gateway relay and lunar surface communications.

SpaceX requests authorization for communications in a number of frequency bands: - S-, Ku-, Ka-, UHF, and V-bands. In support of the application, SpaceX also seeks waivers of some of the Commission's rules. Application remains pending.

Petition for Rulemaking to Update Current Equivalent Power-Flux Density (EPFD) Limits. On November 9, 2024, SpaceX filed a Petition for Rulemaking requesting that the Commission adopt a new GSO-NGSO sharing methodology (i.e., update EPFD limits, for NGSO FSS downlink operations to better reflect capabilities of next generation systems). Comment cycle closed on November 1, 2024. Kuiper, SpaceX and Telesat filed in support. Echostar/DISH and Viasat oppose the Petition. Eutelsat/OneWeb, SES/O3b assert that the Commission should wait for the ITU, but generally supportive of revisiting rules; CTIA states that any changes do not affect sharing with terrestrial services. Petition remains pending.

SB BRIEFING SHEET**SUBJECT: EARTH STATIONS IN MOTION (ESIMs) IN THE FIXED-SATELLITE SERVICE (FSS)**

SUMMARY: Through a series of decisions, the Commission consolidated related rule sections that govern the licensing and operation of earth stations on vessels (ESVs), land vehicles (VMESs), and aircraft (ESAAs) communicating with geostationary-orbit (GSO) satellites in the Fixed Satellite Service (FSS). Collectively, these earth stations are known as “earth stations in motion” or ESIMs. In addition, the Commission expanded the range of frequency bands available for ESIM operations with GSO satellites. In May 2020, the Commission also adopted a framework to allow ESIMs to communicate with non-geostationary-orbit (NGSO) space stations in certain frequency bands. These regulatory changes were made to facilitate licensing of applications in the growing market for earth stations on mobile platforms.

BACKGROUND: The FSS traditionally involves communication between satellites in orbit and earth stations at fixed locations. Frequencies allocated to the FSS, however, have been used for many years for the operation of earth stations in motion. As the use of earth stations in motion evolved to include broadband communications, it became clear that Mobile-Satellite Service (MSS) spectrum was not able to fully meet this requirement. Today, most satellite operators view ESIMs as one of their fastest growing segments. To date, applications have focused mostly on ESVs and ESAAs. Developments in antenna technology are expected to drive the future growth of VMES applications, as antenna manufacturers (e.g., Kymeta, a manufacturer of small satellite antennas), satellite operators and car manufacturers (e.g., Toyota) jointly explore these possibilities.

In a September 2018 Report and Order, the Commission consolidated into a single rule section, the sections of the Commission’s rules for ESVs, VMES and ESAAs that the Commission had previously authorized to communicate with GSO space stations. In addition, the R&O expands the range of frequency bands for GSO FSS ESIM operation to include the 28.35-28.6 GHz, 29.25-30 GHz, 18.3-18.8 GHz, and 19.7-20.2 GHz bands (conventional Ka-band), where ESIMs had previously been licensed on an *ad-hoc*, non-conforming basis. The associated FNPRM sought comments on possible ESIM operation with GSO space stations in additional frequency bands: 10.7-10.95 GHz; 11.2-11.45 GHz; 17.8-18.3 GHz; 18.8-19.3 GHz; 19.3-19.4 GHz; 19.6-19.7 GHz; and 28.6-29.1GHz.

In May 2020, the Commission adopted a Second R&O to expand the range of frequencies available to communicate with GSO satellites. The Commission, in a companion Report and Order, also adopted a framework for ESIM operation with NGSO FSS space stations in the same Ku-band and Ka-band frequency ranges where ESIM communication with a GSO space station is either already allowed or was proposed in the September FNPRM. Specifically, these frequency ranges are: 10.7-11.7 GHz; 11.7-12.2 GHz; 14.0-14.5 GHz; 17.8-18.3 GHz; 18.3-18.6 GHz; 18.8-19.3 GHz; 19.3-19.4 GHz; 19.6-19.7 GHz; 19.7-20.2 GHz; 28.4-28.6 GHz; 28.6-29.1 GHz; 29.5-30.0 GHz. In the 28.35-28.4 GHz band, no ESIM operation is allowed with NGSO systems pending consideration of a Further Notice, which seeks additional comment on possible

out-of-band interference into adjacent terrestrial “UMFUS” operations. The 12.2-12.7 GHz band was also not specifically identified as a band for ESIM use.

In June 2022, SpaceX and Kepler were granted authority to operate ESIMs in the 12.2-12.7 GHz band on a non-interference, unprotected basis. DISH and RS Access, had opposed these requests, asserting that the operation of ESIMS in the band could potentially cause interference to DBS and MVDDS services, and, related to the Commission’s 12 GHz proceeding, that operations of a large number of ESIMs would complicate the sharing environment in the band. These grants are subject to the outcome of any future rulemaking, including the 12 GHz proceeding. SpaceX and Kepler are also required to disclose to their customers that there is no expectation of continuing use of the band.

12.2-12.7 GHz ESIM Applications. Over the past few years, the Space Bureau has also fielded applications that include requests for operations of ESAA terminals in the continental United States, including in the 12.5-12.7 GHz band. These requests have also been opposed by DISH and RS Access. The Space Bureau recently granted an application from Anuvu Licensing Holdings, LLC, to operate ESAAs in these bands, on a non-interference, unprotected basis and conditioned operations on the outcome of pending proceedings in the 12 GHz band. In addition, the Space Bureau recently granted an application for WorldVu Satellites Limited’s use of the 12.2-12.7 GHz band for ESV on a non-interference, unprotected basis and conditioned operations on the outcome of pending proceedings in the 12 GHz band. SpaceX has filed an application to provide services via next-generation ESIMs devices, receiving in the same frequency bands (12.2-12.7 GHz) as approved in June 2022. That application was granted on May 22, 2024.

In October 2023, Kuiper filed a blanket earth station license application to operate three different types of consumer ESIM terminals in the 28.35-28.6 and 28.6-29.1GHz bands (earth to space) and 17/18/19 GHz bands (space to earth). This application was placed on 30-day public notice on March 27, 2024. This application was granted on July 3, 2024.

STATUS: The comment cycle on the NGSOs FNPRM closed in September 2020.

SB BRIEFING SHEET**SUBJECT: SPACE SITUATIONAL AWARENESS AND SPACE MISSION AUTHORIZATION**

SUMMARY: For years, there have been policy and legislative activities focused on improving the organization of U.S. space activities and authorization processes. These efforts have focused broadly on ensuring authorization and continuing supervision of U.S. space activities, including novel space activities, as required under the Outer Space Treaties, and on improving space traffic coordination as space is increasingly utilized.

Nomenclature:

“Space Situational Awareness” is the term often used to describe the tracking of space objects. In the United States this function grew out of missile tracking networks developed to detect nuclear missiles and has resided in the Department of Defense (DoD). DoD uses an observation network, the Space Surveillance Network, consisting of various radar and optical assets. The observations provide the basis for a catalog of space objects; the trajectories of cataloged objects are predicted using computer programs. Following the Iridium/Cosmos collision in 2009, DoD began to make available to satellite operators the predictions of close approaches between objects, known as conjunction data messages. In recent years, private firms have begun to provide situational awareness services, often based on their own sensor networks, which are used to supplement the DoD surveillance network. Satellite operators also utilize data derived from their own operations (e.g., GPS receivers on the satellite).

“Space Traffic Management” or “Space Traffic Coordination” are terms typically used to describe the process for disseminating data derived from the various sources for space situational awareness, and the processes for responding to that data, such as coordination with other operators, planning and executing satellite maneuvers, etc.

“Orbital Debris Mitigation” broadly refers to design and operational strategies to prevent the generation of new debris, through minimizing release of operational debris, accidental explosions and collisions, and through disposal of space objects following the conclusion of their missions. With respect to minimizing collisions, orbital debris mitigation activities overlap with space traffic management activities but are often addressed in orbital debris mitigation guidelines as high-level requirements for risk avoidance over the mission lifetime, while space traffic management/coordination objectives focus on short term assessments of risks and responses.

“Orbital Debris Remediation” refers to methods for removing debris from orbit using means that are exogenous to the particular mission that generates debris, for example by use of space tugs/servicer spacecraft or lasers to alter a debris object’s orbit.

BACKGROUND: In November 2015, the Office of Science and Technology Policy (OSTP) recommended legislation that would charge the FAA with authorizing non-governmental space missions that are not squarely addressed by current licensing processes, and with serving as the civilian “face” of the 18th Space Control Squadron (formerly the Joint Space Operations Center or JSpOC), for purposes of sharing space data with non-governmental satellite operators. These

recommendations were reiterated in reports to Congress completed on April 4, 2016, concerning authorization, and September 16, 2016, concerning the feasibility of processing and releasing space situational awareness data through a civil agency, such as the FAA, instead of through the current process, which is headed by DoD. In addition, SAIC prepared and submitted a Congressionally mandated independent report assessing the framework for space traffic management and orbital debris mitigation on December 19, 2016. SAIC recommended that a single civil agency be given responsibility for orbital traffic management.

On June 18, 2018, former President Trump signed Space Policy Directive 3 (SPD-3) concerning space traffic management.

With respect to space situational awareness data, SPD-3 states that the Department of Commerce should be the civilian agency charged with distributing data, free of charge, and that there should be substantial improvements in the framework for sharing such data, and for incorporating data from sources other than the U.S. Space Surveillance Network.

Over the next two and a half years, both Senate and House committees considered and adopted various bills concerning mission authorization and space traffic management, and considered various changes in the roles of the Commerce Department and FAA related to licensing.^[1] The Consolidated Appropriations Act of 2020 provided for a study to assess the organization best suited to take on space traffic management tasks. The National Academy for Public Administration released the study in August 2020 and recommended assigning space traffic management tasks to the Office of Space Commerce in the Department of Commerce.

On September 9, 2022, Vice President Harris tasked the National Space Council to develop a proposal for the authorization and supervision of commercial novel space activities. The FCC has provided support to National Space Council staff as they develop this proposal. The resulting legislative proposal provided for FAA regulation of human spaceflight and purely space transport activities, and DoC regulation of other and novel activities, with no change to the FCC's licensing authority. **Related Matters:** With respect to orbital debris mitigation, SPD-3 initiated a NASA-lead process to update U.S. Government Orbital Debris Mitigation Standard Practices (ODMSP). FCC staff provided technical support for this effort, which was completed on December 9, 2019, with the release of revised guidelines. The revised guidelines include new provisions concerning large constellations, small satellites, and rendezvous and proximity operations. The ODMSP include high level requirements with respect to collision risk, and do not address space traffic coordination.

The Commerce Department is developing what it terms an Open Data Repository to collect and make available to the public space situational awareness data. The system is referred to as TRACSS. In its initial release, the system is intended to provide a seamless transition to a civilian-operated space traffic coordination process, and to improve the pace of "screening" for possible collisions from once every eight hours to once every four hours. A [beta version](#) was released September 2024, with satellite operators receiving basic space situational awareness (SSA) data and space traffic coordination (STC) services from the Commerce Department.

On June 8, 2017, the Science, Space and Technology Committee completed a mark-up of the

American Space Commerce Free Enterprise Act of 2017. That bill proposed to adopt a new authorization process for space activities, administered by the Department of Commerce, but would have exempted from this process traditional communications satellites licensed by the FCC. FCC staff provided technical support for these reports and for the draft legislation. On August 1, 2018, the Senate Committee on Commerce, Science and Transportation voted favorably on a bill known as the Space Frontier Act of 2018. Like the House bill, the Senate bill left existing FCC authority unaltered. Unlike the House bill, however, the Senate bill did not provide for expansion of the Department of Commerce's role to the same extent, instead focusing on revision of Commerce's current licensing processes for remote sensing systems and providing a somewhat expanded role for the FAA. The Senate bill was reported out of committee on November 29, 2018. On March 27, 2019, the Space Frontier Act of 2019 was introduced in the Senate. It was marked up in committee on April 3, 2019, and reported out of Committee on December 11, 2019. The bill was a slightly modified version of the Space Frontier Act of 2018.

None of the various mission authorization proposals have been adopted by a vote in either chamber of Congress.

SB BRIEFING SHEET**SUBJECT: SMALL SATELLITE LICENSING**

SUMMARY: Historically, the bulk of commercial activity in space involved larger satellites designed for long-term operations and equipped with propulsion and solar arrays capable of producing relatively high levels of electrical power for operations. However, small satellites are increasingly being launched for scientific exploration, technology development, and commercial purposes. Typically these satellites are launched on “rideshare” missions, in which a launch provider will launch many small satellites from one launch vehicle into low-Earth orbit. In 2019 the Commission adopted a new optional, streamlined licensing process, contained within Part 25 of the Commission’s rules, known as the “small satellite process”. This process is available to applicants satisfying certain criteria, and numerous space station applications have been granted under this streamlined process.

BACKGROUND:

As a result of concerns raised by universities, technology developers, and nascent commercial enterprises that the Part 25 licensing process was developed primarily with large satellites in mind and imposed unnecessary burdens on small satellite operators, the Commission in 2019 adopted the Part 25 small satellite licensing process. The Commission also adopted a small spacecraft process, designed for non-Earth orbiting missions.

The small satellite licensing process enables qualifying non-geostationary orbit satellite applicants to opt-in to a streamlined Part 25 application process, with a generally shorter timeline for review and a lower application fee and regulatory fee than for applicants under the regular processes in Part 25 of the Commission’s rules. In order to qualify for small satellite streamlined processing, the following criteria must be met: (1) 10 or fewer satellites authorized under a single license (there is no limitation on the number of applications for a license that may be filed); (2) maximum size of 180 kilograms for an individual satellite; (3) maximum in-orbit lifetime of any individual satellite is 6 years or less; (4) all operations under a license will be completed within 6 years; (5) deployment below 600 km, unless the satellite(s) have propulsion; (6) licensee will have the ability to eliminate harmful interference when necessary, including capability for immediate ceasing of emissions by telecommand; (7) the satellite or system will be compatible with existing operations in the requested frequency band and not materially constrain future operations of other satellites in those frequency bands; and (8) several additional criteria on orbital debris mitigation that are consistent with lower-risk missions. Eligible applicants are exempt from the Commission’s NGSO processing round procedures and have a 1-year grace period before filing of the surety bond.

STATUS: The small satellite processing rules came into effect on August 19, 2020. Numerous licenses under the small satellite process have been granted, including for Loft Orbital, R2 Space, Capella Space, Umbra Labs, ICEYE US, Orbital Sidekick, Lynk Global, Outpost Space, Turion Space, Odyssey SpaceWorks, Quantum Space, and others. The Space Bureau made resources available for potential small satellite applicants and other interested parties at <https://www.fcc.gov/space/transparency-initiative>.

SB BRIEFING SHEET**SUBJECT: MITIGATION OF ORBITAL DEBRIS**

SUMMARY: The FCC adopted an Order on Reconsideration at the January 2024 Open Commission Meeting, which confirmed the revisions made in April 2020.

The FCC's rules for satellite licensing have included requirements concerning mitigation of orbital debris since 2004. On November 15, 2018, the FCC initiated a rule making proceeding to take the first comprehensive look at the FCC's requirements since 2004. On April 23, 2020, the Commission revised the rules, with the objective of improving the specificity and clarity of the disclosures of debris mitigation plans by satellite companies. The changes include requiring that satellite applicants assign numerical values to collision risk, probability of successful post-mission disposal, and casualty risk associated with those satellites that will re-enter earth's atmosphere. Satellite applicants will also have new disclosure requirements related to protecting inhabitable spacecraft, maneuverability, use of deployment devices, release of persistent liquids, proximity operations, trackability and identification, and information sharing for situational awareness. The rules also update the process for geostationary orbit satellite license term extension requests.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM), which invited additional comment on orbital debris mitigation measures related to the probability of accidental explosions; collision risk and casualty risk for satellite constellations on a system-wide basis; and on requiring maneuverability for satellites located above a certain altitude in the low earth orbit region. The Commission also sought public comment on adopting an indemnification requirement similar to one used in other countries and on the use of a surety bond tied to post-mission disposal. Lastly, the Commission sought comment on shortening the 25-year post mission disposal lifetime benchmark. Although not specifically codified in the Commission's rules, the 25-year benchmark was consistently applied in Commission licensing decisions for NGSO systems in order to evaluate debris mitigation plans with respect to post-mission disposal.

On September 29, 2022, the Commission adopted a Second Report and Order shortening the 25-year benchmark for post-mission disposal for space stations ending their mission in or passing through the low-Earth orbit region below 2000 km altitude and planning disposal through uncontrolled atmospheric re-entry to "as soon as practicable," but no more than five years after mission completion.

On January 25, 2024, the Commission adopted an Order on Reconsideration providing clarity and guidance to satellite operators on compliance with orbital debris mitigation policies adopted in 2020. Among the clarifications provided by the Commission, the Order addressed questions related to satellite maneuverability disclosure requirements and the use of "free-flying" deployment devices. Additionally, the Order provided guidance for satellite operators on methods for conducting a re-contact risk analysis and clarifies the applicability of the 0.99 disposal reliability goal for large satellite systems. The Commission also clarified requirements

for assessing and limiting the release of persistent liquids in space, and how the Commission's orbital debris rules apply to non-U.S.-licensed space stations.

BACKGROUND: The FCC rules for orbital debris mitigation apply to all satellite licensing (experimental under Part 5, commercial under Part 25, and amateur under Part 97 of the rules), including requests to access the U.S. market using non-U.S. licensed satellites. The rules require a plan, submitted to the FCC, discussing steps taken or to be taken to avoid debris generation from accidental explosions and collisions with large objects, and the method of disposal for the satellite after its primary mission ends. Plans are reviewed as part of the licensing process, and authorizations are subject to additional conditions or denial if a plan is found to be contrary to the public interest.

The FCC's orbital debris mitigation rules follow the general outline of various guidelines and standard practices developed domestically and internationally. The U.N. General Assembly has endorsed guidelines for debris mitigation developed by its Committee on Peaceful Uses of Outer Space. Those guidelines were, in turn, based on guidelines developed by the Inter-Agency Space Debris Coordinating Committee (IADC), which is comprised of space agencies from the major space-faring nations. The IADC guidelines were developed contemporaneously with U.S. Government Standard Practices.

As a companion to these high-level guidelines, NASA has developed a standard and related assessment tools that it uses for its own missions. These tools include open-source software and are used by many satellite operators to prepare documentation for FCC license applications. The NASA assessment tools include several quantitative requirements stated on a per satellite basis, for example for risk of collision with large objects and risk of human casualties from satellites re-entering Earth's atmosphere.

Since 2004, when the FCC rules were adopted, there have been significant changes in satellite technologies and market conditions, particularly in the low earth orbit region of space. These changes include the increasing use of lower-cost small satellites, such as CubeSats, as well as plans for the deployment of large constellations of non-geostationary orbit systems, some involving thousands of satellites.

On December 9, 2019, an interagency group led by NASA (with FCC in a consultative role), adopted revisions to the U.S. Orbital Debris Mitigation Standard Practices (ODMSP), a set of guidelines applicable to government missions. In December of 2020, NASA issued a "Spacecraft Conjunction Assessment and Collision Avoidance Best Practices Handbook." The Handbook addresses a number of technical and policy issues, including spacecraft maneuverability and planning for collision avoidance. The 2020 FCC rule changes and the 2022 Second Report and Order mirror many of these revisions. The FNPRM also sought additional comment on several questions related to how other revisions should be implemented in the FCC licensing process.

STATUS: The FNPRM released with the 2020 Report and Order resulted in excess of 40 filings during the comment period, from a wide range of interests, with additional ex parte filings since then. Given that much has happened since the Commission last sought comment, the Space Bureau released a public notice on May 2, 2024, seeking to refresh the record, specifically with

respect to large constellations, to ensure that the Commission has the benefit of current information, including any developments since the release of the FNPRM. Comments were filed on June 27 and replies on July 17.

The revised orbital debris mitigation rules for experimental and amateur satellites came into effect on October 20, 2021. The five-year post mission disposal requirement from the Second Report and Order applies to satellites launched on or after September 29, 2024.

The Commission is currently considering a revision to the FCC's orbital debris mitigation rules to add a specific metric for explosion risk, consistent with the 2019 revisions to the ODMSP. The revision would become effective one year after Federal Register publication. The current rules already require applicants to address whether they minimize this risk.

At the request of the National Space Council, NASA initiated a periodic review of the ODMSP during the summer of 2024. FCC staff provided technical support for that review. The review was not completed prior to the January 2025 change in administration.

SB BRIEFING SHEET**SUBJECT: EXPEDITED INITIAL PROCESSING OF SATELLITE AND EARTH STATION APPLICATIONS**

SUMMARY: On December 22, 2022, the Commission released an NPRM regarding expedited initial processing of satellite and earth station applications. In the NPRM, the Commission sought comment on changes to its rules, policies, or practices to facilitate the acceptance for filing of satellite and earth station applications under Part 25. Specifically, the Commission proposed to revise a procedural rule to formally allow consideration of satellite applications and petitions that request waiver of the Table of Frequency Allocations to operate in a frequency band without an international allocation. The Commission also sought comment on amending the current limit of one unbuilt non-geostationary satellite system per licensee in a given frequency band; and on ways to reduce inconsistencies or omissions in applications, and whether Commission staff should assist applicants in correcting such defects or quickly dismiss the applications without prejudice to refile. The Commission also sought comment on typical processing timeframes for satellite and earth station applications, and whether there are certain “straightforward” applications should be subject to improved processing times overall. More generally, the Commission sought comment on whether any rules, policies, or practices applied to other licensing activities at the Commission could be applied to satellite or earth station application processing and any other process updates, rule changes, or policy reforms the Commission could adopt to help streamline application processing.

BACKGROUND: Before satellite and earth station applications are accepted for filing and placed on public notice, they are reviewed for substantial completeness and compliance with Commission rules. In recent years, the Commission has received an unprecedented number of satellite applications proposing innovative, new systems and services that mark the new space age. While the Commission has already taken steps to streamline licensing in the *Part 25 Streamlining* Second Report and Order in 2015, and the *Streamlining Licensing Procedures for Small Satellites* Report and Order released in 2019, this Notice asks whether there are any additional steps that can be taken to streamline the initial processing of both satellite and earth station applications.

STATUS: The Commission adopted a Report and Order and Further Notice of Proposed Rulemaking on September 21, 2023. The Report and Order established timeframes for placing space and earth stations on public notice, eliminated a procedural rule that prevents consideration of requests for waiver of the International Table of Frequency Allocations, and removed the prohibition on licensed-but-unbuilt systems for NGSO operators. Additionally, the Order created a new, streamlined processing framework for earth station operators to add satellite points of communication under certain circumstances. Finally, the Order laid the groundwork for a broader Transparency Initiative led by the Space Bureau to provide clarity and access to applicants when interfacing with our license application processes and filing system.

The FNPRM seeks comment on several proposed changes to further expedite and streamline the licensing process. Specifically, the FNPRM, proposes to eliminate the procedural burden of printing and maintaining a paper copy of a license, proposes to change the default status of space and earth station proceedings to permit-but-disclose, and proposes to create a new rule provision

that would allow earth station operators to apply for and receive a limited license under the condition that the license will require modification prior to operations with a specific point of communication, unless the point of communication is already on the Permitted List and the operations fit within the parameters specified therein. The FNPRM also seeks comment on establishing timeframes or shot clocks for action on the merits of applications, and possible amendments to section 25.118, which would allow for certain minor modifications to be made by operators without prior authorization from the Commission. Additionally, the FNPRM also asks whether to provide a process for market access petitioners to seek the equivalent of an STA, and whether to expand the window for operators to file renewal applications for existing licenses. Finally, the FNPRM considers possible streamlining of duplicative coordination requirements when earth station and space station operators engage in identical coordination for the same set of operations and whether to allow earth station operators whose operations have already been coordinated through a space station operator's license to access the streamlined licensing procedure for adding satellite points of communication.

SB BRIEFING SHEET**SUBJECT: NON-VOICE, NON-GEOSTATIONARY-SATELLITE ORBIT (NGSO) MOBILE-SATELLITE SERVICE (MSS) CONSTELLATIONS AND ASSOCIATED PROCESSING ROUNDS**

SUMMARY: In the last few years several companies submitted proposals for use of frequencies allocated to the MSS, mostly for the provision of Internet of Things (IoT) connectivity. As a result, the Commission initiated two processing rounds addressing non-voice NGSO MSS systems. The UHF Processing Round, initiated in August 2019, covers the frequency bands 400.15-401 MHz (space-to-Earth) and 399.9-400.05 MHz (Earth-to-space). The VHF Processing Round, initiated in March 2020, covers the frequency bands 137-138 MHz (space-to-Earth) and 148-150.5 MHz (Earth-to-space). The UHF Processing Round included five applications filed by the relevant deadline: Hiber, Myriota, Spire Global, Astro Digital, and Kineis. The VHF Processing Round included two applications: Myriota and Swarm, now a wholly owned subsidiary of SpaceX.

BACKGROUND:**400.15-401 MHz (space-to-Earth) and 399.9-400.05 MHz (Earth-to-space) (UHF)**

On September 10, 2018, Hiber filed a market access application for a constellation of 24 satellites, operating in the bands 400.15-401 MHz and 399.9-400.5 MHz. On March 28, 2019, Myriota requested access to the US market using the same frequency ranges on a constellation of 26 satellites operating at an altitude no greater than 600 km.

A Public Notice released on August 15, 2019, announced a processing round for non-voice NGSO MSS systems operating in 400.15-401 MHz and 399.9-400.05 MHz. In addition to Hiber and Myriota, the UHF Processing Round also included previous applications submitted by Spire Global and Astro Digital, which were still pending with respect to these frequency bands.

On October 11, 2019, Kineis requested market access for a constellation of 25 satellites using the 399.9-400.05 MHz and 400.15-401 MHz bands. Kineis was also included in the UHF Processing Round.

Hiber was authorized in May 2020, but surrendered its authorization in September 2021. The Myriota application was granted on May 29, 2020. Subsequently, Myriota and Spire announced an agreement to partner on implementation of the Myriota constellation. On September 30, 2021, the former International Bureau (IB) granted approval for SpaceX to acquire Swarm. The Kineis application was granted in November 2021, and in December 2024, Myriota's application to modify its orbital parameters was granted.

137-138 MHz (space-to-Earth) and 148-150.5 MHz (Earth-to-space) (VHF)

On December 21, 2018, Swarm filed an application to use frequencies in portions of the 137-138 MHz band for downlink and the 148-149.95 MHz band for uplink on a constellation of 150 technically identical satellites. This application was granted on October 17, 2019.

On November 18, 2019, Myriota filed an application for U.S. market access using VHF frequencies. On March 5, 2020, a Public Notice accepting Myriota's application for filing and announcing a processing round for non-voice NGSO MSS systems was released and invited competing applications by May 4, 2020. Only Swarm filed an application during the filing window, in which it requested a modification to increase the number of satellites from 150 to

300 and to operate in the entire 137-138 MHz and 148-150.5 MHz bands. Swarm subsequently withdrew its request to increase its constellation. Of note, SpaceX's second generation NGSO system was authorized to operate in these bands for certain telemetry, tracking, and command beacons. Swarm/SpaceX also filed a modification application seeking approval to integrate VHF payloads on SpaceX's Gen 1 constellation.

STATUS: Myriota amended its petition to make certain technical changes and to note its partnership with Spire and use of Spire's satellite platform. The Myriota VHF and Swarm applications are currently pending.

UHF Processing Round

The following NGSO MSS applications were included in the UHF processing round.

System	Number of Satellites (Orbit Altitude)	Licensing Administration (Main Use)
Hiber (granted May 6, 2020; <u>surrendered</u> September 24, 2021.)	24 (600 km)	Netherlands (IoT)
Myriota (granted May 29, 2020)	26 (400 km to 600 km)	Australia (IoT)
Kineis (granted Nov. 18, 2021)	25 (650 km)	France (IoT)
Spire	25 (650 km) 1,000 (385 to 650 km)	US (TT&C)
Astro Digital (granted for 5 satellites May 28, 2021)	30 (600 km)	US (TT&C)

VHF Processing Round

The following NGSO MSS applications were included in the VHF processing round.

System	Number of Satellites (Orbit Altitude)	Licensing Administration (Main Use)
Swarm (see Note)	300 (300 km to 550 km)	US (IoT)
Myriota	26 (400 km to 600 km)	Australia (IoT)

Related Issues: Both Swarm and ORBCOMM have U.S. authorizations to operate “Little LEO” systems, which operate with service links below 1 megahertz. ORBCOMM was initially licensed in 1994 for certain sub-bands according to a spectrum sharing plan reached between multiple Little LEO applicants at the time. ORBCOMM was granted a modification in 2008 which included the use of additional radio-frequency spectrum until the commencement of operations by another U.S.-licensed system. Swarm was licensed to operate its Little LEO system in 2019 using specific sub-bands that were licensed to ORBCOMM on a conditional basis in 2008.

SB BRIEFING SHEET**SUBJECT: LIGADO NETWORKS LLC (FORMERLY “LIGHTSQUARED”)**

SUMMARY: Ligado is authorized to provide mobile-satellite service (MSS) in the 1525-1559 MHz and 1626.5-1660.5 MHz bands and proposes to deploy a terrestrial network using an ancillary terrestrial component (ATC) in portions of its licensed spectrum. In 2004, Ligado applied for and was granted authorization for ATC operations, which allowed it to deploy ATC, provided that it met the conditions required by the Commission’s rules. Since filing its initial application for ATC authority, and during subsequent modifications to its proposed ATC networks, the ATC portion of the network has resulted in concerns with interference to the global positioning system (GPS) and other satellite networks operating in adjacent bands. Ligado has spent many years working to resolve concerns raised by other spectrum users and filed various modification requests to its ATC license over the years to resolve interference concerns. In April 2020, the Commission authorized Ligado to deploy a low-power terrestrial nationwide network in the 1526-1536 MHz, 1627.5-1637.5 MHz, and 1646.5-1656.5 MHz bands that primarily will support Industrial Internet of Things (IIoT) and 5G services. Based on the extensive record filed, the Commission concluded that Ligado’s latest proposal—combined with the stringent conditions adopted—address harmful interference concerns with respect to GPS operating in the adjacent Radio Navigation Satellite Service (RNSS) allocation, as well as concerns with respect to MSS licensees’ operations in the L-band. Petitions for reconsideration are pending.

BACKGROUND: Ligado has held an ATC authorization since 2004, with modifications granted in 2010. In a *Conditional Waiver Order* on January 26, 2011, the International Bureau (IB) waived the ATC integrated services requirement (a requirement that, for example, ATC user terminals provide both satellite and terrestrial based services), subject to a condition that stand-alone terrestrial service cannot commence until the Commission, after consultation with the National Telecommunications and Information Administration (NTIA), concludes that concerns about harmful interference to GPS receivers have been resolved. This Order established a working group (Technical Working Group) process wherein Ligado would work with the GPS industry, the NTIA, and other appropriate federal agencies to study the potential for overload interference to GPS devices and to identify any measures necessary to prevent “harmful interference” to GPS.

In response to the *Conditional Waiver Order*, Ligado submitted a report on June 15, 2011. Over 3300 comments were filed concerning the report. In September 2011, NTIA determined that additional testing was needed, and on February 14, 2012, based on this testing, NTIA concluded that “there are no mitigation strategies that both solve the interference issues and provide [Ligado] with an adequate commercial network deployment.”

In February 2012, and based on the NTIA letter, the Commission proposed to vacate the 2011 *Conditional Waiver Order*, and to modify Ligado’s authorization to suspend indefinitely the ATC authorization to an extent consistent with the NTIA Letter.

In December 2015, the Commission approved Ligado's request for consent to assignments and transfers of its FCC authorizations necessary for reorganization and emergence from bankruptcy. (Ligado had filed for bankruptcy more than three years earlier, on May 14, 2012.)

In December 2015, Ligado also submitted new applications proposing license conditions to address interference concerns, including concerns relating to the aviation sector's use of GPS.

The conditions are consistent with agreements that Ligado reached with several companies in the GPS industry including Deere & Company, Garmin International, Inc., and Trimble Navigation Limited.

In May 2018, Ligado amended its request by proposing additional technical limitations (power limits, antenna siting constraints, reporting obligations and other measures) designed to protect GPS reception by certified aviation receivers in the 1526-1536 MHz band. Some aviation and satellite interests expressed concerns, while other commenters expressed support.

On June 25, 2019, Ligado filed a "Request for Prompt Commission Action under Section 7," in which it urged favorable action on the applications filed pursuant to the agreements with Deere, et. al., and argued that those applications should be considered ones for a "new technology or service" that is required to be acted upon within one year of filing under Section 7 of the Communications Act. In response, the aviation and satellite interests reiterated concerns expressed previously.

In April 2020, the Commission granted Ligado's 2015 MSS license modification applications, as amended in 2018. The decision authorizes Ligado to deploy a low-power terrestrial nationwide network in the 1526-1536 MHz, 1627.5-1637.5 MHz, and 1646.5-1656.5 MHz bands. The Commission noted that Ligado's amended license modification applications significantly reduce the power levels of its operations from its earlier proposals and commit Ligado to providing a significant guard-band in the MSS spectrum to further separate its terrestrial transmissions from neighboring operations in the Radionavigation-Satellite Service (RNSS) allocation. Based on the extensive record, the Commission concluded that Ligado's latest proposal—combined with the stringent conditions adopted—address harmful interference concerns with respect to GPS operating in the adjacent RNSS allocation, as well as concerns with respect to MSS licensees' operations in the L-band. The order and authorization includes multiple conditions, including Ligado's compliance with its co-existence agreements with GPS manufacturers, reduced operating power levels, information-sharing requirements for the benefit of affected U.S. Government agencies and other stakeholders, and other operational restrictions that Ligado previously has agreed to or that the Commission imposed. In addition, the order and authorization imposed out-of-band-emissions limits, coordination and notification requirements, drive-testing and monitoring requirements, and other reporting requirements.

In May 2020, NTIA petitioned to stay the April *Order* pending the Commission's decision on a contemporaneously filed petition for reconsideration. Numerous petitions for reconsideration were filed by other entities including, Iridium, Lockheed and representatives of the GPS industry.

On January 1, 2021, Congress enacted the National Defense Authorization Act for Fiscal Year 2021, (Pub. L. No. 116-283), which contains various provisions that potentially affect implementation by Ligado of the terms of the Commission's Order. Section 1663 requires the Secretary of Defense to seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies to conduct an independent technical review of the Commission's Order to the extent it affects the devices, operations, or activities of the Department of Defense. An agreement was reached with the National Academies, and the independent review, which is being conducted by an ad hoc committee set up by the National Academies, is ongoing.

On January 19, 2021, the Commission denied NTIA's Stay Petition.

On April 22, 2023, ninety-one organizations sent a letter to the President and Congressional leaders urging that they work together and with the FCC to stay and ultimately set aside the April 2020 *Order*. The letter focused on the independent technical review undertaken by the National Academies of Sciences, Engineering, and Medicine analyzing the potential interference issues related to the Ligado Order.

On October 12, 2023, Ligado Networks LLC filed a [complaint](#) in the U.S. Court of Federal Claims against the United States, the Defense Department, the Commerce Department and NTIA, seeking just compensation for what it characterized as the government's physical, categorical, regulatory and legislative takings of Ligado's property.

In January 2024, the Department of Justice moved to have the case dismissed.¹ In November 2024, the Court granted in part and denied in part the Government's Motion to Dismiss and ruled that Ligado could move forward with its lawsuit.²

In January 2025, Ligado filed petitions for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware. In connection with its bankruptcy, Ligado filed assignment of license applications with the FCC, which have been granted. As part of its planned restructuring in bankruptcy, Ligado announced a commercial agreement with AST SpaceMobile Inc. under which AST would receive usage rights to Ligado's L-Band MSS spectrum.

STATUS: The petitions for reconsideration remain pending.

¹ <https://www.courtlistener.com/docket/67879063/11/ligado-networks-llc-v-united-states/>, accessed June 12, 2024.

² <https://www.courtlistener.com/docket/67879063/31/ligado-networks-llc-v-united-states/>, accessed March 10, 2025.

SB BRIEFING SHEET**SUBJECT: SATELLITE SYSTEMS PROPOSED TO COMMUNICATE WITH CONSUMER DEVICES (SCS)**

SUMMARY: (Cross reference WTB briefing sheet on SCS) On March 14, 2024, the FCC adopted a Report and Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM) that will advance the Commission’s vision for a “single network future.” The R&O adopted a first-of-its-kind regulatory framework for Supplemental Coverage from Space (SCS) that will enable satellite operators collaborating with terrestrial service providers to obtain Commission authorization to operate space stations on flexible-use spectrum allocated to terrestrial services. The R&O framework will enable satellite-based coverage to a terrestrial licensee’s subscribers, especially in remote, unserved, and underserved areas and will advance key Commission goals including public safety, technical innovation, spectrum sharing, and global leadership.

Specifically, the R&O modifies the U.S. Table of Frequency Allocations to authorize bi-directional, secondary mobile-satellite service operations in certain spectrum bands that have no primary, non-flexible-use legacy incumbents, federal or non-federal. The R&O adopts a spectrum use framework that enables expanded coverage to a terrestrial licensee’s subscribers through a collaboration via lease agreement or arrangement with a satellite operator. The framework allows SCS only where one or more terrestrial licensees hold all licenses on the relevant channel throughout a defined geographically independent area. In addition, the R&O adopts entry criteria that satellite operators must meet to apply for or modify an existing part 25 space station license to operate satellites in SCS bands. The R&O also establishes requirements for existing customer equipment to be used for SCS services, establishes technical rules and other recommendations to mitigate potential harmful interference to existing services, including radio astronomy. The R&O also clarifies applicable international coordination obligations and outlines steps to ensure that SCS operations will be consistent with relevant ITU Radio Regulations and adopts interim 911 call and text requirements. The FNPRM asks additional questions about 911 requirements and protection of radio astronomy.

BACKGROUND:

Specific applications/operators. In advance of the finalization of the SCS rulemaking, several companies filed applications to provide direct-to-device services.

Globalstar’s operations with Apple are within Globalstar’s previously authorized satellite system and utilize frequency bands that are already allocated for MSS rather than spectrum designated for terrestrial use, which is the focus of the SCS framework.

Lynk Global, Inc. received a commercial license from the FCC, though it is limited to provision of service outside of the United States, and subject to additional conditions. On December 9, 2024, Lynk modification of its license for ten NGSO satellites in order to provide SCS in Guam and the Northern Mariana Islands.

AST SpaceMobile initially filed for U.S. market access in April 2020 to provide cellular broadband from space in areas not served by terrestrial networks. The company proposes to operate consistent with agreements to be reached with terrestrial providers. As originally planned, AST’s satellite system would be comprised of 243 low-earth orbiting satellites under a

Papua New Guinea ITU filing and the gateway links (used to connect the satellite to the larger terrestrial network) would use V-band frequencies. AT&T Inc. (AT&T) filed a long-term spectrum manager lease notification informing the Commission of an arrangement whereby AST satellites would provide supplemental coverage to AT&T's terrestrial network on certain 850 MHz cellular spectrum as well as certain Lower 700 MHz block spectrum. In March 2024, amended its application to apply for a U.S. license to launch and operate its satellites, rather than a grant of market access. It has also amended other aspects of its originally proposed system, including adding five additional satellites, additional spectrum bands and other significant changes. In August 2024, AST was granted, with conditions, authority to operate five satellites which would operate feeder links and telemetry, tracking, and command (TT&C) operations using frequencies in the 37.5-42 GHz, 47.2-50.2 GHz, and 50.4-51.4 GHz bands. AST was also granted AST authority to conduct TT&C with its authorized satellites in the 430-440 MHz (space-to-Earth and Earth-to-space), 2025-2110 MHz (Earth-to-space), and 2200-2290 MHz (space-to-Earth) bands. The Space Bureau deferred consideration of AST's request for authority to deploy and operate the other 243 requested satellites and grant of authority to operate on any additional frequencies, including any bands allocated to terrestrial services that it would ultimately seek to utilize for the provision of SCS. AT&T's lease application is pending.

SpaceX. On November 26, 2024, the Space Bureau granted SpaceX's application to operate SCS on up to 7,500 Gen 2 satellites and operate in the 1900 MHz bands for links to end-users pursuant to a lease agreement with T-Mobile. At that time the Space Bureau deferred consideration of SpaceX's waiver request of the out-of-band emission (OOBE) limit adopted in the SCS rules. On March 7, 2025, the Space Bureau and the Wireless Telecommunications Bureau, granted SpaceX a limited waiver of the OOBE limit to allow for additional flexibility to implement a new system while protecting against the potential for disruptions to adjacent terrestrial networks with conditions.

Given international treaty obligations, pursuant to the SCS framework and its SCS authorization, SpaceX must certify and the FCC must approve, certain details of operations in a particular country before it starts commercial operations. To date the Commission has approved several such certifications including operations in New Zealand, Australia, Japan and Chile.

Experimental Authority. The Commission has also facilitated development of these concepts through several grants of licenses for experimental or technology demonstration purposes, both for satellites and for earth stations.

STATUS: AST has been granted a number of experimental STAs to test its satellites with mobile providers in the US as well as in other countries. AST's AT&T's lease application is pending.

SB BRIEFING SHEET**SUBJECT: 17 GHZ PROCEEDING**

SUMMARY: In the United States Table of Frequency Allocations (U.S. Table), the 17.3-17.7 GHz band was allocated on a co-primary basis to the Broadcasting-Satellite Service (BSS) and to the Fixed-Satellite Service (FSS) for use in the Earth-to-space (uplink) direction. The 17.7-17.8 GHz band was allocated on a co-primary basis to the FSS for uplinks and to the terrestrial Fixed Service.

BACKGROUND: At its August 2022 meeting, the Commission adopted a Report & Order (R&O) and a Notice of Proposed Rulemaking (NPRM) in which it added a co-primary allocation for geostationary-satellite orbit (GSO) FSS in the space-to-Earth (downlink) direction in the 17.3-17.7 GHz band. The Commission also permitted limited GSO FSS (downlink) use of the 17.7-17.8 GHz band on a non-protected basis with respect to fixed service operations. The R&O established technical safeguards, including coordination requirements, so that the band can be shared in an efficient and effective manner without harmful interference, while alleviating the growing need for additional Ka- band GSO FSS downlink spectrum to support communications to earth stations, and further streamlined the licensing process of certain satellite systems. The rules adopted in the R&O facilitate licensing of blanket-licensed FSS earth stations and ESIMs in the 17.3-17.8 GHz band on an unprotected basis.

The NPRM sought comment on whether to allow operations in the 17.3-17.7 GHz band to non-geostationary satellite orbit (NGSO) FSS (space-to-Earth), as well as on permitting unprotected NGSO FSS (space-to-Earth) operations in the 17.7-17.8 GHz band, similar to the Commission's action with regard to GSO FSS operations in these bands in the R&O. In the meantime, the successful adoption of WRC-23 Agenda Item 1.19 in November 2023 led to a new, primary FSS downlink allocation in the 17.3-17.7 GHz band in Region 2 that will expand the services which can be offered in this band.

STATUS: On September 26, 2024, the Commission adopted rules to permit use of the 17.3-17.7 GHz band by NGSO space stations operating in the FSS in the space-to-Earth (downlink) direction. The *Report and Order* modified the U.S. Table to enable NGSO FSS to operate in the 17.3-17.8 GHz band in the downlink direction on a co-primary basis with incumbent services and on a shared, co-primary basis with geostationary satellite orbit (GSO) services. The *Report and Order* also enabled NGSO FSS downlink use of the 17.7-17.8 GHz band on a co-primary basis with GSO services and on an unprotected basis with respect to terrestrial fixed services.

In the *Report and Order*, the Commission adopted technical requirements to establish safeguards to reduce the likelihood of harmful interference and create a more consistent regulatory framework in the 17 GHz band. Specifically, the *Report and Order* adopted the ITU equivalent power flux density (EPFD) limits applicable in the 17.3-17.8 GHz band and power flux density limits (PFD) limits applicable in the 17.7-17.8 GHz band, and extended both sets of power limits to the entire 17.3-17.8 GHz band to protect incumbent operators. The *Report and Order* additionally extended the authorization of individual and blanket-licensed earth stations in the 17.3-17.8 GHz band to include NGSO FSS earth stations. Blanket licenses in the 17.7-17.8 GHz

bands are authorized for operation on an unprotected basis with respect to current and future systems operating in the fixed service. The *Report and Order* also revised the Commission's rules to include the 17.3-17.7 GHz and 17.7-17.8 GHz bands in list of frequencies available for use by Earth Stations in Motion (ESIMs) communicating with NGSO FSS space stations.

The Commission's action in the *Report and Order* provides a contiguous 1300 MHz of spectrum for NGSO FSS downlink operations, promotes spectrum efficiency, fosters competition, and expands the ability of satellite operators to deploy advanced services, including high-speed internet access to unserved and underserved areas. It also creates a more cohesive global framework for FSS operators in the 17 GHz band and supports U.S. leadership and competition in the growing space economy.

SB BRIEFING SHEET**SUBJECT: IN-SPACE SERVICING, ASSEMBLY, AND MANUFACTURING (ISAM)**

SUMMARY: On February 15, 2024, the Commission released a Notice of Proposed Rulemaking (NPRM), proposing a new framework to license in-space servicing, assembly, and manufacturing, or “ISAM” space stations, thereby supporting the development of these novel space activities. ISAM refers to a set of capabilities that are used on-orbit, in transit, or on the surface of space bodies. Missions in this category include satellite refueling, inspecting and repairing in-orbit spacecraft, capturing and removing debris, and transforming materials through manufacturing while in space.

BACKGROUND: A Notice of Inquiry (NOI) regarding ISAM capabilities, and the ways in which the Commission can facilitate ISAM, was adopted at the August 2022 Commission meeting. The NOI sought comment on the status of ISAM: where the industry is today, how the Commission can best support its sustainable development, and what tangible economic and societal benefits may result from the development of these capabilities. The NOI also sought comment on ISAM activities that may involve Commission licensing and rules, on updates or modifications of our rules or licensing processes that might facilitate ISAM activities, on spectrum needs for ISAM missions, and on other regulatory issues.

The NPRM follows up on the NOI and proposes rule changes and seeks comment on the following topics:

- A licensing framework that provides flexibility to apply under rules that suit operations, such as part 25 for commercial operations or part 5 for experimental operations.
- New definition of “ISAM space station:” “A space station that has the primary purpose of conducting in-space servicing, assembly, and/or manufacturing activities used on-orbit, on the surface of celestial bodies, and/or in transit between these regimes. Servicing activities include but are not limited to in-space inspection, life-extension, repair, refueling, alteration, and orbital transfer of a client space object, including collection and removal of debris on orbit. Assembly activities involve the construction of space systems in space using pre-manufactured components. Manufacturing activities involve the transformation of raw or recycled materials into components, products, or infrastructure in space.”
- The creation of a new section 25.126 of the rules (Applications for ISAM Space Stations), which would contain the requirements in one place that applicants for ISAM space stations must fulfill and enumerate the exemptions for ISAM space stations from our typical application processes.
- Exemptions from processing round and first come first served rules.
- Defer the posting of surety bonds by one year after the grant of a license for ISAM operators. The grace period would begin 30 days after the license is granted.
- Flexibility in terms of frequency bands - Certification that operations will be compatible with existing operations in the requested frequency bands.
- Retain the same orbital debris mitigation requirements for ISAM operators as for other space station operators.

The ISAM NOI and NPRM dovetail with ongoing work facilitated by the White House Office of Science and Technology Policy (OSTP). In April 2022, the Executive Branch released the *ISAM National Strategy* and in December 2022, it released the National ISAM Implementation Plan.

While many commercial and other non-governmental ISAM activities are still at an early stage, the Commission has played a role in authorizing a number of missions that include technologies relevant for ISAM or offer groundbreaking commercial servicing. Additionally, topics related to ISAM capabilities have been raised in other Commission rulemaking proceedings such as the Commission's orbital debris proceeding, *Mitigation of Orbital Debris in the New Space Age*, in the Commission's launch frequency proceeding, *Allocation of Spectrum for Non-Federal Space Launch Operations*, and in the FY2022 and FY2023 annual regulatory fee proceedings.

Relatedly, an inter-agency working group for ISAM, including FCC participants, met on a bi-weekly basis, led by OSTP, until December 2022, when OSTP released the National ISAM Implementation Plan. The FCC is also a member of the Steering Committee of the Consortium for Space Mobility and ISAM Capabilities (COSMIC), which is led and facilitated by NASA to execute activities that align with the *ISAM National Strategy* and National ISAM Implementation Plan.

STATUS: The NPRM has been published in the Federal Register. Comments were due April 29, 2024; replies were due May 29, 2024.

SB BRIEFING SHEET**SUBJECT: SECTION 25.136 EARTH STATION SITING PUBLIC NOTICE AND APPLICATIONS**

SUMMARY: In the 2016 *Spectrum Frontiers First Report and Order*, the FCC adopted Section 25.136 a rule specifying conditions under which FSS earth stations in certain frequency bands can operate in certain bands shared with the Upper Microwave Flexible Use Service (UMFUS). For the 27.5-28.35 GHz band, Section 25.136(a) provides that FSS is secondary to the UMFUS in this band, unless certain factors are present (in which case no additional interference protection to stations in the UMFUS is required). Similarly, for the 37.5-40 GHz band, Section 25.136(b) provides that earth stations shall provide an exhibit describing the protection zone within which the earth station will require protection from UMFUS licensees, which is subject to the same factors. The factors are:

- Limit to 3. There are no more than two other authorized earth stations operating within the county or PEA within which the proposed earth station is located that meet the criteria in the rules.
- 0.1 percent impact on population. The proposed operation cannot impact, in the aggregate, more than 0.1 percent of the population of the PEA or county within which the earth station is located
- Highways. The area impacted does not contain any “roads” as defined in the rules.
- Coordination. The applicant has successfully completed frequency coordination with the UMFUS licensees.

BACKGROUND: Pursuant to a requirement in the *Spectrum Frontiers First Report and Order*, in June 2020 the International Bureau issued a public notice providing guidance on methodologies to implement Section 25.136, with a goal of allowing applicants flexibility in how they demonstrate compliance with the rule, easing the application preparation process, and facilitating efficient Commission review. The Bureau said all applications will be assessed on a case-by-case basis.

In July 2020, the Satellite Industry Association (SIA) filed a Petition for Reconsideration of the PN, arguing that the PN adopted “new requirements – some of which contradict the rules adopted by the Commission – rather than simply providing non-binding guidance to assist satellite operators in crafting their applications.” In particular, SIA objected to guidance on how some new earth stations co-located with grandfathered stations are counted if the aggregate PFD contour or protection zone contains areas outside the contour or protection zone of the grandfathered earth station, and the guidance on the definition of highways. CTIA, Verizon and T-Mobile opposed the SIA petition.

STATUS: The Space Bureau continues to process in coordination with the WTB hundreds of gateway earth station applications making showings pursuant section 25.136. On March 10, 2025, the FCC issued new guidance in response to the SIA petition providing updated guidance on siting methodologies for earth stations seeking to operate in the 24.75-25.25 GHz, 27.5-28.35 GHz, 37.5-40 GHz, 47.2-48.2 GHz, and 50.4-51.4 GHz bands to demonstrate compliance with section 25.136.

SB BRIEFING SHEET**SUBJECT: NEPA AND SPACE ACTIVITIES**

SUMMARY: The National Environmental Policy Act (NEPA) requires Federal agencies to identify and evaluate the environmental effects of proposed “major Federal actions significantly affecting the quality of the human environment...” 42 U.S.C. § 4332(2)(C). The Commission has identified two major federal actions that trigger NEPA obligations: (1) communications facilities built by or for FCC licensees; and (2) facilities that are registered in the FCC’s Antenna Structure Registration System (ASR) (generally towers over 200 feet tall or in close proximity to an airport). The Commission’s rules provide that, except for those facilities that trigger one of the factors enumerated in the FCC’s rules, other Commission actions “are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded[.]” Section 1.1306(a). Because the categories set forth in Section 1.1307 of the FCC’s rules (specifying factors such as location in a floodplain, effects on endangered species, or inconsistency with the FCC’s RF emissions safety limits) largely focus on environmental effects at the Earth’s surface, space stations generally have not triggered these categories and therefore have been categorically excluded from review. However, FCC rules allow for a categorical exclusion to be overcome (either through a petition or on a bureau’s own motion) if it determines that the action may have a significant environmental impact. 47 CFR §1.1307(c).

In past licensing proceedings involving large satellite constellations, the Commission assumed, without deciding, that NEPA applied to the authorization of satellites to operate in outer space and conducted an analysis under that framework. In these proceedings, the Commission found that our responsibilities under the Communications Act already addressed certain concerns, and that the conditions the Commission adopted diminished any likelihood of harm. See SpaceX [Gen2 O&A](#) (paragraphs 103-125) and SpaceX [3rd Mod](#) (paragraphs 72-92).

In the SpaceX Gen2 O&A (December 2022), the Commission authorized SpaceX to deploy and operate a constellation of 7,500 satellites, while deferring consideration on the remainder of the nearly 30,000 Gen2 satellites it requested to deploy. Regarding NEPA-related claims in the record, the Commission found that the FAA was already reviewing the impacts of rocket launches on the human environment under NEPA, that our existing orbital debris rules addressed concerns regarding collision and human casualty risk, that the Commission had addressed concerns regarding the reflectivity of SpaceX’s satellites and their impact on optical astronomy under the Commission’s public interest standard, and that there was not sufficient evidence to support a conclusion that satellite reentry may have a significant impact on the human environment.

In early 2023, the International Dark-Sky Association, Inc. (IDA) appealed the SpaceX Gen2 O&A, asserting that NEPA required the Commission to conduct additional environmental review of the satellites covered by the Order. Oral argument was held on December 11, 2023. On July 12, 2024, the D.C. Circuit upheld the SpaceX Gen2 O&A on the merits, finding the Commission’s order was well-reasoned and sufficiently justified.

BACKGROUND: In November 2022, the Government Accountability Office (GAO) issued a report after congressional requesters asked that GAO review existing policies related to the environmental effects of large constellations of satellites.³ This report examined how federal agencies consider potential environmental and other effects from large constellations and how the FCC determines whether licensing large constellations of satellites requires an EA or EIS under NEPA.⁴ GAO reviewed relevant laws, regulations, and studies, and compared the Commission's processes and procedures to the CEQ's⁵ regulations and guidance. In the report, GAO made three recommendations to the Commission:

1. The Commission should review whether licensing large constellations of satellites normally does not have significant effects on the human environment and document the Commission's resulting decision (Recommendation 1)
2. The Commission should establish a timeframe and process for periodic review of its categorical exclusion under NEPA and publish both on the Commission website (Recommendation 2)
3. The Commission should identify the factors that it will consider in determining whether an extraordinary circumstance is present when reviewing licenses for large constellations of satellites and make the results available to the public (Recommendation 3)

Response to GAO Report: While the FCC agrees with the GAO, recommendations 1 and 3 involve the applicability of NEPA to activities undertaken primarily in an outer space environment, which the FCC has recognized in recent Commission actions as presenting a new and novel issue. The FCC reviews each satellite application or petition on a case-by-case basis, evaluating facts specific to each filing to determine whether a grant would serve the public interest. In this context, the FCC coordinates with other government agencies on issues including those involving environmental and other effects. The FCC will continue to review applications and petitions on a case-by-case basis under its rules, including the rules implementing NEPA.

CEQ Rules Implementing NEPA and Subsequent Updates:

On May 1, 2024, the CEQ revised its regulations for implementing the procedural provisions of NEPA.⁶ The final rules complete a multiphase rulemaking process that CEQ initiated in 2021 and requires agencies to develop proposed revisions to agency NEPA procedures and initiate CEQ consultation within 12 months of the effective date of CEQ's rules, which was July 1, 2024.⁷ Additionally, CEQ states that each agency shall consult with CEQ while developing or revising its proposed procedures and before

³ Government Accountability Office (GAO), "SATELLITE LICENSING FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites," Report to Congressional Requesters, GAO-23-105005, <https://www.gao.gov/products/gao-23-105005> (Nov. 2022) (GAO Report).

⁴ *Id.* at 14. In addition to environmental impacts of large constellations, the GAO also studied the effects of radio transmissions, reflected sunlight, orbital debris, satellite reentry debris, and launch emissions, among others.

⁵ Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act, Council on Environmental Quality (CEQ), Final Guidance (Nov. 23, 2010), https://ceq.doe.gov/docs/ceq-regulations-and-guidance/NEPA_CE_Guidance_Nov232010.pdf (CEQ Guidance).

⁶ Council on Environmental Quality (CEQ), National Environmental Policy Act Implementing Regulations Revisions Phase 2, 89 Fed. Reg. 35442, (May 1, 2024) (Revised NEPA).

⁷ See 40 CFR § 1507.3(b).

publishing them in the Federal Register for comment and recommends that agencies with similar programs should consult with each other and CEQ to coordinate their procedures, especially for programs requesting similar information from applicants.⁸

On January 20, 2025, the Trump administration signed Executive Order (E.O.) 14153, Unleashing American Energy.⁹ Section 5(b) of E.O. 14154 directs the CEQ to provide guidance on implementing NEPA and to propose rescinding CEQ's NEPA regulations. On February 19, 2025, the CEQ submitted for publication in the Federal Register an interim final rule to remove the CEQ regulations from the Code of Federal Regulations. CEQ also issued a brief guidance memo to agencies regarding the implementation of NEPA. That memo directs agencies to complete the revision of their NEPA procedures within 12 months of the date of the guidance (i.e., by February 19, 2026).

STATUS: Consistent with the CEQ Final Rules, the FCC plans to conduct a review of its NEPA rules, including a review of whether licensing large constellations of satellites normally does not have significant effects on the human environment (GAO Rec. 1), and if such actions remain subject to a categorical exclusion, the factors that the FCC will consider in determining whether an extraordinary circumstance is present (GAO Rec. 3). We further anticipate that the review will seek comment on a process for the periodic review of the Commission's categorical exclusions (GAO Rec. 2).

We anticipate that the FCC would develop proposed revisions to the FCC's NEPA rules for coordination with CEQ by July 1, 2025, as required by CEQ's Final Rules. Specifically, CEQ's NEPA rules require agencies to consult with CEQ while developing or revising agency-specific NEPA procedures, prior to publication of proposed procedures in the Federal Register for comment, and require agencies to provide CEQ an opportunity to review final rules for conformity with NEPA and the CEQ implementing regulations, prior to adoption. *See* 40 CFR § 1507.3.

⁸ 40 CFR § 1507.3(b)(1).

⁹ E.O. 14154, Unleashing American Energy, 90 Fed. Reg. 8353 (Jan. 29, 2025).

SB BRIEFING SHEET**SUBJECT: LUNAR COMMUNICATIONS**

STATUS: The FCC has issued multiple licenses for radio-frequency operations of commercial lunar landers, including for the successful landing of the Firefly Blue Ghost spacecraft on March 2, 2025. The Space Bureau has also issued licenses for lunar lander radiofrequency use to Intuitive Machines and Astrobotic.

SUMMARY: NASA's Artemis focuses on maintaining U.S. leadership in space exploration by conducting surveys of the lunar surface and collaborating with commercial and international partners to establish the first long-term presence on the Moon. The Artemis mission highlights the need to expand communications capabilities on and around the moon. The FCC has responded by developing a streamlined small spacecraft licensing process that is available for lunar-orbiting spacecraft and missions on the surface of the moon, and, as part of the August 2021 Notice of Inquiry on In-Space Servicing, Assembly and Manufacturing (ISAM), the FCC sought comment on several issues germane to lunar missions, including what considerations should be made in assigning frequencies for communications on the moon and other celestial bodies and what, if any, role the FCC should play in reviewing planetary protection plans as part of FCC licensing.

BACKGROUND: The use of spectrum on the moon has also become a topic for discussion within the context of the ITU and in the U.S. preparatory process for the upcoming World Radiocommunication Conference (WRC). Current use is predominantly for government systems, with operations in the 2025-2110 MHz, 2200-2290 MHz, and 8450-8500 MHz bands, being consistent with U.S. frequency allocations for Federal stations. The U.S. supports the WRC-23 regional position (CITEL IAP) which supports the adoption of a future agenda item for WRC-27 on spectrum allocation and/or identification of frequencies in support of the future development of communications networks on the lunar surface and in the lunar orbit. The frequency ranges of interest to be studied are: 390-450 MHz, 2400-2700 MHz, 3500-3800 MHz, 5150-5925 MHz, and 25.25-28.35 GHz.

SB BRIEFING SHEET**SUBJECT: REGULATORY FEES**

SUMMARY: On March 13, 2024, the Commission issued a Notice of Proposed Rulemaking (*Notice*) that commences the process of determining regulatory fees for space and earth station payors for fiscal year (FY) 2024.

BACKGROUND: In January 2023, the Commission reorganized its International Bureau into: (1) a Space Bureau to handle policy and licensing matters related to satellite communications and other in-space activities under the Commission’s jurisdiction; and (2) an Office of International Affairs to handle issues involving foreign and international regulatory authorities as well as international telecommunications and submarine cable licensing. When the Commission adopted regulatory fees for FY 2023, it noted that it would be the last year for doing so for the International Bureau, and that the creation of the Space Bureau and Office of International Affairs could result in changes in the assessment of regulatory fees due to changes in FTEs, due to increased oversight on various relevant industries. In particular, the Commission stated that an examination of the regulatory fees and categories for non-geostationary orbit (NGSO) space stations would be useful in light of changes resulting from the creation of the Space Bureau. The Commission anticipated that the changes in the industry that resulted in the creation of the Space Bureau would likely also result in changes in the relative FTE burdens between and among space and earth station fee payors. Accordingly, the Commission found that it would be more efficient to seek comment on proposals to examine the categories of regulatory fees for NGSO space stations at the same time as other proposals that might arise as part of a “more holistic review” of the fee burden of the Space Bureau in FY 2024.

The *Notice* commences that examination and review of regulatory fees for space and earth station payors that are regulated by the new Space Bureau. Specifically, the *Notice* seeks comment on a range of proposed changes related to the assessment of regulatory fees for space and earth stations under our existing methodology:

- Proposed changes to the allocation of fee burdens between geostationary orbit (GSO) and NGSO space stations and maintain the existing allocation of fee burdens between the categories of “less complex” and “other” NGSO space stations;
- Proposed creation of new fee categories within the existing fee category of “Space Station (Non-Geostationary Orbit) – Other” to make assessment of regulatory fees fairer, more administrable, and more sustainable;
- Proposed setting of the regulatory fee for “Space Stations (per license/call sign in non-geostationary orbit) (47 CFR part 25) (Small Satellite)” for FY 2024 and future fiscal years at the level set for FY 2023 (\$12,215), annually adjusted to reflect the percentage change in the appropriation from the previous fiscal year;
- Proposed inclusion, on an interim basis, of space stations that are principally used for Rendezvous & Proximity Operations (RPO) or On-Orbit Servicing (OOS), including Orbit Transfer Vehicles (OTV), in the existing fee category for “small satellites” until we can develop more experience in how these space stations will be regulated;

- Proposed assessment of regulatory fees on all authorized space stations, not just on operational space stations, in order to adhere more closely to the framework of section 9 of the Act and to make fees fairer, more administrable, and more sustainable;
- Proposed increase the allocation of fees payable by earth station licensees in order to reflect more accurately the fee burden attributable to their licensing and regulation and seek comment on whether additional earth station fee categories should be created; and
- Proposed amendment of the title of section 1.1156 of the Commission's rules, which is currently titled "Schedule of regulatory fees for international services," to make clear after the reorganization of the International Bureau that section 1.1156 includes space and earth station regulatory fees.

In addition, the *Notice* proposes an alternative methodology for assessing space station regulatory fees. Unlike the proposals made above to adjust the existing methodology, the alternative methodology is a more comprehensive departure from the way that space station regulatory fees have been assessed since 1994 in that it eliminates the separate categories of regulatory fees for GSO and NGSO space stations, as well as existing subcategories for NGSO space stations. It would retain the existing separate regulatory fee category for small satellites and spacecraft licensed under sections 25.122 and 25.123 of our rules. For the reasons discussed in the *Notice*, this alternative methodology may be more fair, administrable, and sustainable than the existing methodology.

STATUS: Comments in response to the *Notice* were due by April 12, 2024, and replies were due by April 29, 2024. The Space Bureau is also working with the Office of the Managing Director to coordinate action in this proceeding with the FCC-wide regulatory fee assessment proceeding. In order to become effective for FY 2024, any changes to existing fee categories or creation of new fee categories must be notified to Congress by mid-June in order to satisfy the 90-day notification requirements for such actions under section 9A of the Act. A Report and Order adopting the proposed new methodology for assessing fees on small satellites was adopted and released on June 13, 2024. The Report and Order also adopted the proposal to use the small satellite category for assessing regulatory fees on RPO, OOS, and OTV space stations on an interim basis. The Commission notified Congress of these specific changes in time to be effective for FY 2024. The Report and Order deferred action on the remaining proposals in the *Notice*. The NPRM for the FCC-wide regulatory fee assessment proceeding for FY 2024 was also released on June 13, 2024.

SB BRIEFING SHEET**SUBJECT: GLOBAL NAVIGATION SATELLITE SYSTEMS (GNSS)**

SUMMARY: In response to public media and a Congressional letter to the Commission regarding devices accessing non-US GNSS, the Commission has said that it has an open investigation regarding mobile phone manufacturers. *Any questions on this topic should be referred first to OET (policy) or EB (investigation).*

BACKGROUND: A Global Navigation Satellite System (GNSS) is a constellation of satellites that provides positioning, navigation, and timing services on a global or regional basis. GNSS are nation-owned. For example, the U.S.-owned Global Positioning System (GPS) consists of at least 24 operating satellites that transmit one-way signals that give the current GPS satellite position and time to users. Receivers operate with the GPS by processing the information transmitted by the GNSS satellites to calculate the receiver location or to use the timing information from the satellites to synchronize network operations. As of July 2023, the GPS constellation consisted of 31 operational satellites.

Additional GNSS include Galileo (European Union), BeiDou (China), GLONASS (Russia), NavIC (India), and the Quasi-Zenith Satellite System or QZSS (Japan). Some GNSS operate worldwide and others are regional. Each country has a regional requirement to use the preferred GNSS system (*i.e.*, GLONASS is required when an airplane enters Russian airspace; QZSS in Japanese airspace; NavIC over India; and Galileo when traversing EU countries).

Positioning, navigation, and timing (PNT) receivers and sensors have broad applications and millions of devices are currently in use. First responders use GNSS to locate and respond to emergencies. GNSS is used to support precision agriculture, mapping, and construction. Athletes track activities using GNSS signals. GNSS is also used to improve rail safety and weather forecasts, and enable both air and maritime navigation. It is estimated that by 2031, more than 10 billion GNSS devices will be in use worldwide.

Generally, GNSS satellites are passive broadcasters and only transmit signals in one direction – to receivers. Three types of signals are transmitted: military, civil, and commercial. Certain signals are exclusively for military applications. Commercial and civil PNT signals are transmitted free of charge. GPS satellites, for example, broadcast on at least two carrier frequencies: L1 at 1575.42 MHz and L2 at 1227.6 MHz. Newer GPS satellites also broadcast on L5 at 1176 MHz. The L5 signal is the third civilian GPS signal and is designed to meet requirements for safety-of-life transportation and other high-performance applications. Full L5 capability for the modernized GPS constellation is still several years away.

Equipment authorization not required:

GNSS satellites transmit signals on spectrum above 960 MHz. The Commission's rule 15.101(b) exempts receivers that operate outside the frequency range of 30-960 MHz from having to comply with the technical provisions relating to equipment certification or a Supplier's Declaration of Conformity (SDoC) for unintentional radiators. These devices are subject to the general Part 15 rules, such as not causing harmful interference and must accept interference from

other devices. Since GNSS devices receive transmissions above 960 MHz and are unintentional radiators, they are not subject to the FCC's equipment certification rules that pertain to other unintentional radiating devices. The Equipment Authorization Program, therefore, does not evaluate the capability of wireless devices to operate with GNSS satellites. The equipment in which GNSS receivers can be found include watches, phones, automotive dashboard instruments, and many other devices.

Part 25 authorization is required:

As a satellite-based transmission, GNSS is subject to Part 25 of the Commission's rules. Rule 25.102 requires FCC authorization to use or operate space or earth stations. Specifically, Section 25.102 states that "no person shall use or operate...signals by space or earth stations except under...authorization granted by the [FCC]." For this reason, any GNSS provider, including foreign countries, must seek FCC approval before a person in the United States is permitted to operate with that foreign GNSS provider's network. Part 25 rules also require licensing of non-Federal receive-only equipment operating with foreign satellite systems, including receive-only earth stations operating with non-U.S. licensed radionavigation-satellite service (RNSS) satellites. On March 15, 2011, the FCC issued a public notice regarding the licensing waiver process applicable to receivers of foreign RNSS signals. The process includes input from NTIA, which consults with other relevant Federal agencies. When a foreign government requests permission to implement a RNSS system in the U.S., it seeks a recommendation from NTIA. NTIA, in consultation with other relevant Executive Branch agencies, considers the following:

- (1) Is granting the waiver is in the public interest;
- (2) Does the system comply with the United Nations Space Debris Mitigation guidelines;
- (3) Is the grant of a waiver is consistent with U.S. international trade and other treaty obligations;
- (4) Is the waiver request is limited to receive-only RNSS, which includes positioning, and standard time and frequency satellite services; and
- (5) Has operation of the RNSS signals offered by the foreign RNSS system been found compatible with the U.S. government systems operating in the specified RNSS frequency bands.

Upon review of these elements, the NTIA submits its recommendation for waiver to the FCC. The Commission, in turn, reviews the application for compatibility with non-Federal U.S.-licensed systems. The Commission also places the request out for public comment.

At present, the only foreign-owned GNSS authorized to operate within the United States is the EU-owned system called Galileo. Pursuant to the process set forth in the 2011 Public Notice, in 2018, a waiver of the Commission's licensing requirement was granted, which permitted GNSS capable devices to operate with the Galileo system within the United States. The decision permits non-federal U.S. receive-only earth stations to operate with the specific signals of the Galileo GNSS without obtaining a Part 25 license or grant of equipment certification for U.S. market access.

Other nation's GNSS have sought access to the United States but have not received approval. In 2012, Russia requested construction of earth stations in the United States. According to news reports at the time, the U.S. Department of State supported the granting access; however, U.S. intelligence agencies did not support allowing Russian earth stations in the U.S. fearing such stations would be used to improve the accuracy of Russian GNSS and Russian satellite-steered weaponry. The 2014 National Defense Authorization Act effectively halted potential Russian earth stations within the United States. Language in the 2014 NDAA required both the Secretary of Defense and the Director of National Intelligence to certify that a foreign-owned monitor station would not be used to spy on the United States or improve the effectiveness of the Russian weaponry. This requirement has since lapsed.

SB BRIEFING SHEET**SUBJECT: SES ACQUISITION OF INTELSAT**

SUMMARY: On April 30 2024, SES announced its intent to acquire Intelsat for \$3.1 billion (€2.8 billion).¹⁰

BACKGROUND: Excerpts from the narrative attached to the transfer control filing:¹¹

“SES, through its affiliates, operates a fleet of 43 GSO and 26 high-throughput, low-latency satellites in medium Earth orbit (“MEO”), primarily in the C-, Ku- and Ka-bands, to provide a range of satellite connectivity solutions to its customers in the United States and around the world. Further, SES is continuing to grow its capabilities with the planned launch of 11 additional satellites over the next 24 months, including seven additional next-generation O3b mPOWER MEO satellites, two high-throughput GSO satellites, and one spacecraft in LEO for quantum key distribution. SES also operates extensive redundant satellite operations centers, network operations centers and a ground network that supports the provision of satellite connectivity around the world, including U.S. earth station gateways in Virginia, Maryland, Pennsylvania, Texas, Arizona, California, and Washington.

“Intelsat operates a fleet of 57 GSO satellites, which provide diversified communications services to media companies, telecommunications operators, commercial aviation, and Internet service providers, as well as the U.S. Government, including the military. Intelsat also uses its satellites as relay stations in space for the transmission of voice, video, and data communications. Intelsat has developed software-defined satellites and the Intelsat Epic series of high-throughput satellites. Finally, Intelsat operates a U.S. ground network that supports satellite connectivity in the C-, Ku-, and Ka-bands.

“On May 1, 2024, SES and Transferor entered into a Share Purchase Agreement by which SES would acquire 100% of the outstanding shares and assets in Intelsat. As a result of the Proposed Transaction, all of the Commission authorizations held by Intelsat must be transferred to SES.”

The document states the transaction responds to competition across multiple areas, including: competition in the satellite industry, competition from NGSO operators, competition from GSO operators, the rise of multi-orbit systems and terrestrial-satellite hybrid networks, and competition from terrestrial providers.

The document states the public interest benefits of the proposed transaction to include: a combined set of assets will create an optimized network, transaction-related synergies will enable to the combined company to make new investments, the combined companies will have enhanced capabilities, enhance national security, and create a more robust competitor.

¹⁰ <https://www.sec.gov/Archives/edgar/data/1347408/000119312524125327/d834934d425.htm>, accessed June 13, 2024.

¹¹ https://licensing.fcc.gov/cgi-bin/ws.exe/prod/ib/forms/reports/swr031b.htm?q_set=V_SITE_ANTENNA_FREQ.file_numberC/File+Number/%3D/SATT/C2024053000113&prepare=&column=V_SITE_ANTENNA_FREQ.file_numberC/File+Number

Wireline Competition Bureau

Briefing Sheets

March 2025

TABLE OF CONTENTS

Subject	Page Number
988 Code for the National Suicide Prevention Lifeline	1
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment	4
Robocalls/Call Authentication Trust Anchor	10
Caller Id Spoofing/The Truth In Caller Id Act	13
Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs	14
Broadband Data Collection And Mapping	20
Communications Marketplace Report	26
Broadband Deployment (Section 706) Reports	28
Supporting Survivors of Domestic and Sexual Violence/Safe Connections Act of 2022	30
Precision Ag Connectivity Task Force	32
Implementation of Section 222 (CPNI Proceeding/Privacy of Customer Telephone Records/Privacy of Customers Of Broadband And Other Telecommunications Services)	34
Improving Competitive Broadband Access to Multiple Tenant Environments	36
Modernizing Unbundling and Resale Requirements in An Era of Next-Generation Networks and Services	38
Open Internet	39
Rural Call Completion	41
Preventing Digital Discrimination	43
833 Toll Free Number Auction	45
Access To Telephone Number Resources By Non-Carriers	47
Lumen Technologies, Inc./Connect Holding, LLC (Apollo) Transfer of Control	49

Windstream Holdings II, LLC & Uniti Group Inc./Windstream Parent, Inc. Transfer of Control	51
Frontier Communications Parent, Inc. to Verizon Communications Transfer of Control	53
Lumos Fiber Licensee Subsidiaries Of Mtn Infrastructure Topco, LP To Trailblazer Holdco, LLC Transfer of Control	55
SIM Swap and Port-out Fraud Notice of Proposed Rulemaking	57
Third Local Number Portability Administrator Selection Process	59
Section 63.71 Application of AT&T Services, Inc., on behalf of its affiliate Southwestern Bell Telephone Company, LLC, d/b/a AT&T Oklahoma	61
Emergency Broadband Benefit Program/Affordable Connectivity Program	63
Universal Service – Lifeline	66
Universal Service Fund – Rural Health Care	71
Universal Service – Connected Care Pilot Program	74
Covid-19 Telehealth Program	76
Universal Service Fund – Schools and Libraries (E-Rate)	78
Universal Service Fund – Schools and Libraries Cybersecurity Pilot Program	81
Emergency Connectivity Fund	83
Universal Service – High Cost	86
Universal Service Fund Contributions	95
Universal Service – Future of USF	98
Incarcerated People’s Communications Services	100
Developing A Unified Intercarrier Compensation Regime	110
8YY Access Charge Reform	112
Regulation of Price Cap Carriers’ Business Data (Special Access) Services Pricing	114
Regulation of Rate-Of-Return Carriers’ Business Data (Special Access) Services Pricing	117
Jurisdictional Separations	120
Eliminating <i>Ex Ante</i> Pricing Regulation and Tariffing of Telephone Access Charges	122

WCB BRIEFING SHEET**SUBJECT: 988 CODE FOR THE NATIONAL SUICIDE PREVENTION LIFELINE**
(WC Docket No. 18-336, CC Docket No. 92-105)

SUMMARY: On August 14, 2018, Congress passed the National Suicide Hotline Improvement Act (2018 Act). The purpose of the Act is to study and report on the feasibility of designating a three-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system by considering each of the current N11 designations. On August 14, 2019, the Wireline Competition Bureau and Office of Economics and Analytics submitted its report to Congress recommending 988 as the 3-digit dialing code. On July 16, 2020, the Commission adopted a *Report and Order (Order)* designating 988 as the 3-digit dialing code and set July 16, 2022 as the deadline for implementation. On October 17, 2020, Congress enacted the National Suicide Hotline Designation Act of 2020 (2020 Act) designating 988 “as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline.” On April 15, 2021, the Wireline Competition Bureau issued a report to Congress detailing the feasibility and cost of attaching an automatic dispatchable location with 988 calls. On November 21, 2021, the Commission released a *Second Report and Order* requiring covered text service providers to support text messaging to 988 by routing to the toll free number. On May 24, 2022, in coordination with the Department of Health and Human Services and the Department of Veterans Affairs, the Commission convened a forum on the challenges and opportunities related to geolocation for 988. On July 16, 2022, 988 was activated nationwide for calls and texts. On July 21, 2023, the Commission adopted outage reporting rules for the 988 Lifeline. On October 17, 2024, the Wireline Competition Bureau submitted its third 988 Fee Accountability Report to Congress. On October 17, 2024, the Commission also adopted a *Third Report and Order and Third Further Notice of Proposed Rulemaking*, approving rules that require all U.S. wireless providers to implement a georouting solution for calls to the 988 Lifeline so calls may be routed based on the geographic area associated with the origin of the call. The *Third Further Notice* proposes rules requiring covered text providers, including wireless providers, to support georouting to ensure that the 988 Lifeline may route covered 988 text messages to the appropriate local crisis center to enhance the support and resources available to text users in crisis. On February 19, 2025, the Wireline Competition Bureau released a Public Notice seeking further comment on potential privacy implications, protections, and considerations raised by text-to-988 georouting solutions.

BACKGROUND AND KEY ISSUES:

- The 2018 Act directed the Commission to: (1) conduct a study that examines the feasibility of designating a simple, easy-to-remember, 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system; and (2) analyze how well the current National Suicide Prevention Lifeline is working to address the needs of veterans.
- The 2018 Act also directed the Commission to coordinate with the Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration (SAMHSA), the Secretary of Veterans Affairs, and the North American Numbering Council (NANC) in conducting the study, and to produce a report on the study by August 14, 2019.
- The Wireline Competition Bureau and Office of Economics and Analytics Report to Congress recommended that: (1) a 3-digit dialing code be used for a national suicide prevention and mental health crisis hotline system; and (2) the Commission should initiate a rulemaking proceeding to consider designating 988 as the 3-digit code.
- On July 16, 2020, the Commission adopted an *Order* designating 988 as the 3-digit number to reach the Lifeline and Veterans Crisis Line (800-273-TALK or 800-273-8255), and requiring all telecommunications carriers, interconnected voice over Internet Protocol (VoIP) providers, and one-

WCB BRIEFING SHEET

March 2025

Page 2 of 122

way VoIP providers to make any network changes necessary to ensure that users can dial 988 to reach the Lifeline by July 16, 2022.

- On October 17, 2020, Congress enacted the National Suicide Hotline Designation Act of 2020.
 - The 2020 Act designates 988 “as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline.”
 - The 2020 Act also permits states to collect fees to support 988 services and requires the Commission to submit a report that details the status of fees collected and distributed by government subdivisions and Indian Tribes, as well as findings about on the amount of revenues obligated or expended thereby for any purpose other than the purpose for which those fees or charges are specified.
 - Additionally, the 2020 Act requires the Commission to submit a report “that examines the feasibility and cost of including an automatic dispatchable location that would be conveyed with a 9–8–8 call, regardless of the technological platform used and including with calls from multi-line telephone systems.”
- On November 21, 2021 the Commission released a *Second Report and Order* requiring covered text providers to support text messaging to 988 by routing text messages to 988 to 1-800-273-8255 (TALK) by July 16, 2022. The Veterans Crisis Line responds to texts sent to a six-digit short code (838-255) and via online chat.
- On May 11, 2022, the Commission granted waiver of the text-to-988 rules to the extent necessary to allow text service providers to route text messages to the Lifeline without translation to the Lifeline’s current toll free number, allowing texts to appear on consumers’ devices as coming from 988 and not 1-800-273-8255.
- On May 24, 2022, the Commission, in coordination with Department of Health and Human Services and the Department of Veterans Administration, held the 988 Geolocation Forum to discuss challenges and opportunities related to geolocation for 988.
- On October 14, 2022, the Wireline Competition Bureau submitted the first 988 Fee Accountability Report to Congress based on a questionnaire distributed to States, Territories, and Tribal entities asking about the status of any collection and distribution of 988 fees.
- On July 21, 2023, and based on proposals in a January 2023 *Notice of Proposed Rulemaking*, the Commission adopted rules to require covered 988 service providers (defined as those providers that provide the 988 Lifeline with capabilities such as the ability to receive, process, or forward calls) to report 988 outages in the Commission’s Network Outage Reporting System (NORS).
- On October 17, 2023, in accordance with the 2020 Act, the Commission submitted its second 988 Fee Accountability Report to Congress.
- On October 17, 2024, in accordance with the 2020 Act, the Commission submitted its third 988 Fee Accountability Report to Congress reporting on the collection and distribution of 988 fees by the states, the District of Columbia, U.S. territories, and Tribal authorities. The report found that five states—California, Colorado, Nevada, Virginia, and Washington—had established a fee-based funding mechanism and collected 988 fees for the purpose of 988 support or implementation during calendar year 2023. The report also found that the states used collected 988 fees for purposes that were reasonably attributable to the permissible uses specified in the 2020 Act.
- On October 17, 2024, the Commission adopted a *Third Report and Order and Third Further Notice of Proposed Rulemaking*, approving rules that will require all U.S. wireless providers to implement a

WCB BRIEFING SHEET**March 2025****Page 3 of 122**

georouting solution for 988 calls so the Lifeline may route calls based on the geographic location for the origin of the call. Nationwide providers must implement a georouting solution 30 days after the rules are effective and the remaining non-nationwide providers must implement a georouting solution 24 months after the rules are effective. The Commission also revised our existing 988 voice and texting rules to permit routing to the Lifeline without translation to a toll free access number. The *Third Further Notice of Proposed Rulemaking* proposes rules requiring covered text providers, including wireless providers, to support georouting to ensure that the 988 Lifeline may route covered 988 text messages to the appropriate local crisis center to enhance the support and resources available to text users in crisis.

STATUS: 988 was activated on July 16, 2022, and covered providers are supporting calls and texts to 988 to reach the Lifeline.

On October 17, 2024, in accordance with the 2020 Act, the Commission submitted its third 988 Fee Accountability Report to Congress.

On October 17, 2024, the Commission adopted a *Third Report and Order and Third Further Notice of Proposed Rulemaking*, approving rules that will require all U.S. wireless carriers to implement a georouting solution for calls to the 988 Lifeline. These rules will facilitate access to the 988 Lifeline's critical local intervention services by requiring wireless providers to implement georouting solutions for 988 calls so the Lifeline may route wireless calls to local crisis centers based on the geographic area associated with the origin of a 988 call rather than by area code and exchange, while protecting the privacy needs of the caller. The *Third Report and Order* also revises the Commission's existing 988 voice and texting rules to permit routing to the Lifeline without translation to the toll free access number, giving wireless providers flexibility in implementing georouting solutions. The *Third Further Notice of Proposed Rulemaking* proposes rules requiring covered text providers, including wireless providers, to support georouting to ensure that the 988 Lifeline may route covered 988 text messages to the appropriate local crisis center to enhance the support and resources available to text users in crisis. In addition, it proposes to require covered text providers to send georouting data to the 988 Lifeline to the same extent that they are required to send covered 988 texts to the Lifeline. Lastly, this proposal suggests an implementation deadline of six months from the effective date of final rules for covered text providers to comply with the proposed text-to-988 georouting requirements. The *Third Report and Order* was published in the Federal Register on November 12, 2024. Nationwide wireless providers were required to comply with the voice-to-988 georouting rules by January 13, 2025, and all wireless providers must comply by December 14, 2026. The *Third Further Notice of Proposed Rulemaking* was published in the Federal Register on November 20, 2024, and the comment and reply period has since closed.

On February 19, 2025, the Wireline Competition Bureau released a Public Notice seeking further comment on potential privacy implications, protections, and considerations raised by text-to-988 georouting solutions. The Public Notice was published in the Federal Register on March 4, 2025. Comments are due on or before April 3, 2025, and reply comments are due on or before April 18, 2025.

WCB BRIEFING SHEET

SUBJECT: ACCELERATING WIRELINE BROADBAND DEPLOYMENT BY REMOVING BARRIERS TO INFRASTRUCTURE INVESTMENT (WC DOCKET NO. 17-84)

SUMMARY: On August 2, 2018, the Commission adopted a *Third Report and Order and Declaratory Ruling (Third Wireline Infrastructure Order)* that takes a number of actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment. On March 16, 2022, the Commission adopted a *Second Further Notice of Proposed Rulemaking (Second Further Notice)* in which it sought comment on several issues related to pole replacements. On December 13, 2023, the Commission adopted a *Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking (Fourth Wireline Infrastructure Order)* that takes a number of actions, makes a number of clarifications, and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

BACKGROUND AND KEY ISSUES:

- On April 20, 2017, the Commission adopted a *Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment* seeking input on a number of actions designed to accelerate: (1) the deployment of next-generation networks and services by removing barriers to infrastructure investment at the federal, state, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.
- On November 16, 2017, the Commission adopted a Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (*Wireline Infrastructure Order*). The *Wireline Infrastructure Order* took a number of actions:
 - First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reform the pole access complaint procedures to settle access disputes more swiftly and increase access to infrastructure for certain types of broadband providers.
 - Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy services with advanced broadband networks and innovative new services.
 - Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers.
 - Fourth, the Declaratory Ruling abandoned the 2014 “functional test” interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike.
 - Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters.
- Greenlining Institute, Public Knowledge, The Utility Reform Network, and National Association of State Utility Consumer Advocates filed a Petition for Review of the *Wireline Infrastructure Order* in the U.S. Court of Appeals for the Ninth Circuit challenging (1) the Commission’s elimination of *de facto* retirement from the definition of copper retirement, and (2) the Commission’s declaratory ruling reversing the “functional test.” Petitioners subsequently sought to supplement their requests for relief to include challenges to the Commission’s elimination of

WCB BRIEFING SHEET

March 2025

Page 5 of 122

the expanded direct notice requirements and reduction of the waiting period for copper retirement notices adopted in August 2015. The 9th Circuit denied the Commission's Motion to Strike those untimely claims, without prejudice to the Commission's renewing the arguments in their brief responding to Appellants' opening brief. The Court issued an order on January 23, 2020 denying the Petition for lack of standing.

- The June 2018 *Second Wireline Infrastructure Order* built on the 2017 *Wireline Infrastructure Order*.
 - First, it further streamlined the section 214(a) discontinuance process by:
 - Reducing the comment and automatic-grant timeframes for certain applications where discontinuing the legacy voice or lower-speed data service is unlikely to cause harm;
 - Forbearing from applying section 214(a) and part 63 discontinuance requirements for services with no customers and no reasonable requests for service for the preceding 30 days; and
 - Eliminating unnecessary education and outreach requirements for carriers discontinuing legacy voice services that were adopted in 2016.
 - Second, it further streamlined the network change notification process by:
 - Eliminating unnecessary and burdensome or redundant notification requirements; and
 - Facilitating rapid restoration of communications networks in the face of natural disasters and other unforeseen events.
- On August 8, 2018, Public Knowledge filed a Petition for Reconsideration and Motion to Hold in Abeyance in response to the *Second Wireline Infrastructure Order*. The Commission received three oppositions and one reply to the Petition. On October 20, 2020, the Wireline Competition Bureau adopted an *Order on Reconsideration* denying the Petition and dismissing the Motion. This *Order* became effective on March 12, 2021.
- On October 20, 2020, the Wireline Competition Bureau adopted a *Declaratory Ruling* clarifying that whenever a planned discontinuance of a legacy TDM-based voice service will leave a community or part of a community without any further access to legacy TDM-based voice service—i.e., the discontinuing provider is the last retail provider of such service to the community or part of a community—that discontinuance necessarily results in “the replacement of a wireline TDM-based voice service with a service using a different technology or medium for transmission” and is subject to our technology transition discontinuance rules, including the rules governing streamlined treatment. The *Declaratory Ruling* became effective on October 20, 2020.
- In the *Third Wireline Infrastructure Order*, the Commission substantially reformed its pole attachment rules and also issued a *Declaratory Ruling* that addressed state and local moratoria on facilities deployment.
 - First, it adopted a new framework for the vast majority of pole attachments governed by federal law by instituting a “one-touch make-ready” (OTMR) regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to promote coordination among parties and ensures that new attachers perform the work safely and reliably.
 - Second, it retained the current multi-party pole attachment process for other new attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the

WCB BRIEFING SHEET**March 2025****Page 6 of 122**

use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays.

- Third, it improved the pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to “overlash” existing wires, thus maximizing the usable space on a pole; and by eliminating outdated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly situated cable and telecommunications attachers. It also clarified that it will preempt, on an expedited case-by-case basis, state and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster.
- The *Declaratory Ruling* (1) interpreted section 253(a) of the Communications Act to prohibit state and local express and *de facto* moratoria on the deployment of telecommunications services or facilities, and (2) directed the Wireline Competition Bureau and Wireless Telecommunications Bureau to act promptly on petitions challenging specific alleged moratoria.
- On September 4, 2018, the following parties filed petitions for reconsideration with the Commission challenging the *Declaratory Ruling*: the Smart Communities and Special Districts Coalition; the Country Road Association of Michigan; and the City of New York (which also sought reconsideration on portions of the *Third Report and Order*). In addition, on October 15, 2018, the Coalition of Concerned Utilities filed a petition for reconsideration of certain elements of the *Third Report and Order*. The Commission received nine oppositions/comments in response to the petitions and six submissions during the reply round.
- On October 2, 2018, the City of Portland, Oregon filed a Petition for Review with the U.S. Court of Appeals for the Ninth Circuit challenging the *Declaratory Ruling*. On October 19, 2018, a coalition of utilities filed a Petition for Review with the U.S. Court of Appeals for the Eleventh Circuit challenging aspects of the *Third Report and Order*, specifically issues relating to self-help above the communications space, overlash, pre-existing conditions, and incumbent LEC rates. On March 1, 2019, the Eleventh Circuit transferred the coalition of utilities’ case to the Ninth Circuit. On March 25, 2019, the Ninth Circuit consolidated these two cases (along with the litigation on the September 2018 Wireless Infrastructure item) and ordered a special magistrate to conduct a case management conference to determine the next procedural steps in the litigation. On August 12, 2020, the Ninth Circuit issued an opinion that upheld the *Third Report and Order* and the *Declaratory Ruling* in their entirety. The Supreme Court denied certiorari.
 - On September 6, 2019, CTIA filed a Petition for Declaratory Ruling that, among other things, requested the Commission to clarify: (1) that the term “pole” in section 224 includes utility light poles; (2) that utilities may not impose blanket prohibitions on access to any particular space of a utility-owned pole; and (3) that utilities may not ask providers to accept terms and conditions for pole attachments that are inconsistent with the Commission’s rules. On July 29, 2020, the Wireline Competition Bureau released a Declaratory Ruling granting CTIA’s Petition in part and denying it in part. Specifically, the Bureau clarified that: (1) the imposition of a “blanket ban” by a utility on attachments to any portion of a utility pole is inconsistent with the federal requirement that a “denial of access . . . be specific” to a particular request; and (2) while utilities and attachers have the flexibility to negotiate terms in their pole attachment agreements that differ from the requirements in the Commission’s rules, a utility cannot use its significant negotiating leverage to require an attacher to give up rights to which the attacher is entitled under the rules without the attacher obtaining a corresponding benefit.
 - On July 16, 2020, NCTA — The Internet & Television Association filed a petition for expedited declaratory ruling asking the Commission to declare that: (1) pole

WCB BRIEFING SHEET

March 2025

Page 7 of 122

owners must share in the cost of pole replacements in unserved areas; (2) pole attachment complaints arising in unserved areas should be prioritized through placement on the accelerated docket under section 1.736 of the Commission's rules; and (3) section 1.1407(b) of the Commission's rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so.

- On January 19, 2021, the Wireline Competition Bureau issued a Declaratory Ruling clarifying that, pursuant to section 1.1408(b) of the Commission's rules and prior precedent, utilities may not require requesting attachers to pay the entire cost of pole replacements that are not necessitated solely by a new attacher and, thus, may not avoid responsibility for pole replacement costs by postponing replacements until new attachment requests are submitted. The Bureau declined to act on NCTA's Petition, finding that it is more appropriate to address questions concerning the allocation of pole replacement costs within the context of a rulemaking.
- On April 20, 2021, the Edison Electric Institute (EEI) filed a Petition for Declaratory Ruling asking the Commission to declare that: (1) when the Commission determines that a pole attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission's rules, the "applicable statute of limitations" is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not "appropriate" for any period preceding good-faith notice of a dispute. The Wireline Competition Bureau issued a Public Notice on July 23, 2021, seeking comment on the EEI Petition, and establishing comment and reply comment periods of August 23, 2021, and September 7, 2021. On September 2, 2021, the Bureau released an order extending the reply comment period to September 10, 2021. The Petition remains pending.
- On March 16, 2022, the Commission issued the *Second Further Notice* seeking comment on (1) the universe of situations where the requesting attacher should not be required to pay for the full cost of a pole replacement and the proper allocation of costs among utilities and attachers in those situations; and (2) whether the Commission should require utilities to share information with potential attachers concerning the condition and replacement status of their poles and other measures that may help avoid or expedite the resolution of disputes between the parties.
- On December 13, 2023, the Commission adopted the *Fourth Wireline Infrastructure Order* that takes a number of actions, makes a number of clarifications, and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment. Specifically, the *Fourth Report and Order* adopts rules (1) establishing a new process for the Commission's review and assessment of pole attachment disputes that impede or delay broadband deployment in order to expedite resolution of such disputes, and (2) providing communications providers with information about the status of the utility poles they plan to use as they map out their broadband builds. Additionally, the *Declaratory Ruling* provides further clarification regarding cost causation when a pole must be replaced for any reason other than lacking capacity to support a new attachment by: (1) clarifying that a "red tagged" pole is one that the utility has identified as needing replacement for any reason other than the pole's lack of capacity, and (2) providing additional examples of when a pole replacement is not "necessitated solely" as a result of a third party's attachment or modification request—i.e., when a pole already requires replacement at the time the new attacher makes a request. It also clarifies the obligation to share easement information and the applicable timelines for the processing of attachment requests for 3,000 or more

WCB BRIEFING SHEET

March 2025

Page 8 of 122

poles. Finally, the *Third Further Notice* seeks comment on ways to further facilitate the processing of pole attachment applications and make-ready to enable faster broadband deployment.

- On January 19, 2024, the Commission issued a Public Notice seeking comment on a Petition for Reconsideration filed by the Edison Electric Institute asking the Commission to clarify or reconsider the Declaratory Ruling to (1) clearly define the narrow circumstances in which a utility pole owner is required to provide a copy of its easement to an attacher that seeks to access a pole within such easement; and (2) remove or clarify its ruling that a “pole replacement is not ‘necessitated solely’ by an attachment requires” if a utility’s previous or contemporaneous change to its internal construction standards necessitates replacement of an existing pole. Deadlines for filing comments and reply comments were set for February 13, 2024 and February 23, 2024, respectively.
- On February 16, 2024, the Commission issued a Public Notice seeking comment on a Petition for Reconsideration filed by the Concerned Coalition of Utilities asking the Commission to reconsider the Fourth Report and Order to eliminate the requirement that utilities submit a copy of period pole inspection reports to attaching entities. Deadlines for filing comments and reply comments were set for March 15, 2024 and March 25, 2024, respectively.

STATUS: The 2017 *Wireline Infrastructure Order* became effective on January 27, 2018. The section 214(a) discontinuance rules requiring OMB approval became effective on May 9, 2018. The pole attachment rule requiring OMB approval became effective on May 10, 2018; and the network change disclosure/copper retirement rules requiring OMB approval became effective on May 14, 2018. The Ninth Circuit denied the Petition for Review on January 23, 2020, for lack of standing.

The *Second Report and Order* became effective on August 8, 2018. Certain of the section 214(a) discontinuance rules and section 251 network change disclosure rules adopted in that *Order* became effective December 26, 2018.

The *Declaratory Ruling* component of the *Third Wireline Infrastructure Order* was effective upon release. The *Third Report and Order* became effective on October 15, 2018, with the exception of the pole attachment rules that require OMB approval. The presumption that incumbent LECs are entitled to the telecommunications rate for all new and newly negotiated pole attachment agreements went into effect March 11, 2019. The revised pole attachment rules requiring OMB approval, including OTMR, went into effect May 20, 2019.

On March 16, 2022, the Commission issued the *Second Further Notice* that seeks comment on questions concerning the allocation of pole replacement costs between utilities and attachers and ways to expedite the resolution of pole replacement disputes. Comments were due on June 27, 2022, and, after WCB granted an extension, replies were due August 26, 2022.

WCB BRIEFING SHEET**March 2025****Page 9 of 122**

The *Declaratory Ruling* component of the *Fourth Wireline Infrastructure Order* was effective upon release. The *Fourth Report and Order* became effective on February 12, 2024, with the exception of the pole attachment rules that require OMB approval. Comments were due for the Third Further Notice on February 13, 2024, and replies were due on March 13, 2024.

WCB BRIEFING SHEET

SUBJECT: ROBOCALLS/CALL AUTHENTICATION TRUST ANCHOR (WC DOCKET NOS. 17-97, 20-68, 24-213)

SUMMARY: As part of its multi-pronged approach to reducing illegal robocalls, and consistent with Congressional direction, the Commission has taken action to ensure the widespread adoption of the Secure Telephony Identity Revisited (STIR)/Secure Handling of Asserted information using toKENs (SHAKEN) caller ID authentication framework. The framework ensures that an outgoing telephone call is cryptographically “signed” with a digital certificate that can then be verified by the terminating provider. As of June 30, 2021, STIR/SHAKEN was broadly implemented by voice service providers. All voice service providers, subject to limited implementation extensions, were required to implement the STIR/SHAKEN framework, and all voice service providers were required to file a certification in the Robocall Mitigation Database (RMD) stating that they had either fully implemented STIR/SHAKEN in the IP portions of their network or were performing robocall mitigation. On June 30, 2023, the last major implementation extension granted on the basis of undue hardship lapsed, leaving only providers unable to obtain the SPC Token needed to participate in STIR/SHAKEN and small voice service providers that originate calls via satellite using North American Numbering Plan (NANP) numbers with hardship extensions. Through a series of orders, the Commission has also expanded its STIR/SHAKEN implementation requirements to cover additional providers in the call path, including gateway providers and certain intermediate providers. Moreover, all providers in the call path are now required to take action to mitigate illegal robocalls on their networks, regardless of their STIR/SHAKEN implementation status. As of February 26, 2024, all providers are required to file a certification and robocall mitigation plan in the RMD; downstream providers must reject voice traffic from service providers that fail to register in the RMD or are removed. Recognizing that the RMD provides critical support for efforts by the Commission and outside stakeholders to combat illegal robocalling campaigns, on December 30, 2024, the Commission adopted rules to further promote the accuracy, completeness, and currentness of RMD submissions.

BACKGROUND AND KEY ISSUES:

- In December 2019, Congress enacted the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, directing the Commission to require providers to implement STIR/SHAKEN, subject to extensions and exemptions for certain categories of providers, including small voice service providers.
- Following a 2017 Notice of Inquiry, 2019 Notice of Proposed Rulemaking, and the adoption of the TRACED Act, on March 31, 2020, the Commission adopted its *First Caller ID Authentication Report and Order and Further Notice of Proposed Rulemaking*, which mandated that all voice service providers implement the STIR/SHAKEN caller ID authentication framework in the Internet Protocol (IP) portions of their networks by June 30, 2021. In the *Further Notice* the Commission proposed and sought comment on additional measures to combat illegal spoofing, including further implementation of the TRACED Act.
- On September 29, 2020, the Commission adopted its *Second Report and Order*, which adopted many of the proposals made in the *First Caller ID Authentication Report and Order and Further Notice*. Among other things, the *Second Report and Order* (1) required voice service providers either to upgrade their non-IP networks to IP and implement STIR/SHAKEN, or work to develop a non-IP solution; (2) established extensions of and exemptions from the June 30, 2021, implementation deadline for certain voice service providers; (3) required voice service providers subject to an extension to implement a robocall mitigation program and file certifications regarding efforts to stem

WCB BRIEFING SHEET

March 2025

Page 11 of 122

the origination of illegal robocalls on their networks; and (4) prohibited line-item charges for caller ID authentication.

- On August 5, 2021, acting on a January 2021 Further Notice, the Commission adopted a *Third Report and Order* in which it established a review process for decisions by the Governance Authority that have the effect of placing a voice service provider out of compliance with the STIR/SHAKEN rules.
- On September 30, 2021, the Commission adopted a Fourth Further Notice of Proposed Rulemaking proposing to require “gateway providers”—the providers that allow foreign calls into the United States—to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers.
- On October 13, 2021, the North American Numbering Council issued a report on the deployment of STIR/SHAKEN by small voice service providers during the pendency of their extension from the STIR/SHAKEN implementation deadline.
- On December 9, 2021, following a May Further Notice and based on new evidence that certain small voice service providers are originating a high and increasing share of illegal robocalls, the Commission adopted a *Fourth Report and Order*, shortening the small voice service provider extension for such providers that are not “facilities-based” or that are suspected of originating illegal robocalls. Non-facilities-based small voice service providers were required to implement STIR/SHAKEN by June 30, 2022.
- On May 20, 2022, the Commission adopted a *Fifth Report and Order, Order on Reconsideration, Order, and Fifth Further Notice of Proposed Rulemaking*. The *Fifth Report and Order* adopted rules requiring gateway providers to apply STIR/SHAKEN caller ID authentication to all unauthenticated foreign-originated SIP calls with U.S. North American Numbering Plan numbers in the caller ID field by June 30, 2023. It also required gateway providers to take reasonable steps to mitigate illegal robocalls regardless of whether they have fully implemented STIR/SHAKEN; submit certifications and mitigation plans to the RMD describing their robocall mitigation practices; and take reasonable and effective steps to ensure that the immediate upstream foreign provider is not using the gateway provider to carry or process a high volume of illegal traffic onto the U.S. network. The *Order on Reconsideration* required domestic providers to accept calls carrying U.S. NANP numbers only from foreign originating and intermediate providers registered in the RMD, resolved petitions for reconsideration, and ended the stay of enforcement of the existing rule. The *Fifth Further Notice of Proposed Rulemaking* proposed and sought comment on a number of further steps the Commission can take to combat illegal robocalls, including extending requirements for call authentication and robocall mitigation, enhancing enforcement mechanisms, and other related issues aimed at closing existing potential loopholes.
- On October 27, 2022, the Commission adopted a *Notice of Inquiry* seeking comment on the prevalence of non-IP technology in the country’s phone networks and the impact this technology has on the problem of illegal robocalls. It also sought input on alternative technological or policy solutions to enable caller ID authentication over non-IP networks, including two standards developed by the Alliance for Telecommunications Industry Solutions (ATIS).
- On December 30, 2022, as required by the TRACED Act, the Wireline Competition Bureau submitted a report to Congress to assess the efficacy of the technologies used for call authentication in the STIR/SHAKEN framework. The Bureau concluded that when the technical standards and protocols that comprise the STIR/SHAKEN framework are correctly applied, the framework effectively authenticates caller ID information as required to identify illegal spoofing.
- On March 16, 2023, the Commission adopted a *Sixth Report and Order and Sixth Further Notice of Proposed Rulemaking* which will require intermediate providers that receive unauthenticated IP calls directly from domestic originating providers to use STIR/SHAKEN to authenticate those calls by December 31, 2023. The *Sixth Report and Order* will also require all providers to take “reasonable

WCB BRIEFING SHEET

March 2025

Page 12 of 122

steps” to mitigate illegal robocall traffic and submit a certification and robocall mitigation plan to the Commission’s RMD. The *Order* also adopts several enhancements to the Commission’s robocall enforcement tools and defines the STIR/SHAKEN obligations of satellite providers. The *Sixth Further Notice* seeks comment on additional measures to strengthen the Commission’s caller ID authentication regime, including whether any changes should be made to the Commission’s rules to permit, prohibit, or limit the use of third-party caller ID authentication solutions, and whether to eliminate the STIR/SHAKEN implementation extension for providers that cannot obtain Service Provider Code tokens, which are necessary to participate in the STIR/SHAKEN caller ID authentication framework.

- On May 18, 2023, the Commission adopted a *Seventh Report and Order* in dockets 17-59 and 17-97 which, among other provisions, adopted a requirement that voice service and intermediate providers commit to responding fully and within 24 hours to all traceback requests from the Commission, civil and criminal law enforcement, and the industry traceback consortium and to include a statement in their RMD filings certifying to this commitment.
- On September 30, 2024, the Wireline Competition Bureau released a Public Notice seeking comment as part of the annual reevaluation of extensions that the Commission has granted on the basis of undue hardship for implementation of the STIR/SHAKEN caller ID authentication framework. Comments were due October 21, 2024 and November 5, 2024.
- On November 21, 2024, the Commission adopted an *Eighth Report and Order* in docket 17-97, which adopted rules to strengthen its caller ID authentication requirements by establishing clear rules of the road for the use of third parties in the caller ID authentication process and placing limits to ensure that providers with a STIR/SHAKEN implementation obligation remain responsible and accountable for meeting the requirements of the STIR/SHAKEN standards.
- On December 13, 2024, the Wireline Competition Bureau released a Public Notice reevaluating the STIR/SHAKEN implementation extensions as required by the TRACED Act. The Bureau declined to revise or further lengthen the existing extensions.
- On December 30, 2024, following an August *Notice of Proposed Rulemaking*, the Commission adopted a *Report and Order* in dockets 24-213 and 10-234, focused on improving the overall quality of RMD submissions and strengthening the Database’s effectiveness as a compliance and consumer protection tool. In particular, the Commission adopted rules to require providers to update key information in its CORES database within 10 business days; increase enforcement consequences for providers that submit false information; and establish a reporting mechanism for shared oversight among all stakeholders. The *Report and Order* also established an application processing fee for initial filings, and a requirement that providers to re-certify annually to the accuracy of their submissions.

STATUS: The rules adopted in the *Eighth Report and Order* may contain new or modified information collections subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Compliance with these rules will be required 30 days after publication of the *Eighth Report and Order* in the Federal Register following OMB approval, or 210 days after release of the Report and Order, whichever is later. The rules adopted in the RMD *Report and Order* will be effective 30 days after publication in the Federal Register, except for the requirement to update CORES within 10 business days and the annual recertification requirement, which may contain modifications to existing information collections that require review by the OMB under the Paperwork Reduction Act; and the RMD filing fee provisions, which require notice to Congress and updates to the FCC’s information technology systems and internal procedures to ensure efficient and effective implementation.

WCB BRIEFING SHEET

SUBJECT: CALLER ID SPOOFING/THE TRUTH IN CALLER ID ACT (WC DOCKET NOS. 11-39, 18-335)

SUMMARY: The Truth in Caller ID Act and the Commission's implementing rules prohibit any person or entity in the United States, acting with the intent to defraud, cause harm, or wrongfully obtain anything of value, from knowingly causing, directly or indirectly, any caller identification service to transmit or display misleading or inaccurate caller identification information. On August 1, 2019, the Commission adopted a *Second Report and Order* updating the Commission's existing spoofing rules pursuant to the RAY BAUM'S Act.

BACKGROUND AND KEY ISSUES:

- The Truth in Caller ID Act and the Commission's implementing regulations prohibit anyone in the United States, in connection with any telecommunications or IP-enabled voice service, from causing any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value. The Act includes exemptions from its prohibitions on impermissible caller ID spoofing for authorized law enforcement activities and court orders permitting caller ID spoofing.
- On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Section 503 of RAY BAUM'S Act of 2018 amends the provisions created by the Truth in Caller ID Act, applying those provisions to text messages and text messaging services, and expanding its scope to include additional voice calls, including calls originating outside the United States. RAY BAUM'S Act requires the FCC to prescribe rules implementing the changes within 18 months of the law's enactment, and the provisions will take effect six months following adoption of the rules. RAY BAUM'S Act also requires the Commission to coordinate with the Federal Trade Commission to develop and post on its website consumer education materials on how to identify and avoid fraudulent activity that relies upon spoofing, and how consumers can access and use existing technologies to protect against such fraud.
- On February 14, 2019, the Commission adopted a *Notice of Proposed Rulemaking (NPRM)* proposing rules to implement the RAY BAUM'S Act. On August 1, 2019, the Commission adopted a *Second Report and Order* implementing the RAY BAUM'S Act. The *Second Report and Order* amends the Commission's rules to encompass malicious spoofing activities directed at consumers in the United States from actors outside of the United States and to reach caller ID spoofing using alternative voice and text messaging services.

STATUS: The Commission's revisions to its Truth in Caller ID rules implementing the requirements of the RAY BAUM'S Act became effective February 5, 2020.

WCB BRIEFING SHEET**SUBJECT: PROTECTING AGAINST NATIONAL SECURITY THREATS TO THE COMMUNICATIONS SUPPLY CHAIN THROUGH FCC PROGRAMS (WC DOCKET NO. 18-89)**

SUMMARY: In recent years, the Executive Branch, Congress, and the Commission have stressed the importance of identifying and eliminating potential security vulnerabilities in communications networks and taken action to mitigate such threats. In November 2019, the Commission adopted a rule to prohibit the use of Universal Service Fund (USF) support to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by any company posing a national security threat to the integrity of communications networks or the communications supply chain. In December 2020, the Commission adopted rules to require eligible telecommunications carriers receiving universal service support to remove and replace covered communications equipment and services and implement provisions of the Secure and Trusted Communications Networks Act of 2019, including the publication of a list of communications equipment and services (Covered List) that are deemed to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons and the establishment of the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program) to provide support for eligible providers of advanced communications service to remove, replace, and dispose of covered communications equipment and services from their networks. In July 2021, the Commission modified the rules adopted in December 2020 pursuant to amendments made to the Secure and Trusted Communications Networks Act by the Consolidated Appropriations Act, 2021. The Bureau issued decisions approving and denying funding allocations on July 15, 2022. On December 23, 2024, the Spectrum and Secure Technology and Innovation Act of 2024 authorized the Commission to borrow up to \$3.08 billion from the Treasury Department to fully fund the Reimbursement Program. Consistent with the 2025 NDAA, the Commission is acting to secure the additional funding through the borrowing authority granted by Congress.

BACKGROUND AND KEY ISSUES:

- *Congressional and Regulatory Activity:*
 - *2018 Supply Chain Notice.* In April 2018, the Commission issued a Notice of Proposed Rulemaking seeking comment on three specific actions: (1) how to regulate USF funds from being used to fund equipment or services from companies that pose a national security threat; (2) how to identify those companies that pose a national security threat; and (3) how to enforce this rule.
 - *2019 Supply Chain Order and Further Notice.* On November 2019, the Commission adopted a Report and Order, Further Notice of Proposed Rulemaking and Order. The *2019 Supply Chain Order and Further Notice* took the following actions:
 - First, the Report and Order determined that no universal service support may be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced by a company deemed to pose a national security threat to the integrity of communications networks or the communications supply chain. This requirement was codified in section 54.9 of the Commission's rules.
 - Second, the Report and Order established a process for designating companies as a national security threat. It initially designated Huawei and ZTE as covered companies and directed PSHSB to determine whether to finalize these designations.
 - The attached Further Notice sought comment on a proposal to require eligible telecommunications carriers (ETCs) to remove and replace equipment and services provided by covered companies and to establish a program to reimburse ETCs for doing so.

WCB BRIEFING SHEET**March 2025****Page 15 of 122**

- Finally, in the attached Information Collection Order, the Commission required ETCs to report whether they use or own equipment and services produced or provided by Huawei and ZTE, and if so, the cost to remove and replace such equipment and services.
- On March 12, 2020, the Secure and Trusted Communications Networks Act was signed into law, which requires the Commission to take further steps to protect the communications supply chain.
- On April 13, 2020, the Wireline Competition Bureau (WCB) sought comment on section 4 of the Secure and Trusted Communications Networks Act (*Section 4 Public Notice*), which requires the Commission establish a reimbursement program for certain providers of advanced communications service similar to that proposed for ETCs in the *Further Notice*.
- On June 30, 2020, PSHSB designated Huawei and ZTE as covered companies, meaning that as of that date, no USF funds can be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by Huawei and ZTE.
- *Supply Chain Declaratory Ruling and Second Further Notice*. In July 2020, the Commission adopted a Declaratory Ruling and Second Further Notice of Rulemaking to integrate the Secure and Trusted Communications Networks Act into the Supply Chain proceeding.
 - In the Declaratory Ruling, the Commission found that the *2019 Supply Chain Order*'s prohibition on the use of USF support for equipment and services produced or provided by covered companies is consistent with and substantially implements the prohibition required by section 3(a) of the Secure Networks Act.
 - The attached *Second Further Notice* proposed and sought comment on publishing a list of covered communications equipment and services under section 2 of the Secure and Trusted Communications Networks Act, a prohibition on the use of federal subsidies for covered equipment and services as required by section 3 of the Secure and Trusted Communications Networks Act, and a mandate for providers of advanced communications service to report whether they purchase or obtain covered equipment or services, as required by section 5 of the Secure and Trusted Communications Networks Act.
- *Second Report and Order*. In December 2020, the Commission adopted a Second Report and Order, which implemented several rules.
 - Required ETCs receiving USF funds to remove and replace covered equipment and services and certify that they abide by such requirements. This requirement was codified as section 54.11 of the Commission's rules.
 - Defined covered equipment and services as those to be included on the Covered List to be published and maintained by PSHSB pursuant to Section 2 of the Secure and Trusted Communications Networks Act.
 - Prohibited the use of certain federal subsidies made available by the Commission that provide funds to be used for capital expenditures necessary for the provision of advanced communications service to purchase, rent, lease, or otherwise obtain any communications equipment or service, or maintain any covered equipment or service previously purchased, rented, leased, or otherwise obtained, and identified and published on the Covered List as mandated by Section 3 of the Secure and Trusted Communications Networks Act. This prohibition was codified as section 54.10 of the Commission's rules.
 - Implemented Sections 4 of Secure and Trusted Communications Networks Act, which directs the Commission to establish the Reimbursement Program to reimburse eligible providers of advanced communications service for the removal, replacement, and disposal of communications equipment and services in their networks that pose a national security risk.

WCB BRIEFING SHEET**March 2025****Page 16 of 122**

- Implemented Sections 5 and 7 of the Secure and Trusted Communications Networks Act, which establish reporting requirements for all advanced communication service providers and the enforcement provisions for the Act.
- On December 27, 2020, the Consolidated Appropriations Act, 2021 (CAA) became law. The CAA appropriated \$1.9 billion to implement the Secure and Trusted Communications Networks Act and modified its provisions.
- *Third Further Notice*: On February 17, 2021, the Commission adopted a Third Further Notice of Proposed Rulemaking seeking comment on modifying the rules enacted by the *Second Report and Order*, as a result of changes made by the CAA to the Secure and Trusted Communications Networks Act.
- *Covered List Release*: On March 12, 2021, PSHSB released the required Covered List, which listed telecommunications equipment and services produced or provided by Huawei Technologies Company and ZTE Corporation; and telecommunications and certain video surveillance equipment and services produced or provided by Hytera Communications Corporation; Hangzhou Hikvision Digital Technology Company; and Dahua Technology Company.
 - The Covered List was updated on March 25, 2022, September 20, 2022, and July 23, 2024. The PSHSB updated the Covered List to add equipment and services from additional entities – AO Kaspersky Lab, China Telecom (Americas) Corp, and China Mobile International USA Inc., Pacific Networks Corp and its wholly-owned subsidiary, ComNet (USA) LLC, China Unicom (Americas) Operations Limited, and Kaspersky Lab, Inc.
- *Third Report and Order*: On July 13, 2021, the Commission adopted a Third Report and Order modifying the rules enacted by the *Second Report and Order*, as a result of changes made by the CAA to the Secure and Trusted Communications Networks Act. The *Third Report and Order* modified the following rules:
 - Increased the eligibility cap for participation in the Reimbursement Program from providers serving two million or fewer customers to those with 10 million or fewer customers.
 - Modified the equipment and services eligible for the Reimbursement Program to include all communications equipment and services produced or provided by Huawei Technologies Company or ZTE Corporation and obtained on or before June 30, 2020.
 - Adopted the prioritization scheme expressly provided for in the CAA if demand for Reimbursement Program funding and administrative expenses exceed the \$1.9 billion appropriated by Congress.
 - Clarified some Reimbursement Program requirements to assist eligible providers as they prepare to seek reimbursement for expenses related to removing, replacing, and disposing of covered communications equipment or services.
- *Procedures PN*: On August 3, 2021, WCB released a Public Notice adopting final procedures for the Reimbursement Program, including the final forms eligible providers will use to request funding. The Public Notice also adopted the final Cost Catalog and the List of Categories of Suggested Replacement Equipment and Services (Replacement List), which are available on the Commission's website.
- *Disposal Guidance PN*: On September 30, 2021, WCB released disposal guidance and additional clarifications about the Reimbursement Program.
- *Reimbursement Program Initial Funding Shortfall, Issuance of Decisions, and Authorization for Additional Funding*:
 - *Application Filing Window*: On October 29, 2021, the Commission opened the Reimbursement Program application filing window. It closed on January 28, 2022.

WCB BRIEFING SHEET**March 2025****Page 17 of 122**

- Applicants were required to submit information establishing their eligibility to participate in the Reimbursement Program and estimates of the costs to remove, replace, and dispose of the Huawei and ZTE communications equipment and services in their networks.
- *Demand:* The Commission received 181 applications seeking approximately \$5.6 billion in support, based on the submitted cost estimates. During the course of application review, the demand figure was reduced to \$5.26 billion.
- *Prioritization and Proration of Funding:* Because program demand exceeded the \$1.9 billion appropriation that funds the Reimbursement Program, the Bureau was required to implement a prioritization scheme mandated by Congress in the Secure and Trusted Communications Networks Act, as amended by the CAA.
 - Pursuant to that prioritization scheme, funding had to first be applied to applications filed by providers that have 2,000,000 or fewer customers (Priority 1), which included all eligible providers but one that fell within Congress's third prioritization tier due to its customer count. No applications fell within the second prioritization tier.
 - After reviewing the submitted applications, the Bureau determined that Priority 1 applicants submitted approximately \$4.64 billion in cost estimates that are reasonable and supported. Because that amount also exceeded available funding, the Commission's rules required the Bureau to prorate allocations approved for Priority 1 applicants on an equal basis, consistent with the direction of the Secure and Trusted Communications Networks Act that reimbursement funds be distributed equitably.
 - The pro-rata factor applied to the allocations was approximately 39.5%.
- *Issuance of Application Decisions:* On July 15, 2022, WCB issued decisions to applicants approving or denying allocations based on the cost estimates in their applications. On July 18, 2022, WCB released a Public Notice announcing the allocations approved for applications in the Reimbursement Program.
- *Notification to Congress:* On July 15, 2022, then-Chairwoman Rosenworcel sent an update to Congress on the status of application review in the Reimbursement Program and funding demand. The letter advised Congress that to fully fund all Priority 1 applications and cover estimated administrative expenses, the Program would require approximately \$4.70 billion, reflecting a \$2.80 billion shortfall from the \$1.9 billion appropriation. To fund all reasonable and supported cost estimates submitted by Priority 1 and 3 applicants (there are no Priority 2 applicants) and cover estimated administrative expenses, the Program would need approximately \$4.98 billion, reflecting a \$3.08 billion shortfall. On May 9, 2023, October 12, 2023, May 2, 2024, and November 26, 2024 then-Chairwoman Rosenworcel sent letters to update Congress on the Reimbursement Program and the impact of the funding shortfall.
- *Authorization of Additional Funding to Address the Shortfall:* On December 23, 2024, the Spectrum and Secure Technology and Innovation Act of 2024 was signed into law as part of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (2025 NDAA). Under this law, Congress authorized the Commission to borrow up to \$3.08 billion from the Treasury Department to fully fund the Reimbursement Program. Consistent with the 2025 NDAA, the Commission is acting to secure the additional funding through the borrowing authority granted by Congress. Other than providing additional funding, the 2025 NDAA does not make any changes to the requirements, processes, or procedures for the Reimbursement Program.
- *Reimbursement Program Removal, Replacement, and Disposal Work and Reimbursement Claims:*
 - *Reimbursement Claim Deadlines:* Reimbursement Program recipients had one year from the approval of their applications to submit at least one reimbursement claim request that was approved. The deadline was July 17, 2023, because WCB approved applications on July 15,

WCB BRIEFING SHEET**March 2025****Page 18 of 122**

2022, and July 15, 2023, was a Saturday. All reimbursement claims must be submitted within 120 days of the expiration of the removal, replacement, and disposal term applicable to a recipient's application (unless the recipient elects to take a single 120-day extension of that deadline, as allowed by Commission rules). Recipients may seek reimbursement for costs incurred on or after April 17, 2018.

- To process reimbursement claim requests, most recipients must submit modification requests to the Fund Administrator to, among other things, update previously submitted cost estimates with quotes from vendors reflecting actual charges; update location information for covered communications equipment and services; and amend removal, replacement, and disposal plans to reflect any changes to a previously identified replacement solution.
- The Fund Administrator conducts an initial review of all modification requests and reimbursement claims for compliance with Reimbursement Program requirements. The Fund Administrator requests additional information from recipients needed to resolve any compliance concerns via Requests for Information (RFI). Recipients are given 15 days to respond to an RFI. If they do not respond, the Fund Administrator sends a reminder notice allowing the recipient an additional 10 days to respond.
- After completing its review, the Fund Administrator transmits all modification requests and reimbursement claims to the Bureau for review and approval or denial. OMD then also reviews approved reimbursement claims and supervises the payment process.
- *Removal, Replacement, and Disposal Term:* A recipient must complete their projects to remove, replace, and dispose of the Huawei and ZTE communications equipment and services in its network within one year of the initial distribution of reimbursement funds to that recipient.
 - The Secure and Trusted Communications Networks Act authorizes the Commission to grant a general 6-month extension of this deadline if it finds that the supply of replacement equipment or services needed for recipients to achieve the purpose of the Program is inadequate and submits a detailed justification to Congress.
 - The Act also authorizes the Commission to grant individual term extensions of up to six months at a time if, upon the submission of a petition, the Commission finds that the recipient is unable to complete its removal, replacement, and disposal work due to no fault of its own.
 - As of January 31, 2025, the Wireline Competition Bureau has granted 170 individual extensions of recipients' respective removal, replacement, and disposal terms, normally citing supply chain issues and/or the funding shortfall as grounds for the extensions.
- *Final Certifications:* Recipients are required to submit Final Certifications stating, in short, that they have fully complied with the terms and conditions of the Reimbursement Program and have permanently removed, replaced, and disposed of the Huawei and ZTE communications equipment and service that were in their networks as of the date they submitted their applications to the Reimbursement Program. As of January 31, 2025, 32 recipients had submitted final certifications (and one has filed a final certification stating it is "in progress" toward completing that work).
- *Reporting and Compliance Investigations:*
 - *Status Updates and Spending Reports:* All Reimbursement Programs are required to submit periodic updates to the Bureau describing their work to remove, replace, and dispose of the Huawei and ZTE equipment and services in their networks. Status updates must be submitted in 90-day intervals. Recipients that have received a distribution of reimbursement funds are required to submit biannual spending reports providing a detailed accounting of the Huawei and ZTE equipment and services removed and disposed of, and the replacement equipment and services purchased, rented, leased, or otherwise obtained, using reimbursement funds.

WCB BRIEFING SHEET**March 2025****Page 19 of 122**

- *Congressional Reports:* The Secure and Trusted Communications Networks Act requires that Commission to submit reports to Congress every 180 days addressing (1) “the implementation of the [Reimbursement] Program by the Commission”; and (2) “the work by recipients of reimbursements under the [Reimbursement] Program to permanently remove, replace, and dispose of covered communications equipment or services . . .” in their networks. The Bureau submitted the first report to Congress on January 11, 2023, the second report on July 10, 2023, the third report on January 5, 2024, the fourth report on July 1, 2024, and the fifth report on December 30, 2024.
- *Audits & Investigations:* The Office of the Managing Director worked with the Fund Administrator and the Bureau to establish a plan to conduct field audits and other investigations, as required by the Secure and Trusted Communications Networks Act. The Fund Administrator has conducted two site visits thus far. .

STATUS:

Reimbursement Program: As of January 31, 2025, at least one reimbursement claim request has been submitted for 122 of the 126 applications approved for the Reimbursement Program, and the Commission has approved distributions of reimbursement funds for 115 of those applications. The 93 applications for which a final certification has not been submitted now have deadlines to remove all Huawei and ZTE communications equipment and services ranging from April 6, 2025, to August 26, 2025 (though a few with earlier deadlines are seeking waiver of their final certification deadlines). As of February 17, 2025, the Bureau, in coordination with the Fund Administrator and OMD, has approved over \$1.024 billion in reimbursement claims. Reimbursement Program participants were required to file their tenth status report on January 3, 2025 and their fifth spending report on February 10, 2025. Based on the January 3, 2025 status reports and public information from the Fund Administrator, the Bureau notes that, of the 126 granted applications, (i) 32 applications have final certifications stating that they have completed the work to remove, replace, and dispose of covered equipment and services from their networks (and one has filed a final certification stating it is “in progress” toward completing that work); (ii) recipients have begun work on 89 other applications; and (iii) recipients have not started work on the 4 remaining applications (indicating they would not begin this work absent additional funding). The next status reports are due on April 3, 2025, and the next spending reports are due on August 10, 2025.

Compliance with Additional Rules:

- USF program participants are currently required to certify that they comply with the prohibition in section 54.9 of the Commission’s rules via program-specific forms, and USF program participants and participants in other appropriated programs (e.g., ACP, ECF) are also currently required to certify that they comply with the prohibition in section 54.10 of the Commission’s rules via program-specific forms.
- As of the FCC Form 481 filings due on April 1, 2023, ETCs receiving universal service support are required to certify annually that they have complied with the rip and replace requirement of section 54.11 of the Commission’s rules, unless they are recipients in the Reimbursement Program. Reimbursement Program recipients must submit the certification after the expiration of their program deadline to remove, replace, and dispose of covered communications equipment and services.

WCB BRIEFING SHEET

SUBJECT: BROADBAND DATA COLLECTION AND MAPPING (WC Docket No. 19-195; WC Docket No. 11-10)

SUMMARY: On August 6, 2019, the Commission adopted a new data collection of precise, granular broadband availability data from fixed broadband providers, including a mechanism for incorporating public feedback into the data. On March 23, 2020, the Broadband Deployment Accuracy and Technology Availability Act (BDA) was enacted, which largely incorporated the policies adopted in the 2019 Order, and established requirements for the Commission to adopt rules and carry out other steps for the collection and publication of granular data on the quality and availability of broadband internet service. Since the passage of the BDA, the Commission has worked to implement the requirements of the law and to establish the iterative data collection and challenge processes envisioned by the Act through the creation of its Broadband Data Collection (BDC) program. The Commission adopted rules and created a complex data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers and other stakeholders.

The Commission released a pre-production draft of the FCC National Broadband Map in November 2022 based on data as of June 30, 2022, and opened the fixed and mobile availability challenge processes, as well as the Fabric location challenge process. On November 14, 2024, the Commission released the fifth iteration of the National Broadband Map based on data as of June 30, 2024. Additionally, the Commission updates the maps on a bi-weekly basis to reflect the results of the availability challenge process and filer corrections and bi-annually to reflect availability for the new as-of date (June 30 or December 31) and updates to the Fabric, which incorporate the results of the location challenge process. Stakeholders have submitted millions of challenges to both provider-reported availability data and the location data on the map (the Fabric). FCC staff have conducted over a thousand inquiries to date to verify provider availability data, which have resulted in significant updates to submissions from providers and a clearer picture of broadband availability in every state and territory. The first mobile availability audits were initiated in August 2023, and several are currently ongoing.

BACKGROUND AND SIGNIFICANT MILESTONES: Since 2000, the FCC has collected data on broadband and mobile and fixed telephony through its Form 477, which collected data at the census block level. In March 2020, Congress passed the Broadband DATA Act, which reformed the Commission's data collection practices away from the Form 477 collection and required the Commission to establish: (1) a biannual collection of geographically granular broadband coverage data for use in creating broadband availability maps, (2) processes for challenges to the coverage data and for accepting crowdsourced information, (3) a comprehensive database of all broadband serviceable locations (the "Fabric"); and (4) maps depicting the availability of fixed and mobile broadband internet access service in the United States. Filing BDC data is mandatory for all facilities-based providers of mass-market broadband and mobile voice services, and for all providers of fixed voice and interconnected VoIP services. BDC data must be filed twice a year: by March 1 (reflecting data as of the preceding December 31), and by September 1 (reflecting data as of the preceding June 30). The Commission made the first version of the Fabric available to service providers and governmental entities in June 2022, and opened a process on September 12, 2022, for governmental entities, internet service providers, and other entities to begin submitting challenges for multiple broadband-serviceable locations (i.e., "bulk" Fabric challenges). The Commission publishes a new round of availability data on the National Broadband Map

approximately 2.5 months after the close of each biannual filing period and also releases biweekly updates to the Map based on the results of resolved challenges, verification efforts, and filer corrections.

Key Rulemakings and Other Releases

- August 2019 Report and Order: (1) made targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and modified the collection to incorporate new technologies; (2) established the Broadband Data Collection (formerly known as the Digital Opportunity Data Collection) in order to collect geospatial broadband coverage maps from fixed broadband providers, specifically aimed at advancing the Commission's universal service goals and providing more precise and granular depictions of deployment than are collected under the Form 477; and (3) adopted a process to collect public input, commonly known as "crowdsourcing," on the accuracy of fixed providers' broadband maps. The August 2019 Second Further Notice sought comment on certain aspects of the new collection to improve the accuracy and usefulness of fixed broadband deployment reporting, along with improvements to standardize predictive propagation maps for mobile broadband deployment modeling and mechanisms to verify and validate mobile deployment data.
- July 2020 Second Report and Order: adopted rules for (1) collecting fixed broadband availability and quality of service data; (2) collecting mobile broadband deployment data, including the submission of standardized propagation maps, and propagation model details; (3) establishing the Fabric; (4) verifying the accuracy of broadband availability data; (5) collecting crowdsourced data; (6) enforcing the requirements of the Broadband DATA Act; (7) creating coverage maps from the data submitted; and (8) ensuring the privacy, confidentiality, and security of information submitted by broadband providers. The Third Further Notice adopted with the Second Report and Order sought comment on a range of additional measures to implement requirements of the Broadband DATA Act, including additional processes for verifying broadband availability data submitted by providers, the development of a challenge process, collecting mobile service infrastructure data, and FCC Form 477 reforms.
- January 2021 Third Report and Order: specified which fixed and mobile broadband Internet access service providers are required to report broadband availability data and expanded the reporting and certification requirements for certain fixed and mobile broadband filers in order to ensure that Commission staff have the necessary tools to assess the quality and accuracy of the Commission's broadband coverage maps. The Third Report and Order also adopted standards for verifying mobile data and collecting verified broadband data from State, local, and Tribal entities and certain third parties and adopted processes for submitting challenges to fixed and mobile coverage map data and data in the location Fabric, along with processes for providers to respond to such challenges. In addition, the Third Report and Order established standards for identifying locations that will be included in the Fabric and for enforcement of the requirements associated with the Broadband Data Collection.
- February 17, 2021: The Broadband Data Task Force was established to coordinate the Commission's broadband mapping and data collection efforts across the various expert agency teams, including OEA, WTB, WCB, CGB, OIA, OET, and OMD.
- March 9, 2022: Order adopting technical requirements implementing the mobile challenge, verification, and crowdsourcing processes. The Order adopted processes and methodologies for collecting mobile challenge data and determining when a mobile availability challenge is "cognizable," as well as processes for mobile providers to respond to challenges. The Order also adopted processes for when the FCC would initiate a verification inquiry for a service provider's reported data and requirements for governmental entities and other third parties submitting verified mobile broadband availability data.
- April 14, 2022: Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system. The Public Notice (1) explains the system and process the FCC will use to authenticate entities purporting to file on behalf of a state, local or Tribal governmental entity and (2) sets forth procedures for

WCB BRIEFING SHEET**March 2025****Page 22 of 122**

identifying governmental entities with primary responsibility for mapping or tracking broadband coverage within their jurisdiction.

- April 14, 2022: Public Notice announcing procedures for third-party mobile speed test applications seeking approval for use in the BDC. The Public Notice stated that it would endeavor to complete its review of all proposals received on or before June 9, 2022, in advance of the FCC's publication of the initial version of the broadband availability maps required under the BDA.
- July 8, 2022: Declaratory Ruling and Limited Waiver released in response to the Competitive Carriers Association (CCA) Petition waiving the requirement that providers have their filings certified by a professional engineer for the first three filing periods, and would instead allow filings to be certified by an engineer with either (a) a bachelor's or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance, or (b) specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten years of relevant experience in broadband network engineering, design, and/or performance. The release also clarified that a corporate engineering officer as set forth in the rules means a corporate officer with at least a Bachelor of Science in engineering (BSE) degree and has direct knowledge of, and responsibility for, the carrier's network design and construction. The Waiver was subsequently extended an additional three filing windows in November 2023.
- December 9, 2022: Commission announced sunset the Form 477 broadband availability data collection (ISPs are still required to submit subscription data under the Form 477 rules, which will be filed in the BDC system).
- July 12, 2024: Commission adopted a Fourth Order, Declaratory Ruling, and FNPRM that clarifies and strengthens agency audit procedures to ensure that the Commission can better validate service providers' availability data; creates a process that better accounts for changes in network deployments over time while protecting the integrity of the availability data and results of challenges; and proposes modifications to data collection requirements based upon lessons learned, as well as enhancements to agency data validation processes in order to continue to improve the precision of the underlying Fabric and broadband availability data.
- September 17, 2024: OET and BDTF released a Public Notice seeking comment on a mobile speed test app designed by GA Tech to be approved for use by individuals in the BDC mobile challenge process.

National Broadband Map and BDC Collections

- November 18, 2022: released a pre-production draft National Broadband Map based on the first round of availability data submitted by providers as of June 30, 2022. The new map has been updated to reflect new provider data following each biannual filing period, and is the most comprehensive, granular and standardized data the FCC has ever made available on broadband availability.
- November 18, 2022: announced the beginning of the fixed and mobile availability challenge processes, and the individual Fabric challenge process. This began an ongoing, iterative process that will improve the data submitted by providers by incorporating challenges from individuals and other stakeholders.
- Every 6 months: Commission collects and publishes a new round of availability data, using an updated version of the Fabric.
 - Availability data as of June 30 is due the following September 1 and is published on the Map the following November.
 - Data as of December 31 is due the following March 1 and published on the Map the following May. Data as of June 30, 2024, was published on the Map on November 14, 2024.

WCB BRIEFING SHEET**March 2025****Page 23 of 122**

- Updated versions of the Fabric are made available to providers and other licensees in advance of the opening of each biannual filing window in June and December.

Data Validations, Verifications, Audits, and Enforcement

- The Commission takes several steps to ensure that provider reporting is as accurate as possible.
 - Automated BDC system validations
 - Close and continued engagement with filers
 - Data verifications and agency-initiated audits. The Commission has published detailed data specifications for the data submitted with each component of the BDC, including biannual filings, bulk Fabric and availability challenges and crowdsourcing submissions, and responds to challenges, audits, and verifications.
- Enforcement referrals have been made where it appears a provider “willfully, and knowingly, or recklessly” submitted “materially inaccurate or incomplete” availability information and for non-filers.
 - On March 15, 2024, the FCC entered into a Consent Decree with Jefferson County Cable TV Inc. for violating the BDC rules for accurate broadband reporting in which the company agreed to pay a \$10,000 civil penalty.
 - On September 10, 2024, the FCC Enforcement Bureau adopted two Notices of Apparent Liability for National Telecom (d/b/a Metro Wireless) and BySky, Inc. for failure to submit timely BDC data.

Contracting

- Data Architect and Design: In February 2021, the Commission awarded a Data Architect and Design Services contract to Emprata, LLC to support the design and framework of the complex, interrelated systems associated with the BDC.
- Broadband Serviceable Location Fabric RFI: On March 8, 2021, the Commission released a Request for Information (RFI) on the commercial availability of the technical and data resources available to build a first-of-its-kind Broadband Serviceable Location Fabric.
- Broadband Serviceable Location Fabric RFP: On November 9, 2021, the Commission awarded the contract for Fabric development to CostQuest Associates. Following a post-award protest GAO affirmed the FCC’s selection of CostQuest on February 24, 2022.
- BDC System Development, Maintenance, and Enhancements: In January 2024, the FCC awarded a new contract to Emprata to work on BDC and the Broadband Funding Map (BFM) system development, maintenance, and enhancements, as well as data analytics.
- FCC Speed Test App: In 2021, the FCC modified its existing contract with SamKnows to develop the additional functionality for the FCC Speed Test app to be used for the mobile challenge and crowdsourcing processes. In February 2023, the Commission issued a contract solicitation re-compete for the FCC Speed Test app, and on March 3, 2023, the Commission awarded a contract to Mozark PTE. The Commission launched an updated version of the App, as developed by Mozark in August 2024.
- Technical Assistance Help Desk Support: In early 2022, the Commission awarded two contracts to Spatial Front, Inc., an SBA 8(a) certified vendor with GIS expertise, to provide technical assistance for the BDC consisting of support services to resolve basic questions on the broadband availability data collection, the challenge process and crowdsourcing efforts, and other common Help Desk tasks, as required pursuant to sections 804(d)-(e) of the BDA. The contractor develops self-help resources (such as help articles and templates) for the BDC systems and provides technically advanced guidance (such as support for GIS data creation, manipulation and analysis) and call center support services to resolve more basic questions on the broadband

WCB BRIEFING SHEET**March 2025****Page 24 of 122**

availability data collection, including questions related to the challenge processes and crowdsourcing efforts.

- **Wireless Propagation Modeling and Engineering Software:** To help verify the accuracy of mobile and fixed wireless providers' broadband availability maps and data submitted in the challenge and verification processes, the Commission has awarded two contracts: one to Forsk for propagation modeling software and automation services in July 2022, and a second to eSimplicity for wireless engineering analysis and support services in January 2023.
- **Drive Testing:** In August 2023 the Commission awarded a contract to Global Wireless Solutions for drive test services and began working on the first in a series of task orders to conduct targeted drive testing to audit certain mobile providers availability data.
- **The IJA required that the BFM be made publicly available on the FCC's website no later than May 2023.** The FCC contracted with the same firm that built the systems for the BDC to build the BFM system, including the broadband deployment locations data collection and resulting map required by the IJA. In addition, FCC staff met repeatedly with staff from executive agencies to develop system requirements and ensure alignment among agencies that will report data. The BFM launched on May 15, 2023. FCC staff continue to work with federal agencies to update the BFM to include their broadband funding data.

Technical Assistance and Outreach

- The FCC's BDC webpage – www.fcc.gov/BroadbandData – serves as a central location for information about the BDC.
- The online help center (<http://help.bdc.fcc.gov>) and other new resources assist Internet service providers and other filers of verified broadband availability data prepare their submissions for the inaugural BDC filing window. Resources include information on filing Fabric and availability challenges, including tutorial videos and technical assistance workshops to provide an overview of the fixed bulk availability challenge process and walk filers through the process of submitting challenge data; webinar and technical assistance workshops to provide an overview of the mobile bulk availability challenge process; video tutorials to assist providers of fixed broadband service with responding to challenges; and video tutorials to assist providers of mobile broadband service with responding to challenges. The online help center continues to be updated regularly with additional resources, including information for challengers, consumers, and other stakeholders.
- The Task Force has held over 700 individual and group briefing sessions and meetings, online tutorials, webinars, and filing workshops to assist state, local, and Tribal governmental entities, consumers and consumer organizations, ISPs, industry organizations, and other stakeholders interested in participating in the BDC processes. Additionally, the Task Force released guidance to the public on many aspects of the BDC for interested stakeholders both to seek input on and be able to address their concerns and interests, and to keep them informed of the Commission's plans and progress. All of these resources have been posted in the BDC Help Center and on the Commission's BDC webpage.
- The Task Force has hosted in- person and online technical assistance workshops for Tribal Governments seeking to provide verified broadband availability data to the FCC through the BDC. Such technical assistance is required pursuant to section 804(c) of the BDA. In-person Technical Assistance meetings have included meetings with representatives of Tribal Nations and entities in ten states/nine BIA Regions: Alaska (Alaska Region), Arizona (Western Region), California (Pacific Region), Minnesota (Midwest Region), New Mexico (Southwest Region), Oklahoma (Eastern Oklahoma Region), Oregon and Washington (Northwest Region), South Dakota (Great Plains Region), and Maine (Eastern Region).

Inter-Agency Coordination

- The FCC continues to engage with federal, state, local and Tribal government entities, consumers, and service providers concerning the National Broadband Map. Ongoing engagement

WCB BRIEFING SHEET**March 2025****Page 25 of 122**

remains critical to ensuring the map is as accurate as possible. State, local, and Tribal governmental entities are encouraged to participate in the bulk challenge and crowdsource processes where the location or availability data on the map appears imprecise. Additionally, the FCC provides resources for governmental and other entities to raise awareness about the map and encourage consumers to contribute data directly by viewing the map and filing challenges where their on-the-ground knowledge of their communities is not reflected. Staff work closely with ISPs to ensure that they were equipped with the technical information and training to participate in the BDC's data collection and challenge processes by effectively and accurately reporting where they do, and do not, offer internet services and how to respond to challenges. The FCC is also in regular contact with our federal agency partners, including the NTIA, USDA, Treasury, and others, to ensure ongoing federal coordination among the various programs which may utilize the data on the National Broadband Map.

WCB BRIEFING SHEET

SUBJECT: **COMMUNICATIONS MARKETPLACE REPORT** (GN DOCKET NO. 24-119, GN DOCKET NO. 22-203, GN DOCKET NO. 20-60; GN DOCKET NO. 18-231, WT DOCKET NO. 18-203, MB DOCKET NO. 17-214, MB DOCKET NO. 18-227, IB DOCKET 18-251)

SUMMARY: On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Title IV of RAY BAUM'S Act of 2018 amends section 13 of the Communications Act of 1934, and requires the Commission, "in the last quarter of every even numbered year" to publish a "Communications Marketplace Report," that, among other things, "assess[es] the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. § 1302)), regardless of the technology used for such deployment." The Office of Economics and Analytics released a public notice seeking comment on the 2024 Communications Marketplace Report on April 22, 2024, and the Report was adopted and released on December 31, 2024.

BACKGROUND AND KEY ISSUES:

- In accordance with the RAY BAUM'S Act of 2018, the 2022 Communications Marketplace Report: (1) provided a holistic overview of competition in mobile wireless communications, fixed broadband communications, audio, video, and satellite communications markets; (2) assessed the state of deployment of communications capabilities; (3) assessed barriers to competitive entry, including market entry barriers for entrepreneurs and other small businesses; (4) compiled a list of geographic areas that are not served by any provider of advanced telecommunications capabilities; (5) described the Commission's actions to address challenges and opportunities in the communications marketplace during the previous two years; and (6) discussed the Commission's agenda for continuing to address those challenges and opportunities over the next two years.
- With respect to fixed broadband competition, the 2024 Report found that as of December 2023, approximately 66% have at least two options for 100/20 Mbps fixed terrestrial service, and approximately 7% have at least two options for 940/500 Mbps service.
- With respect to voice telephone service, the Report found that as of December 2023, there are 21 million end-user switched access lines (including 8.5 million residential lines), and approximately 64 million interconnected VoIP subscriptions (including 24 million residential subscriptions). Of these combined 85 million fixed retail voice telephone service subscriptions, approximately 38% were residential connections, and 62% were business connections. The number of fixed retail switched-access lines declined over the past three years at a compound annual rate of 15.7%, while interconnected VoIP subscriptions increased a compound annual rate of 1.6%. The December 2023 data indicate there were approximately 386 million mobile subscriptions in the United States, representing an increase in mobile voice subscriptions at a compound annual growth rate of 3.1% over the previous three years. In addition, the data shows approximately 23 million over-the-top (OTT) VoIP subscriptions, with approximately 41 million non-OTT subscriptions.
- With respect to broadband deployment, the Report found as of year-end 2023, 95.3% of all Americans have access to fixed terrestrial broadband at speeds of 100/20 Mbps, up from 93.3% in 2022; and 46.9% have access at speeds of 940/500 Mbps, up from 40.3% in 2022. Nonetheless, the gap in rural and Tribal America remains notable: while fixed terrestrial broadband at speeds of 100/20 and 940/500 are deployed to approximately 99%, and 51% (respectively) of Americans

WCB BRIEFING SHEET**March 2025****Page 27 of 122**

in urban areas, approximately 20% of Americans in rural areas and 17% of Americans in Tribal lands lack coverage from fixed terrestrial 100/20 Mbps broadband service, and approximately 67.5% of Americans in rural areas and 65% of Americans in Tribal lands lack access to 940/500 Mbps broadband service. The gap between urban and rural areas for 100/20 Mbps and 940/500 Mbps broadband service was approximately 26 and 20 percentage points, respectively, as of year-end 2022, but had fallen to approximately 19 and 18 percentage points for 100/20 Mbps and 940/500 Mbps, respectively as of year-end 2023. With respect to mobile services, approximately 94% of Americans have access to 35/3 Mbps 5G-NR services, including 74% in evaluated rural areas and 99% in evaluated urban areas. With respect to fixed 100/20 Mbps and mobile 35/3 Mbps 5G-NR services, approximately 91% of all Americans have access to both services, including 62% in evaluated rural areas and 98% in evaluated urban areas. With respect to fixed 940/500 Mbps and 35/3 Mbps 5G-NR services, approximately 45% of all Americans have access to both services, including approximately 23.5% in evaluated rural areas and 50% in evaluated urban areas.

STATUS: The next Communications Marketplace Report must be adopted by December 31, 2026.

WCB BRIEFING SHEET

SUBJECT: BROADBAND DEPLOYMENT (SECTION 706) REPORTS (GN DOCKET NOS. 22-270, 20-269, 19-285, 18-238, 17-199, 16-245, 15-191, 14-126, 12-228, 11-121, 10-159, 09-137)

SUMMARY: Section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. § 1302(b)) directs the Commission to annually “initiate a notice of inquiry concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) and shall complete the inquiry within 180 days after its initiation. In the inquiry, the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.” The Commission released the Seventeenth Section 706 Notice of Inquiry (NOI) initiating the latest Section 706 inquiry on November 1, 2023, creating a statutory deadline of April 29, 2024. The Commission released the 2024 Section 706 Report concluding its inquiry on March 18, 2024.

BACKGROUND AND KEY ISSUES:

- The Commission released the 2024 Section 706 Report on March 18, 2024, concluding its annual inquiry. In the Report, the Commission:
 - Raised the Commission’s fixed speed benchmark for advanced telecommunications capability to 100/20 Mbps based on the standards now used in multiple federal and state programs (such as the NTIA Broadband Equity, Access, and Deployment Program and multiple USF programs), consumer usage patterns, and what is actually available from and marketed by ISPs. In so doing, the Commission strove to make its process for adopting this new benchmark as transparent as possible.
 - Established a long-term speed goal for fixed broadband services of 1 Gbps download/500 Mbps upload.
 - Concluded that the Commission’s standard for success under section 706 is universal availability and that for deployment to occur in a “reasonable and timely fashion,” it must occur in rapid fashion so as to not leave large groups of Americans without access to broadband.
 - Examined the universal service goals adopted in the Commission’s *Future of Universal Service Fund Report*: universal deployment, affordability, adoption, availability, and equitable access to broadband throughout the United States.
 - Used the Commission’s Broadband Data Collection deployment data for the first time, which shows that fixed terrestrial broadband service (excluding satellite) has not been physically deployed to approximately 7% of Americans as of December 2022, almost 28% of Americans in rural areas, and more than 23% of people living on Tribal lands.
 - While not establishing a speed benchmark for mobile broadband service, reported that, at year-end 2022, mobile 5G-NR coverage has not been physically deployed at minimum speeds of 35/3 Mbps to roughly 9% of Americans, almost 36% of Americans in rural areas, and more than 20% of people living on Tribal lands.
 - Determined that for Americans to have access to advanced telecommunications capability, they must have access both to fixed and mobile advanced telecommunications capability, and report that 9% of Americans, almost 36% of Americans in rural areas, and more than 20% of people living on Tribal lands lack access to advanced telecommunications capability using a 100/20 Mbps fixed speed benchmark and mobile 5G-NR deployed at minimum speeds of 35/3 Mbps.

WCB BRIEFING SHEET
March 2025
Page 29 of 122

- Adopted a long-term speed goal of 1 Gbps/500 Mbps to give stakeholders a collective goal towards which to strive—a better, faster, more robust system of communication for American consumers.
- Increased the short-term benchmark for schools and classrooms access to 1 Gbps per 1,000 students and staff, and report that 74% of school districts meet this new short-term goal.
- Presented available data regarding the universal service goals of affordability, adoption, availability, and equitable access.
- Concluded that advanced communications capability is not being deployed in reasonable and timely fashion based on the total number of Americans, Americans in rural areas, and people living on Tribal lands lack who lack access to such capability.

STATUS: The Commission released the Notice of Inquiry for the next Section 706 Report on September 6, 2024. Comments were due on October 7, 2024 and reply comments were due on November 2, 2024. The statutory deadline for releasing the upcoming Section 706 report is 180 days after release of the Notice of Inquiry – March 5, 2025.

WCB BRIEFING SHEET

SUBJECT: SUPPORTING SURVIVORS OF DOMESTIC AND SEXUAL VIOLENCE/SAFE CONNECTIONS ACT OF 2022 (WC DOCKET NOS. 22-238, 11-42, 21-450)

SUMMARY: On November 15, 2023, the Commission adopted a *Report and Order* implementing the Safe Connections Act of 2022, taking significant steps to improve access to communications services for survivors of domestic abuse and related crimes.

BACKGROUND AND KEY ISSUES:

- Prior to the Safe Connections Act, on July 14, 2022, the Commission adopted a *Notice of Inquiry* regarding steps that the Commission could take to assist survivors of domestic violence.
- The Safe Connections Act of 2022, enacted on December 7, 2022, amends the Communications Act to require mobile service providers to separate the line of a survivor of domestic violence (and other related crimes and abuse), and any individuals in the care of the survivor, from a mobile service contract shared with an abuser within two business days after receiving a request from the survivor. The Safe Connections Act directs the Commission to issue rules, within 18 months of the statute's enactment, implementing this requirement. The Safe Connections Act also requires the Commission to designate either the Lifeline program or ACP as the vehicle for providing survivors suffering financial hardship with emergency communications support for up to six months. Further, the Safe Connections Act requires the Commission to open a rulemaking within 180 days of enactment to consider whether to, and how the Commission should, establish a central database of domestic abuse hotlines to be used by service providers and require such providers to omit, subject to certain conditions, any records of calls or text messages to the hotlines from consumer-facing call and text message logs.
- On February 16, 2023, the Commission adopted a *Notice of Proposed Rulemaking (NPRM)* proposing rules to implement the Safe Connections Act.
- The Commission adopted a *Report and Order*, implementing the Safe Connections Act, on November 15, 2023. The *Report and Order* adopts rules to implement the line separation provisions in the Safe Connections Act that allow survivors to separate a mobile phone line from an abuser. The rules largely track the statutory language, with additions and clarifications to address privacy, account security, fraud detection, and operational or technical infeasibility. Among other things, the *Report and Order* establishes requirements regarding the information that survivors must submit to request a line separation and the options providers must offer when survivors are making a line separation request. It also sets requirements regarding communications with consumers and survivors, and provides restrictions on various practices in connection with line separation requests. In addition, the *Report and Order* requires covered providers to train employees who may interact with survivors on how to assist them or direct them to other employees who have received such training. The *Report and Order* also delineates the financial responsibilities for the monthly service costs and mobile device following a line separation, and establishes a compliance date six months after the effective date of the *Report and Order*.
- To protect the privacy of calls and texts to hotlines, the *Report and Order* requires covered providers and wireline, fixed wireless, and fixed satellite providers of voice service to: (1) omit from consumer-facing logs of calls and text messages any records of calls or text messages to covered hotlines in the central database established by the Commission; and (2) maintain internal records of calls and text messages excluded from consumer-facing logs of calls and text messages. Providers are generally given 12 months to comply with these requirements, except that small service providers are given 18 months.
- The *Report and Order* designates the Lifeline program to support emergency communications service for survivors that have pursued the line separation process and are suffering a financial hardship.

WCB BRIEFING SHEET**March 2025****Page 31 of 122**

Additionally, the *Report and Order* makes clear that enrollment into the Lifeline program on the basis of a consumer's survivor status can also allow the consumer to enter the Affordable Connectivity Program during their six-month emergency support period. Finally, the *Report and Order* directs the FCC's administrator of the Lifeline program, the Universal Service Administrative Company, to develop processes to allow survivors experiencing financial hardship to apply for and enroll in the Lifeline program, and to transition survivors from emergency communications support at the end of the six-month emergency support period mandated by the Safe Connections Act.

STATUS: The Commission adopted the *Report and Order* on November 15, 2023. Compliance with the line separation provisions was required by July 15, 2024, and compliance with the relevant Lifeline rule changes was required by August 29, 2024.

WCB BRIEFING SHEET

SUBJECT: TASK FORCE FOR REVIEWING CONNECTIVITY AND TECHNOLOGY NEEDS OF PRECISION AGRICULTURE IN THE UNITED STATES (GN DOCKET NO. 19-329)

SUMMARY: The Task Force for Reviewing Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force or Task Force) was a federal advisory committee formed to make policy recommendations on how to accelerate broadband deployment on agricultural lands. The Agriculture Improvement Act of 2018 (2018 Farm Bill) directed the Commission to establish the Task Force. The Precision Ag Connectivity Task Force performed duties and submitted reports consistent with Section 12511 of the 2018 Farm Bill and in consultation with the Department of Agriculture in successive two-year terms until the Task Force ended on January 1, 2025. The Task Force was organized under, and operated in accordance with, the Federal Advisory Committee Act. In November 2019, the FCC Chairman, in consultation with the Secretary of Agriculture, appointed fifteen members of the Task Force including agricultural producers representing diverse geographic regions and farm sizes, equipment manufacturers, and industry representatives, as well as Tribal, state and local government representatives. Four working groups assisted the Task Force in carrying out its work: (1) Mapping and Analyzing Connectivity on Agricultural Lands; (2) Examining Current and Future Connectivity Demand for Precision Agriculture; (3) Encouraging Adoption of Precision Agriculture and Availability of High-Quality Jobs on Connected Farms; and (4) Accelerating Broadband Deployment on Unserved Agricultural Lands. The Precision Agriculture Task Force adopted a final report for its first term on November 10, 2021 the final report for the second term on November 6, 2023, and the final report for its third and final term on December 5, 2024. As provided in the 2018 Farm Bill, the Task Force terminated on January 1, 2025.

BACKGROUND AND KEY ISSUES:

- The mission of the Task Force was to provide advice and recommendations for the FCC on how to assess and advance deployment of broadband Internet access service on unserved agriculture land to promote precision agriculture. The Task Force examined policy, regulatory, and technical solutions to encourage the adoption of broadband on farms and ranches and promote the advancement of precision agriculture in the United States.
- The Task Force met approximately three times a year. Meetings of the Task Force were open to the public, timely notice of each meeting was published in the Federal Register, and the meetings were further publicized through other appropriate vehicles.
- Members of the Task Force were appointed by the Chairwoman of the Commission in consultation with the Secretary of Agriculture. Members were selected consistent with the 2018 Farm Bill and to balance the expertise and viewpoints that were necessary to effectively address the issues to be considered by the Task Force, including: agricultural producers representing diverse geographic regions and farm sizes, equipment manufacturers, Tribal, state and local government representatives, and various sectors of the communications industry.
- In addition, the Task Force annually submitted to the Chairwoman of the Commission a report, which were made public, that detailed: the status of fixed and mobile broadband Internet access service coverage of agricultural land; the projected future connectivity needs of agricultural operations, farmers, and ranchers; and the steps that were being taken to accurately measure the availability of broadband Internet access service on agricultural land and the limitations of current, as of the date of the report, measurement processes.
- On June 17, 2019, the Commission announced the establishment of the Task Force and sought nominations for membership.

WCB BRIEFING SHEET**March 2025****Page 33 of 122**

- On November 19, 2019, fifteen individuals were appointed as members of the Task Force, including agricultural producers representing diverse geographic regions and farm sizes, equipment manufacturers, and industry representatives, as well as Tribal, state and local government representatives. The Commission also announced four working groups for the Task Force and solicited nominations for membership on these working groups.
- On December 4, 2019, the Precision Ag Connectivity Task Force was chartered for a two-year term and chairs and vice chairs to lead the four working groups were appointed.
- The Task Force has submitted reports at the end of 2020, 2021, 2022, 2023, and 2024. The Task Force adopted the final report for its third and final term on December 5, 2024. More information about the Precision Ag Connectivity Task Force is available at <https://www.fcc.gov/task-force-reviewing-connectivity-and-technology-needs-precision-agricultureunited-states>.
- On August 21, 2023, Chairwoman Rosenworcel announced that the Task Force would be rechartered for 2023-2025 and sought nominations for members of the Task Force and its working groups. The Task Force was rechartered for its concluding term in November 2023. On March 25, 2024, Chairwoman Jessica Rosenworcel, in consultation with Secretary of Agriculture Tom Vilsack, announced the appointment of Working Group members to serve on the Task Force during its third term. The Task Force held meetings of its third term on January 31, 2024, August 14, 2024, September 18, 2024, October 15, 2024, and December 5, 2024.
- Along with the statutory requirements for the Task Force in the 2018 Farm Bill, during the third term the Commission asked that the Task Force and its working groups consider how connectivity can improve sustainability in agricultural production. Pursuant to the 2018 Farm Bill, the Task Force terminated on January 1, 2025.

STATUS: The Precision Ag Connectivity Task Force terminated on January 1, 2025. The Task Force held its final meeting on December 5, 2024, where the Task Force adopted its final report for the third term.

WCB BRIEFING SHEET

SUBJECT: IMPLEMENTATION OF SECTION 222 (CPNI PROCEEDING/PRIVACY OF CUSTOMER TELEPHONE RECORDS/PRIVACY OF CUSTOMERS OF BROADBAND AND OTHER TELECOMMUNICATIONS SERVICES) (CC DOCKET NO. 95-115, WC DOCKET NO. 13-306; WC DOCKET NO. 16-106, WC DOCKET NO. 22-21)

SUMMARY: Section 222 of the Communications Act requires telecommunications carriers to ensure that proprietary information of other telecommunications carriers, equipment manufacturers, and customers is adequately protected from unauthorized disclosure, and limits telecommunications carriers' use of customer proprietary network information (CPNI). Since the adoption of section 222 in the 1996 Act, the Commission has released several orders adopting rules implementing Section 222. Most recently, on December 13, 2023, the Commission adopted rules to update and strengthen its data breach notification requirements to provide greater protection to the public.

BACKGROUND AND KEY ISSUES:

- *Current Voice Rules.* The current rules implementing section 222, which cover traditional voice and interconnected VoIP services, impose obligations on providers to disclose their privacy practices with respect to CPNI, and to seek different levels of consent from consumers with respect to the use and sharing of CPNI. The rules also include data security protections, including customer authentication requirements, and data breach notification requirements.
 - On November 15, 2023, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* that amends the Commission's CPNI rules to require carriers to protect consumers against SIM swap fraud, and seeks comment on whether to harmonize the Commission's existing requirements governing customer access to CPNI with the SIM change authentication and protection measures in that *Order*. See *Protecting Consumers from SIM Swap and Port-Out Fraud Briefing Sheet*.
 - On December 13, 2023, the Commission adopted a *Report and Order (Data Breach Order)* updating its data breach notification and reporting rules for telecommunications carriers and interconnected VoIP providers (collectively, "carriers") and telecommunications relay service (TRS) providers. Among other provisions, the *Data Breach Order* adopted several proposals issued in an earlier Notice of Proposed Rulemaking, including (1) expanding the definition of "breach" to include inadvertent disclosures of customer information; (2) requiring carriers and TRS providers to notify the Commission, in addition to the Secret Service and FBI, as soon as practicable after discovery of a breach; and (3) eliminating the mandatory waiting period before notifying customers of a breach. In addition, the Commission expanded the scope of its breach notification rules to cover not just CPNI, but also various categories of personally identifiable information (PII) that carriers and TRS providers hold with respect to their customers. In order to limit the potential burdens on carriers, TRS providers, and consumers from notifications that are unlikely to require protective action, the Commission also eliminated the requirement to notify customers of a breach in those instances where a carrier or TRS provider can reasonably determine that no harm to customers is reasonably likely to occur as a result of the breach, and adopted a safe harbor under which customer notification is not required where a breach solely involves encrypted data and the carrier has definitive evidence that the encryption key was not also accessed, used, or disclosed.
- *Application to ISPs.* As part of the Commission's reclassification of broadband Internet access service in the *2015 Open Internet Order*, adopted February 26, 2015, the Commission applied section 222 of the Act to broadband Internet service providers (ISPs) but forbore from applying the Commission's existing CPNI rules to ISPs. In October 2016, the Commission adopted a *Report and Order* establishing rules governing broadband providers' privacy practices. In March 2017, Congress

passed Public Law 115-22, a resolution of disapproval of the *2016 Privacy Order*, under the Congressional Review Act. The President signed Public Law 115-22 on April 3, 2017. As a result, the *2016 Privacy Order* is no longer in effect, and the pre-existing rules have been reinstated. This Order reverted the rules in the Code of Federal Regulations to their pre-*2016 Privacy Order* state, and therefore dismissed as moot 11 petitions seeking reconsideration of the *2016 Privacy Order*. In December 2017, the Commission reclassified broadband Internet access service as an information service, returning jurisdiction over ISPs' privacy and data security practices to the Federal Trade Commission (FTC).

Petitions for Rulemaking/Reconsideration:

- *EPIC Petition to Repeal 47 CFR § 42.6 (Retention of Telephone Toll Records)*. On August 4, 2015, EPIC filed a petition asking the Commission to repeal the Commission requirement that telephone toll records be retained for 18 months, due to concerns involving data breaches, innovation, and competition. Regarding data breaches, EPIC stated that the risk of a breach can be reduced by deleting call records after they are no longer needed. In April 2017, petitioners requested that the Commission docket the petition and issue a public notice for comment. On May 17, 2017, the Commission issued a Public Notice seeking comment on the petition. The comment cycle closed on July 3, 2017.

STATUS: Following Congressional disapproval of the *2016 Privacy Order* under the Congressional Review Act, the rules implementing section 222 that were in existence prior to October 2016 have been reinstated. On November 15, 2023, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* that seeks comment on whether to harmonize the Commission's existing requirements governing customer access to CPNI with the SIM change authentication and protection measures in that *Order*. The *Data Breach Order* became effective on March 13, 2024, however, the revised recordkeeping and reporting requirements adopted in the *Order* are subject to approval by the Office of Management and Budget (OMB). Unless and until such time as the Commission publishes notice of OMB's approval of these new or modified requirements in the Federal Register, the current, unmodified versions of the data breach rules shall continue to apply. On February 20, 2024, the Ohio Telecom Association and the Texas Association of Business filed petitions for review challenging the requirements adopted in the *Data Breach Order* in the Sixth Circuit Court of Appeals, and Fifth Circuit Court of Appeals, respectively. The petitions were subsequently consolidated in the Sixth Circuit. Oral argument took place on Dec. 12, 2024. Some issues from previous CPNI proceedings also remain open, including whether the Commission should adopt data retention time limits.

WCB BRIEFING SHEET**SUBJECT: IMPROVING COMPETITIVE BROADBAND ACCESS TO MULTIPLE TENANT ENVIRONMENTS (GN DOCKET NO. 17-142)**

SUMMARY: On July 10, 2019, the Commission adopted a *Declaratory Ruling* and *Notice of Proposed Rulemaking*. The NPRM sought comment on a variety of issues that may impede competition for broadband services within multiple tenant environments (MTEs), including exclusive marketing and wiring arrangements, revenue sharing agreements, and state and local regulations. On September 7, 2021, the Wireline Competition Bureau released a *Public Notice* seeking to refresh the record on the issues raised in the 2019 NPRM. On February 15, 2022, the Commission adopted a *Report and Order* and *Declaratory Ruling*. The Report and Order prohibited service providers from entering into two types of revenue sharing agreements and mandated disclosure of exclusive marketing arrangements. The Declaratory Ruling clarified that the Commission's rules prohibit sale-and-leaseback arrangements. On March 5, 2024, the Office of the Chairwoman circulated a *Further Notice of Proposed Rulemaking* (*Further Notice*) seeking comment on additional actions the Commission can take to encourage greater choice of communications services for the millions of Americans living and working in multi-tenant environments.

BACKGROUND AND KEY ISSUES:

- MTEs are commercial or residential premises occupied by multiple entities, such as apartment buildings, shopping malls, condominium buildings, or cooperatives.
- Nearly 30% of the U.S. population lives in condominiums and apartments, and millions more work in office buildings.
- The 2019 NPRM sought public input on additional actions the Commission could take to accelerate the deployment of next-generation networks and services within MTEs. In particular, the NPRM sought comment on the impact that certain practices have on broadband competition and deployment in MTEs, including: revenue sharing agreements; exclusive wiring arrangements, including sale-and-leaseback arrangements; exclusive marketing arrangements; and exclusivity agreements regarding rooftop facilities.
- On September 7, 2021, the Wireline Competition Bureau issued a Public Notice inviting parties to update the record on issues raised in the NPRM on topics including but not limited to (1) revenue sharing agreements; (2) exclusive wiring arrangements, including sale-and-leaseback arrangements; and (3) exclusive marketing arrangements.
- On February 15, 2022, the Commission adopted a *Report and Order* and *Declaratory Ruling*. The Report and Order adopted rules to (1) prohibit providers from entering into graduated revenue sharing agreements or exclusive revenue sharing agreements with a building owner; and (2) require providers to disclose to tenants in plain language the existence of exclusive marketing arrangements that they have with building owners. The Declaratory Ruling clarified that the Commission's existing rules prohibit sale-and-leaseback arrangements, a practice that circumvents the Commission's cable inside wiring rules and that effectively blocks access to alternative providers
- On March 5, 2024, the Office of the Chairwoman circulated the *Further Notice* seeking comment on additional actions the Commission could take to address the provision of communications services in multi-tenant environments.
- On January 23, 2025, the Office of the Chairman removed the *Further Notice* from circulation.

WCB BRIEFING SHEET**March 2025****Page 37 of 122**

STATUS: The February 2022 Report and Order's rules became effective on April 27, 2022. The compliance date for rules regarding revenue sharing agreements was April 27, 2022, for new contracts, and was September 26, 2022 for existing contracts. The compliance date for rules regarding new exclusive marketing agreements was August 22, 2022, and the compliance date for rules regarding existing exclusive marketing agreements was September 26, 2022.

WCB BRIEFING SHEET

SUBJECT: MODERNIZING UNBUNDLING AND RESALE REQUIREMENTS IN AN ERA OF NEXT-GENERATION NETWORKS AND SERVICES (WC DOCKET NO. 19-308)

SUMMARY: The Commission has repeatedly adjusted the incumbent LEC-specific unbundling and resale requirements in the Telecommunications Act of 1996 (the 1996 Act), to account for changed circumstances. On October 27, 2020, the Commission adopted a Report and Order (*Report and Order*) that ends, subject to reasonable transition periods, unbundling and resale requirements where they stifle technology transitions and broadband deployment. The *Report and Order* preserves unbundling requirements where they are still necessary to realize the 1996 Act's goal of robust competition benefiting all Americans.

BACKGROUND AND KEY ISSUES: Prior to 1996, incumbent LECs dominated the local service marketplace and held government-sanctioned monopolies in many areas. The 1996 Act changed the focus of telecommunications law and policy from the regulation of monopolies to the encouragement of robust intermodal competition. On November 22, 2019, the Commission adopted a Notice of Proposed Rulemaking seeking comment on proposals to update the unbundling and avoided-cost resale obligations.

The October 2020 *Report and Order*:

- Eliminated unbundling requirements for:
 - Enterprise DS1 and DS3 loops in areas with sufficient evidence of competition, subject to a 42-month transition period for DS1 loops including a 24-month period for new orders, and subject to a 36-month transition period for DS3 loops;
 - Broadband-capable DS0 loops and subloops in the most densely populated areas, subject to a 48-month transition period including a 24-month period for new orders;
 - Voice-grade narrowband loops, multiunit premises subloops, and network interface devices nationwide, subject to a 36-month transition period; and
 - Operations support systems nationwide, except for the purposes of managing other unbundled network elements, number portability, and interconnection.
- Preserved the unbundling requirements for DS0 loops in less densely populated areas and DS1 and DS3 loops in areas without sufficient evidence of competition.
- Eliminated unbundling requirements for dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks but provided an eight-year transition period for existing circuits so as to avoid stranding investment and deployment by competitive LECs.
- Forbore from the Avoided-Cost Resale obligation where it continues to exist, subject to a three-year transition period.

STATUS: The *Report and Order* became effective on January 8, 2021. On February 8, 2021, Sonic Telecom, LLC filed a petition for reconsideration of portions of the *Report and Order*. Sonic requests that the Commission reverse its finding of no impairment, and grant of forbearance, for the unbundled DS0 Loops in urbanized areas and for unbundled dark fiber transport within a half a mile of competitive fiber. On February 28, 2025, the Wireline Competition Bureau released an Order on Reconsideration dismissing Sonic's Petition for Reconsideration.

WCB BRIEFING SHEET

SUBJECT: OPEN INTERNET (WC DOCKET NO. 23-320, WC DOCKET NO. 17-108, GN DOCKET NO. 14-28)

SUMMARY: On April 25, 2024, the Commission adopted a *Declaratory Ruling, Order, Report and Order, and Order on Reconsideration (Second Title II Order)* that, among other things, reinstated the classification of broadband Internet access service as a telecommunications service under Title II of the Communications Act and the classification of mobile broadband Internet access service as a commercial mobile service, and also placed prescriptive conduct rules on Internet service providers. On January 2, 2025, the Sixth Circuit issued its decision in *Ohio Telecom v. FCC* setting aside the *Order*, holding that, under the Act, Internet service providers offer only an information service and that the Commission is not permitted to classify mobile broadband as a commercial mobile service. The Intervenor in the case filed a petition for rehearing en banc, which remains pending before the Sixth Circuit.

BACKGROUND AND KEY ISSUES:

- In December 2010, the Commission adopted the *Open Internet Order*, in which it established no-blocking and no-unreasonable-discrimination rules, as well as a transparency rule.
- In 2014, the D.C. Circuit vacated the no-blocking and no-unreasonable-discrimination rules adopted in the *Open Internet Order* but upheld the transparency rule.
- In February 2015, the Commission adopted the *Protecting and Promoting the Open Internet Report and Order on Remand, Declaratory Ruling, and Order (Title II Order)*, reclassifying broadband Internet access service from an information service to a telecommunications service and classifying mobile broadband Internet access service as a commercial mobile service. The Commission adopted no-blocking, no-throttling, and no-paid-prioritization rules, as well as a general conduct standard and additional transparency rule requirements.
- In 2016, the D.C. Circuit upheld the *Title II Order* in *United States Telecom Ass'n v. FCC*. The D.C. Circuit denied petitions for rehearing of the case *en banc* in 2017.
- In December 2017, the Commission adopted the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (RIF Order)*, which reclassified broadband Internet access service as an information service and mobile broadband Internet access service as a private mobile service. The *RIF Order* (1) eliminated the conduct rules and the general conduct standard set forth in the *Title II Order*, (2) adopted a transparency rule similar to that in the *Open Internet Order*, removing the *Title II Order*'s changes and requiring disclosure of any blocking, throttling, and paid or affiliate prioritization, and (3) preempted state and local regulation of broadband Internet access service that is inconsistent with the federal deregulatory policy in the *RIF Order*, while maintaining the states' role in enforcing generally-applicable fraud and commercial laws.
- In October 2019, the D.C. Circuit largely upheld the *RIF Order* in *Mozilla Corp. v. FCC*, but it vacated the preemption action and remanded the *RIF Order* on three issues it found the Commission had not adequately explained: (1) the implications for public safety; (2) the effect on the regulation of pole attachments; and (3) the impact of reclassification on the Lifeline program. In February 2020, the D.C. Circuit denied petitions for *en banc* rehearing and panel rehearing of the case.
- In October 2020, the Commission adopted the *RIF Order on Remand* addressing the issues remanded by the D.C. Circuit in *Mozilla v. FCC*.
- In April 2024, the Commission adopted the *Second Title II Order*, which largely reestablished the framework the Commission adopted in the *Title II Order* by reclassifying broadband Internet access service as a telecommunications service and mobile broadband Internet access service as a commercial mobile service, and by readopting no-blocking, no-throttling, and no-paid-prioritization rules, as well as a general conduct standard and additional transparency rule requirements.

WCB BRIEFING SHEET**March 2025****Page 40 of 122**

- In January 2025, the Sixth Circuit issued its decision in *Ohio Telecom* setting aside the *Second Title II Order*, holding that, under the Act, BIAS providers offer only an information service and that the Commission is not permitted to classify mobile broadband as a commercial mobile service.

STATUS: The Intervenor in *Ohio Telecom* (Free Press, Open Technology Institute, Public Knowledge, and Benton Institute for Broadband & Society) filed a petition for rehearing en banc, which remains pending before the Sixth Circuit.

WCB BRIEFING SHEET

SUBJECT: RURAL CALL COMPLETION (WC DOCKET NOS. 13-39, 07-135; CC DOCKET NO. 01-92)

SUMMARY: On April 17, 2018, the Commission released a *Second RCC Report and Order and Third Further Notice of Proposed Rulemaking* to reorient the FCC's rural call completion rules to better reflect strategies that have worked to reduce rural call completion problems while at the same time reducing the overall burdens on covered providers. The *Third RCC Further Notice* proposed and sought comment on rules to implement the Improving Rural Call Quality and Reliability Act of 2017 (RCC Act). On August 15, 2018, the Commission began implementation of the RCC Act with the release of the *Third RCC Report and Order*, which adopted rules to establish a registry for intermediate providers and require intermediate providers to register with the Commission before offering to transmit covered voice communications, as well as further measures to augment and bolster the effectiveness of the Commission's call completion rules. On March 15, 2019, the Commission released a *Fourth RCC Report and Order*, which concluded its implementation of the RCC Act by establishing service quality standards for intermediate providers, and sunseting the data recording and retention rules one year after the new service quality standards become effective.

BACKGROUND AND KEY ISSUES:

- Rural call completion problems have typically arisen in rural areas served by rate-of-return carriers where the costs that long-distance providers incur to complete calls are generally higher than in non-rural areas. Long-distance providers often employ one or more intermediate providers (also referred to as "least cost routers") to carry a long-distance call to its destination. Some of these intermediate providers may be failing to deliver a significant number of calls, and evidence has indicated that the retail long-distance providers were not adequately examining the resulting rural call completion performance.
- In February 2012, the Wireline Competition Bureau issued a Declaratory Ruling clarifying that it is an unjust and unreasonable practice for a carrier that knows or should know that it is providing degraded service to certain areas to fail to correct the problem or to fail to ensure that intermediate providers acting for or employed by the carrier are performing adequately.
- On October 28, 2013, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*2013 RCC Order*) in which it established rules to address rural call completion problems and sought comment on potential additional measures that the Commission could take to address such problems. These rules included data recording, retention, and reporting rules. The rules also prohibit long-distance service providers from prematurely sending audible ringing to the caller before the terminating provider signals it is alerting the called party.
- Pursuant to the requirements of the *2013 RCC Order*, the June 22, 2017 WCB Data Report analyzed the data collected and submitted by carriers pursuant to the *2013 RCC Order*, and found that data quality issues impacted the reliability of the data collection and precluded WCB from drawing firm conclusions from the data, and recommended that the Commission "consider eliminating the recording, retention, and reporting rules."
- The *Second RCC Further Notice* sought comment on adopting new rules and on whether to eliminate, modify, or retain the existing rural call completion recording, retention, and reporting rules.
- On February 26, 2018, the President signed the RCC Act into law. The RCC Act requires the FCC to develop: (1) a publicly available registry of intermediate providers, and (2) service quality standards for the transmission of covered voice communications by intermediate providers. The RCC Act requires the FCC to promulgate rules establishing the registry within 180 days of enactment, and to promulgate rules establishing service quality standards within one year of enactment.

WCB BRIEFING SHEET

March 2025

Page 42 of 122

- The *Second RCC Report and Order* required covered providers to monitor the performance of the intermediate providers to which they hand off calls, and based on the result of such monitoring, take steps that are reasonably calculated to correct any identified performance problem with an intermediate provider, including removing the intermediate provider from a particular route after sustained inadequate performance. To facilitate communications about problems that arise, the *Second RCC Report and Order* also required covered providers to make available a point of contact to address rural call completion issues. In the *Third RCC Further Notice*, the Commission sought comment on how to implement the RCC Act.
- On August 15, 2018, the Commission released the *Third RCC Report and Order*, which began implementation of the RCC Act by adopting rules to establish a registry for intermediate providers and require intermediate providers to register with the Commission before offering to transmit covered voice communications. The *Third RCC Report and Order* also adopted rules to require covered providers to use only registered intermediate providers to transmit covered voice communications, and to maintain the capability to disclose the identities of any intermediate providers relied on in the call path to the Commission. The *Order* also denied USTelecom's petition for a stay of the monitoring requirement for covered providers.
- On March 15, 2019, the Commission released the *Fourth RCC Report and Order*, which concluded its implementation of the RCC Act by establishing flexible service quality standards for intermediate providers based on the Commission's rules for covered providers. The *Fourth RCC Report and Order* required intermediate providers to take steps reasonably calculated to ensure that any calls they handle are in fact completed. When routing traffic destined for rural areas, the *Fourth RCC Report and Order* required intermediate providers to actively monitor the performance of any directly contracted downstream intermediate provider and, based on the results of such monitoring, take steps to address any identified performance issues with that provider. Intermediate providers must also ensure that any additional intermediate providers to which they hand off calls are registered with the Commission. Finally, the *Fourth RCC Report and Order* adopted a provision to sunset the data recording and retention rules one year after the new service quality standards become effective and denied Petitions for Reconsideration of aspects of the *Second RCC Report and Order* filed by USTelecom and NTCA. The *Fourth RCC Report and Order* became effective on July 5, 2019, except for the intermediate provider service quality standards, which became effective on September 15, 2019. The sunset provision for the data recording and retention rules became effective on September 15, 2020.
- On September 14, 2020, the Wireline Competition Bureau released a Report and Request for Comment, which found that the rules the Commission adopted in the *Second RCC Report and Order* have been effective in improving rural call completion and sought comment on that conclusion. The Bureau also sought comment on the effectiveness of the intermediate provider service quality standards adopted in the *Fourth RCC Report and Order*.

STATUS: WCB staff continue to work with intermediate providers to enable their registration in the Intermediate Provider Registry. Staff also coordinate with the Commission's Enforcement Bureau on enforcement actions related to rural call completion issues.

WCB BRIEFING SHEET

SUBJECT: PREVENTING DIGITAL DISCRIMINATION (GN DOCKET NO. 22-69)

SUMMARY: On March 16, 2022, the Commission adopted a *Notice of Inquiry* to commence a proceeding on preventing and eliminating digital discrimination of access. The *Notice of Inquiry* invited comment on the Commission's requirements under section 60506 of the Infrastructure Investment and Jobs Act (Infrastructure Act) to promote equal access to broadband and combat digital discrimination of access based on income level, race, ethnicity, color, religion and national origin. , On December 21, 2022, the Commission adopted a *Notice of Proposed Rulemaking* that built upon the comments offered by a broad array of stakeholders in response to the *Notice of Inquiry*, and sought further, focused comment on the statutory language and the proposals suggested in the record. Following an extensive administrative record, on November 15, 2023, the Commission adopted a *Report and Order* and *Further Notice of Proposed Rulemaking*. In the *Report and Order*, the Commission adopted rules pursuant to section 60506 of the Infrastructure Act that establish a framework to facilitate equal access to broadband internet access by preventing digital discrimination of access and revised the agency's informal consumer complaints process to accept the filing of complaints that relate to digital discrimination of access. In the *Further Notice of Proposed Rulemaking*, the Commission proposes rules regarding affirmative obligations for broadband providers and on establishing an Office of Civil Rights.

BACKGROUND AND KEY ISSUES:

- Section 60506 of the Infrastructure Act was enacted on November 15, 2021, and directed that, within two years, the Commission adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective, including preventing digital discrimination of access based on income level, race, ethnicity, color, religion , or national origin, and identifying necessary steps to eliminate such discrimination. The *Notice of Inquiry* commenced a proceeding “to ensure that all people of the United States benefit from equal access to broadband internet access service,” and “to prevent digital discrimination of access” consistent with Congress’s directive in section 60506 of the Infrastructure Act.
 - The *Notice of Inquiry* sought comment on how to construe and give meaning to the statutory language in section 60506. It also asked what data the Commission should rely on as it considers the issue of digital discrimination, and what other action the Commission should take to prevent and eliminate digital discrimination.
- The *Notice of Proposed Rulemaking* sought further, focused comment on the rules the Commission should adopt to fulfill the Congressional direction in section 60506 to facilitate equal access to broadband internet access service and prevent digital discrimination of access.
 - The *Notice of Proposed Rulemaking* sought comment on possible definitions of “digital discrimination of access” as used in the Infrastructure Act. It also proposed to revise the Commission’s informal consumer complaint process to accept complaints of digital discrimination of access. It sought comment on adopting model policies and best practices for states and localities, including Tribal governments, and combating digital discrimination that is based on recommendations from the FCC’s Communications Equity and Diversity Council (CEDC).
- The *Report and Order* adopts rules to address policies and practices that impede equal access to broadband, while taking into account issues of technical and economic feasibility that pose serious challenges to full achievement of the equal access objective. The rules constitute an effective, balanced means to accomplish Congress’s objective of ensuring that historically unserved and underserved communities throughout the Nation have equal opportunity to receive

WCB BRIEFING SHEET
March 2025
Page 44 of 122

high-speed broadband service comparable to that received by others, without discrimination as to the terms and conditions on which that service is received. The Commission charged the CEDC with identifying, evaluating, and making recommendations with respect to the safe harbors, rebuttable presumptions, or other similar bright-line guardrails that should distinguish permissible from impermissible conduct under the rules adopted in the *Report and Order*.

- *The Further Notice of Proposed Rulemaking* proposed rules regarding affirmative obligations for broadband providers, through: (1) annual reports that would facilitate greater transparency regarding substantial broadband projects recently completed by providers, and (2) internal compliance programs requiring periodic evaluation of the demographics of communities served—and not served—by such recently completed projects, as well as pending and planned substantial projects. The Commission also sought comment on establishing an Office of Civil Rights.

STATUS: On November 15, 2023, the Commission adopted a *Report and Order* that establishes a framework to facilitate equal access to broadband internet access service for all people in the United States by preventing digital discrimination of access, consistent with Congress's direction in the Infrastructure Investment and Jobs Act. The *Report & Order* became effective on March 22, 2024, except for the amendment to [47 CFR 1.717](#) regarding informal complaints addressing digital discrimination of access, which will not become effective until the Office of Management and Budget completes review of any information collection requirements. The accompanying *Further Notice of Proposed Rulemaking* seeks additional comment on certain affirmative measures pertaining to the Commission's administration of section 60506 and the Commission's efforts to facilitate equal access as well as on establishing an Office of Civil Rights. Comments were filed with the Commission on March 4, 2024 and replies were filed by April 1, 2024.

Petitions for review were filed challenging the digital discrimination of access rules adopted by the *Report and Order*. The petitions were consolidated and appeal was taken in the U.S. Court of Appeals for the Eighth Circuit. Following the filing of briefs by the parties, intervenors and amicus, the Court held oral argument on September 25, 2024. No decision has been released yet. In January of 2025, the Chairman of the FCC determined that the work of the CEDC is complete, and he terminated the federal advisory committee in accordance with section 10 of the CEDC charter.

WCB BRIEFING SHEET

SUBJECT: 833 TOLL FREE NUMBER AUCTION (WC DOCKET NO. 17-192, CC DOCKET NO. 95-155, AU DOCKET NO. 19-101)

SUMMARY: On September 27, 2018, the Commission issued a Report and Order revising toll free number assignments. Previously, numbers were always assigned on a first-come, first-served basis. The Report and Order revised our rules to provide the Commission with flexibility to assign toll free numbers by other methods, including by auction. The Report and Order further established the auction of “mutually exclusive” numbers—those numbers for which there are two or more requests for assignment—in the recently opened 833 toll free code (the 833 Auction). The 833 Auction occurred on December 17, 2019.

BACKGROUND AND KEY ISSUES:

- The Commission opens new toll free codes when the pool of available toll free numbers is near exhaust. The Wireline Competition Bureau (Bureau) has used this near exhaust standard to open the 888, 866, 877, 855, and 844 toll free codes. When a new toll free code opens, Responsible Organizations (RespOrgs) seek to reserve toll free numbers that have a particular interest for a subscriber—economic, commercial, or otherwise.
- With the announced opening of the 833 toll free code on April 27, 2017, the Bureau directed each RespOrg to submit a single request for up to 2,000 individual preferred 833 toll numbers. The Bureau then directed Somos, Inc., the Toll Free Numbering Administrator, to review all 833 number requests and identify mutually exclusive numbers.
- Somos identified approximately 17,000 mutually exclusive numbers and placed these numbers in unavailable status pending the outcome of this proceeding. These mutually exclusive numbers include repeaters numbers (e.g., 833-333-333 and 833-888-8888) as well as numbers that spell memorable words and phrases (e.g., 833-DENTIST, 833-DIVORCE, 833-DOCTORS, 833-FLOWERS, 833-HOLIDAY, 833-INJURED, and 833-LAWYERS).
- The remaining 833 toll free numbers were assigned on a first-come, first-served basis when the code was officially opened on June 3, 2017.
- *The Report and Order:*
 - Expanded the existing first-come, first-served toll free number assignment rule in section 52.111 to allow the Commission to assign toll free numbers by auction, on a first-come, first-served basis, by an alternative assignment methodology, or by a combination of methodologies.
 - Established a single-round, sealed-bid Vickrey auction for the roughly 17,000 mutually exclusive numbers set aside in the 833 toll free code. Under this type of auction, the highest bidder for a toll free number wins and pays the second-highest bid for the number.
 - Established Somos as the auctioneer of the 833 toll free number auction.
 - Required that net proceeds from the 833 toll free number auction offset the costs of toll free number administration for the benefit of all RespOrgs and subscribers.
 - Established a process by which certain toll free numbers may be set aside, without cost, from the 833 toll free number auction to promote health, safety, education, and other public interest goals.

WCB BRIEFING SHEET**March 2025****Page 46 of 122**

- Revised the Commission's existing rules regarding hoarding, warehousing, and brokering of numbers—sections 52.105 and 52.107—to allow for a secondary market for toll free numbers assigned in an auction.
- Made ministerial revisions to other toll free numbering rules to make those rules consistent with other revisions adopted, as well as with current industry terminology and practice.
- The Report and Order was released on September 27, 2018.
- After seeking comment on proposed auction procedures and deadlines, the Commission adopted them on August 2, 2019.
- The application filing window ran from October 7 to 18, 2019, and Somos announced the list of qualified bidders on December 10, 2019.
- Bidding occurred on December 17, 2019, and Somos issued an announcement of the winning bidders on December 20, 2019.
- On July 14, 2020, the North American Numbering Council (NANC) approved the Toll Free Assignment Modernization (TFAM) working group's report, *Perspectives on the December 2019 Auction of Numbers in the 833 Numbering Plan Area*.
- On January 15, 2021, the Bureau released a report examining the 833 Auction, including lessons learned, examination of auction outcomes, and recommendations for any future toll free number assignment.
- On March 1, 2024, the NANC approved the Toll Free: Utilization of Numbers (T-FUN) working group's report, *Management of Available 833 Toll-Free Resources*.
- On May 14, 2024, the NANC approved the T-FUN working group's report, *Assessment of Unassigned 800-Prefix Toll Free Numbers and Potential Methods for Number Assignment*.

STATUS: The Commission stated that it would use the 833 Auction as an experiment to determine how best to use an auction mechanism to assign toll free numbers, and consequently directed the Bureau to issue a report after completion of the 833 Auction, outlining the outcomes of the auction and lessons learned. On January 15, 2021, the Bureau released its report examining the 833 Auction. Numbers set aside for auction and not assigned in the 833 Auction remain in unavailable status with the Toll Free Number Administrator.

WCB BRIEFING SHEET

SUBJECT: ACCESS TO TELEPHONE NUMBER RESOURCES BY NON-CARRIERS
(WC Docket Nos. 13-97, 10-90, 07-243, 04-36, and CC Docket Nos. 01-92, 99-200, 95-116)

SUMMARY: On June 22, 2015, the Commission released a *Report and Order* establishing an authorization process to enable interconnected VoIP providers to obtain North American Numbering Plan (NANP) numbers directly from the Numbering Administrators, subject to certain conditions designed to minimize number exhaust and maintain the integrity of the numbering system. On August 5, 2021, the Commission adopted a *Further Notice of Proposed Rulemaking* proposing and seeking comment on a number of modifications to the Commission's rules governing the authorization process for interconnected VoIP providers' direct access to numbering resources. On September 22, 2023, the Commission adopted a *Second Report and Order, and Further Notice of Proposed Rulemaking* formalizing modifications to the Commission's rules governing the application and authorization process, and proposing and seeking comment on additional modifications as well as referrals to the North American Numbering Council (NANC) of further modifications for consideration. The new rules became effective on August 8, 2024, after the post-Office of Management and Budget (OMB) approval notice was published in the Federal Register.

BACKGROUND AND KEY ISSUES:

- Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate that they are authorized to provide service in the area for which the numbering resources are being requested. The Commission has interpreted this rule as requiring evidence of either state certification or Commission license and has waived section 52.15(g)(2)(i) in only one instance, with periodic renewals. On June 18, 2015, the Commission adopted the *Direct Access Report and Order (Report and Order)*, which established an authorization process to allow interconnected VoIP providers to request NANP telephone numbers directly from the Numbering Administrators, rather than through intermediary carriers.
- The final rules adopted in the *Direct Access Report and Order* became effective on February 4, 2016. On the effective date of the rules, the Bureau released a Public Notice announcing that, on February 18, 2016, the Commission would begin accepting applications from interconnected VoIP providers for authorization to obtain telephone numbers directly from the Numbering Administrators.
- On March 2, 2016, the NANC submitted the report required by the *Direct Access Report and Order* on interconnected VoIP provider porting. The report recommended that the definition of "Class 1: interconnected VoIP provider" be clarified in the textual descriptions of the "Inter-Service Provider Local Number Portability (LNP) Operations Flows" in order to enable wireline, wireless, and other interconnected VoIP providers, to directly port numbers to and from interconnected VoIP providers.
- On December 23, 2015, the National Association of Regulatory Utility Commissioners (NARUC) appealed the Commission's *Direct Access Report and Order* to the D.C. Circuit. On March 24, 2017, the court dismissed the petition because NARUC failed to show that it had standing to challenge the Order. To date, the Bureau has granted 97 applications from VoIP providers for authorization to obtain telephone numbers directly from the Numbering Administrators.
- On August 5, 2021, the Commission adopted a *Further Notice of Proposed Rulemaking* proposing to establish additional guardrails to safeguard the nation's finite numbering resources, protect consumers, curb illegal and harmful robocalling, reduce the opportunity for regulatory arbitrage, and further promote public safety. Among other things, the *Further Notice* proposes to: require additional certifications as part of the direct access application process and clarify existing requirements; clarify that applicants must disclose foreign ownership information; 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 submitted to the Commission; and clarify that the

WCB BRIEFING SHEET

March 2025

Page 48 of 122

Bureau retains the authority to determine when to release an Accepted-for-Filing Public Notice, and to delegate authority to the Bureau to reject an application for direct access authorization if an applicant has engaged in behavior contrary to the public interest or has been found to have originated or transmitted illegal robocalls. The *Further Notice* also seeks comment whether any changes to the Commission's rules are necessary to clarify that holders of a Commission direct access authorization must comply with state numbering requirements, and whether the Commission should expand the direct access to numbers authorization process to one-way VoIP providers or other entities that use numbers.

- On September 21, 2023, the Commission adopted a *Second Report and Order and Second Further Notice of Proposed Rulemaking* that strengthens the Commission's direct access rules in order to stem the tide of illegal robocalls and protect the nation's numbering resources from abuse by foreign bad actors. In addition, the *Second Further Notice of Proposed Rulemaking* seeks comment on the duties of existing direct access authorization holders whose authorizations predate the new application requirements that would be adopted in the *Second Report and Order*, and a proposal to minimize harms that may arise from entities that indirectly access numbering resources by holding direct access authorization holder "partners" accountable.
- After receiving OMB approval for the information collection associated with the new certifications and disclosures established in the *Second Report and Order*, the post-OMB approval notice was published in the Federal Register on August 8, 2024.

STATUS: The *Second Report and Order* became effective on December 20, 2023, 30 days after publication in the Federal Register, except for those rules that require approval by Office of Management and Budget under the Paperwork Reduction Act, which became effective on April 19, 2024. Comments to the *Second Further Notice of Proposed Rulemaking* were due November 29, 2023, and reply comments were due December 29, 2023. On February 20, 2024, the Bureau sent two charge letters to the NANC, referring further rule and process modifications for consideration, as contemplated in the *Second Further Notice of Proposed Rulemaking*. The NANC reports were due to the Bureau by December 17, 2024. The Commission reviews applications for VoIP providers to access numbering resources pursuant to its procedures for streamlined and non-streamlined processing. Interested parties may file comments once WCB accepts the applications for filing through a public notice. For streamlined applications, unless otherwise notified by the Commission, VoIP providers may file notices of intent to request numbers with relevant state commissions on the 31st day after the date that WCB accepts their direct access application for filing. For non-streamlined applications, WCB reviews and acts on the application in accordance with Commission rules requiring a grant to be in the public interest.

WCB BRIEFING SHEET**SUBJECT: CONNECT HOLDING (BRIGHTSPEED)/LUMEN TRANSFER OF CONTROL** (WC Docket No. 21-350)

SUMMARY: On September 1, 2021, Connect Holding, LLC (Connect Holding) and Lumen Technologies, Inc. (Lumen, formerly known as CenturyLink, Inc.) (together, Applicants) filed applications for the transfer of domestic section 214 authorizations, one international section 214 authorization, and wireless licenses from Lumen to Connect Holding. On October 27, 2021, Connect Holding also filed a petition for declaratory ruling under section 310(b)(4) of the Act to exceed the 25% foreign ownership benchmark for common carrier wireless licenses and permit foreign investors to own, directly or indirectly, up to 100% of the equity and voting interests in Connect Holding and associated entities post-transaction.

Under the terms of the proposed transaction, Connect Holding (now doing business as Brightspeed) acquired, among other things, Lumen's incumbent local exchange carrier (LEC) subsidiaries and their assets in 20 states (Acquired Incumbent LECs). Lumen had also been designated as a winning bidder in the Rural Digital Opportunity Fund (RDOF) Phase I Auction (Auction 904) and had assigned winning bids to nine of the Acquired Companies for the deployment of broadband service to 32,580 unserved locations. Applicants publicly announced that the proposed transaction was valued at \$7.5 billion.

On August 19, 2022, the Wireline, International, and Wireless Bureaus granted the petition for declaratory ruling and approved the applications, subject to a Team Telecom national security condition. In addition, the Bureaus credited a series of voluntary commitments as public interest benefits of the transaction. The transaction was consummated on October 3, 2022.

BACKGROUND AND KEY ISSUES

- Prior to the transaction, Lumen provided broadband and communications services to residential and enterprise customers, including incumbent LEC services through its operating subsidiaries in 37 states and as a competitive LEC in all 50 states. In the largely rural areas in the 20 states covered by the applications (Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin), the Acquired Companies offered broadband service to approximately 6.7 million homes and 600,000 enterprise buildings and provided broadband services to approximately 1.3 million subscribers, primarily via copper-based Digital Subscriber Line (DSL) service.
- Post-transaction, Lumen retained its incumbent LEC assets in the 17 other states in its footprint, as well as its national fiber routes and competitive LEC networks. Lumen stated that it would continue to provide interexchange and competitive LEC service in the 20 states at issue in the proposed transaction.
- Connect Holding is indirectly controlled by funds held by Apollo Global Management, Inc. (AGM) (AGM and its subsidiaries, collectively, Apollo). AGM is a publicly traded U.S. company and investment entity controlled by three U.S. citizens that hold their voting interests indirectly through Cayman Islands entities.
- Pre-transaction, Applicants asserted that the Acquired Companies offered broadband service using fiber-to-the-premises (FTTP) to only 3% of residential households and 6% of business locations in their 20-state footprint and that "consummation of the proposed transaction will provide substantial capital and managerial resources to expand availability of symmetrical gigabit

WCB BRIEFING SHEET**March 2025****Page 50 of 122**

FTTP broadband in that service area.” They stated that Lumen did not have a prior business plan to make fiber investments in the Acquired Incumbent LEC footprint.

- During the proceeding, Communications Workers of America (CWA) argued that the Commission should not approve the transaction without imposing multiple conditions addressing specific commitments and timelines for fiber investments, Lifeline and Affordable Connectivity Program (ACP) participation, employment retention, justifications for any planned deployments of fixed wireless as opposed to fiber, and service quality and retirement of copper plant. On reply, the Michigan Public Service Commission, National Digital Inclusion Alliance, and Public Knowledge supported the CWA proposed conditions. The Applicants filed reply comments disputing CWA’s contentions and arguing against any conditions to the transaction.

STATUS: On October 3, 2022, the transaction was consummated and Connect Holding now operates the business under the name Brightspeed. On August 19, 2022, the Bureaus granted the application and found no potential public interest harms associated with the proposed transaction, but they noted the concerns raised by CWA and credited a series of voluntary commitments from Connect Holding as public interest benefits of the transaction. The commitments included (1) making \$2 billion in private investments for equitable fiber deployment over five years; (2) participating in affordable broadband programs, including Lifeline and the ACP, with the addition of a new zero-cost broadband plan to be available to consumers who participate in the ACP; and (3) making a workforce guarantee to ensure that the Applicant Incumbent LECs retain the skilled workers needed to build and maintain their telecommunications networks. Specifically, Connect Holding committed to commencing building fiber in 17 states by the end of 2023 (with construction in the remaining three states, Oklahoma, Mississippi, Georgia, to occur during the balance of the five-year period), with approximately one million fiber passings expected to be built by the end of 2023, and an overall deployment goal of 3 million additional homes and business locations by the end of five years from the closing date. According to the Applicants, these upgraded passings represent nearly half of the premises in the Acquired Incumbent LEC footprint.

WCB BRIEFING SHEET

SUBJECT: WINDSTREAM HOLDINGS II, LLC & UNITI GROUP INC./WINDSTREAM PARENT, INC. TRANSFER OF CONTROL (WC Docket No. 24-165)

SUMMARY: On May 24, 2024, Uniti Group Inc. (Uniti), Windstream Holdings II, LLC (Windstream), and Windstream Parent, Inc. (Transferee) (together, Applicants) filed a consolidated application for the transfer of domestic and international section 214 authorizations to Transferee. Under the terms of the agreement, upon closing, Uniti shareholders will hold approximately 62% of the outstanding common equity of the combined company, and Windstream shareholders will hold approximately 38% of the outstanding common equity. Applicants state that the combined company will initially serve over 1.1 million customers and 1.5 million existing homes passed, with the ability to expand its fiber-to-the-home (FTTH) build by up to 1 million additional households. Applicants have also filed an application to transfer wireless licenses and a petition for declaratory ruling (PDR) to address foreign ownership. Applicants publicly announced that the proposed transaction was valued at \$1 billion in cash and preferred equity. Comments were due on November 1, 2024 and replies are due November 18, 2024. No comments were filed. On October 18, 2024, the U.S. Department of Justice (DOJ) requested that the Commission defer action on the application pending review of any national security and law enforcement concerns that may be raised by foreign participation in the U.S. telecommunications services sector. On January 16, 2025, DOJ filed notice that it began its 120-day initial review period on that date.

BACKGROUND AND KEY ISSUES

- Windstream has incumbent LEC subsidiaries in 18 states, and its competitive LEC subsidiaries serve primarily enterprise and government customers in all 50 states and the District of Columbia. Windstream provides fiber-based broadband to residential and small business customers in the 18 states, managed cloud communications, networking and security services for mid-to-large enterprises and government entities across the U.S., and customized dark fiber offerings for carriers, content providers, and other entities in the U.S. and Canada. Windstream, a privately held company headquartered in Little Rock, Ark., operates three brands including Kinetic, Windstream Enterprise, and Windstream Wholesale. Windstream receives RDOF support in 17 states.
- On August 28, 2020, WCB, IB, and WTB granted Windstream's applications for transfer of control to facilitate the company's prompt emergence from bankruptcy, conditioned on Windstream filing a PDR under section 310(b)(4) of the Act to allow the Commission to review and approve its foreign ownership following the grant of the transfer of control. Windstream emerged from bankruptcy on September 21, 2020. On June 2, 2023, OIA granted the required PDR, allowing Windstream's controlling U.S. parent to have 100% aggregate foreign ownership interests held through various investment entities with citizenship in the Cayman Islands, Germany, Canada, Denmark, Bermuda, Australia, Netherlands, United Kingdom, Ireland, Switzerland, Hong Kong, Luxembourg, and Spain.
- Uniti, a real estate investment trust and Maryland corporation, is engaged in the acquisition and construction of communications infrastructure and is a provider of fiber for the communications industry. As of March 31, 2024, Uniti owns approximately 141,000 fiber route miles, 8.5 million fiber strand miles, and other communications real estate throughout the United States.
- Elliott Investment Management (Elliott), a Cayman Islands entity, is currently Windstream's largest shareholder and one of the largest shareholders in Uniti.

WCB BRIEFING SHEET**March 2025****Page 52 of 122**

- Applicants assert that the transaction will combine Uniti's national wholesale owned fiber network with Windstream's FTTH business to create a "premier insurgent" fiber provider in the U.S. positioned within Tier II and III markets throughout the U.S. to expand FTTH buildouts and significantly improve the merged company's overall financial profile. Applicants state that the combined company will initially serve over 1.1 million customers and 1.5 million existing homes passed with a particularly strong presence in the Midwest and Southeast. The combined company expects to benefit from an enhanced free cash flow profile, with the ability to expand its FTTH build by up to 1 million additional households. The combination is anticipated to generate up to \$100 million of targeted annual opex synergies and \$20-\$30 million of targeted annual capex savings within 36 months of closing.
- Under the terms of the agreement, Uniti shareholders will receive approximately 62% of the outstanding common equity of the combined company. Windstream shareholders will receive \$425 million of cash, \$575 million of preferred equity in the new combined company, and common shares representing approximately 38% of the outstanding common equity of the combined company. Windstream shareholders will additionally receive non-voting warrants to acquire up to 6.9% of common shares of the combined company. Uniti expects to fund the \$425 million of cash consideration to shareholders of Windstream from operations, revolver borrowings and/or future capital markets transactions. Certain of Windstream's largest shareholders, including Elliott, which is also a current holder of Uniti's equity and debt, will be rolling substantially all of their investment value in Windstream into the combined company. The transaction structure allows both companies' existing debt structures to remain in-place at closing, reducing financing requirements and costs.
- Upon closing, the combined company will be led by Kenny Gunderman, Uniti's Chief Executive Officer, and Paul Bullington, Uniti's Chief Financial Officer. Certain key members of Windstream's management team are expected to remain with the combined company as well. Following the close of the transaction, the five-person Uniti Board of Directors will remain in place, and four new directors will join the board of the combined company, with two of those directors selected by Elliott and the remaining two directors jointly selected by Uniti and Elliott.

STATUS: The application remains pending. On May 24, 2024, Applicants filed a consolidated application for the transfer of domestic and international section 214 authorizations to Transferee. Applicants have also filed an application to transfer wireless licenses and a PDR to address foreign ownership. Comments were due on November 1, 2024 and replies were due November 18, 2024. No comments were filed. On October 18, 2024, DOJ requested that the Commission defer action on the application pending review of any national security and law enforcement concerns that may be raised by foreign participation in the U.S. telecommunications services sector. On January 16, 2025, DOJ filed notice that it began its 120-day initial review period on that date. Applicants have stated publicly that they expect the transaction to close in the second half of 2025.

WCB BRIEFING SHEET**SUBJECT: FRONTIER COMMUNICATIONS PARENT, INC. TO VERIZON COMMUNICATIONS INC. TRANSFER OF CONTROL (WC Docket No. 24-445)**

SUMMARY: On October 11, 2024, Frontier Communications Parent, Inc. (Frontier) and Verizon Communications Inc. (Verizon) (together, Applicants) filed applications with the Wireline Competition Bureau, Office of International Affairs, and Wireless Telecommunications Bureau (collectively, Bureaus) to transfer control of the authorizations and licenses held by wholly owned subsidiaries of Frontier (collectively, the Licensees) to Verizon through a merger transaction (the Transaction) entered into on September 4, 2024, whereby:

- Verizon would acquire 100% of Frontier and its subsidiaries;
- Frontier will survive as a wholly-owned, direct subsidiary of Verizon;
- Licensees will become indirect, wholly-owned subsidiaries of Verizon;
- Verizon will pay approximately \$20 billion in cash to Frontier shareholders.

BACKGROUND AND KEY ISSUES

- Frontier, a publicly traded Delaware corporation, currently owns and operates more than 50 incumbent local exchange carriers (LECs) and a small number of competitive LECs in 25 states throughout the country. Through its interexchange carrier IXC subsidiaries, Frontier also provides intrastate, interstate, and international long-distance service on a resale basis in each of the states where Frontier operates as an incumbent LEC. Frontier's operating subsidiaries offer residential consumers, businesses, and wholesale customers a range of communications services including data and Internet services, voice services, and video services. Frontier does not offer wireless services.
- Verizon is a publicly traded Delaware corporation with no foreign ownership in which no individual or entity holds a 10% or greater ownership interest. No Team Telecom referral is necessary for this transaction. Through its subsidiaries, Verizon serves as an incumbent LEC in all or portions of the following states/jurisdictions: Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia and provides competitive LEC and IXC services in all 50 states.¹
- The majority of the Frontier Licensees to be transferred are currently eligible telecommunications carriers ETCs and will continue to be ETCs post-Transaction. Certain of the Licensees currently receive universal service high-cost support. Applicants assert that the Transaction will not result in any changes to the management, technology, debts, or other matters that would compromise these Licensees' ability to meet their USF high-cost service obligations. Frontier would, upon grant of the Application by the Commission, transfer to Verizon Rural Digital Opportunity Fund RDOF obligations and all related past and future RDOF funding associated with the Transaction.
- The transaction covers most of the Frontier territories that Verizon sold to Frontier in prior transactions.² Applicants assert that re-acquisition by Verizon will serve the public interest by allowing Verizon to significantly expand its fiber footprint in order to provide mobility and broadband services to all existing and future Frontier customers and build on Frontier's efforts to upgrade and expand its fiber network.

¹ Verizon also provides competitive LEC services in the District of Columbia.

² In 2019, Frontier sold territory it had acquired from Verizon as part of the 2010 transaction in Idaho, Montana, Oregon, and Washington to a competitive provider named Northwest Fiber. (see DA 19-302).

WCB BRIEFING SHEET**March 2025****Page 54 of 122**

- Applicants assert that Frontier has no “voluntary, nationwide low-income pricing option” like Verizon that will enhance the affordability of home Internet service for eligible customers.³
- Applicants further assert that without the transaction, Frontier faces the following obstacles to its continued growth and long-term competitiveness:
 - Its post-bankruptcy shift to a “fiber-first strategy” in 2021, targeting the passing of 10 million locations nationwide with fiber by 2026, while currently on track (having passed 7.2 million locations as of August 2024), is the extent of its funding capacity for any fiber buildouts beyond that. Moreover, Frontier has incurred significant indebtedness, adversely impacting its ability to obtain additional debt or equity financing on favorable terms, thus making it harder for Frontier to continue investing in fiber at the level necessary to compete and meet the needs of its customers. Frontier states that it also faces competitive challenges because it does not offer bundled broadband and mobile wireless service, which Verizon will do after the transaction is complete.
- Applicants contend that Verizon is managerially, technically, and financially well-qualified to complete the acquisition and operate Licensees and Frontier’s network Through Verizon’s market capitalization of approximately \$185 billion, revenues of approximately \$134 billion, and free cash flow of \$18.7 billion (in 2023). Moreover, as the former owner of most of Frontier’s facilities, Verizon is uniquely familiar with portions of Frontier’s network, service areas, and customers.
- Finally, Applicants assert that the transaction will not result in competitive harm because:
 - None of Frontier’s incumbent LEC operations materially overlap with any of Verizon’s existing incumbent LEC exchanges;
 - Their incumbent LEC services areas are complementary, and with only de minimis exceptions, they do not compete in the provision of wireline mass-market services nor do they have any plans to significantly do so in the future;
 - Where there is some overlap of fiber facilities for non-mass-market uses, such as Verizon’s deployment of fiber facilities in the remaining territories that Verizon previously sold to Frontier, such facilities are not related to fiber-to-the-premises facilities to serve consumers.

STATUS:

- The application remains pending. The comment/reply comment cycle closed on December 24, 2024.
 - Comments were submitted by Intrado Life & Safety, Inc.; Communications Workers of America; Coalition for IP Network Transition; INCOMPAS; and Teliax, Inc.
 - Frontier/Verizon submitted a joint reply to the comments.

³ Verizon’s low-income pricing option known as “Verizon Forward” provides qualifying customers with Verizon Home Internet services at a discounted price. Verizon will offer the service to customers across the Frontier service area post-Transaction. New York Department of Public Service issues a report in September 2024 showing that Verizon is the only major provider voluntarily offering a low-income plan.

WCB BRIEFING SHEET

SUBJECT: TRANSFER OF CONTROL OF DOMESTIC 214 LUMOS FIBER LICENSEE SUBSIDIARIES OF MTN INFRASTRUCTURE TOPCO, LP TO TRAILBLAZER HOLDCO, LLC (WC Docket No. 24-151)

SUMMARY: On May 15, 2024, Applicants filed a joint application with the Wireline Competition Bureau (WCB) and the Office of International Affairs (OIA) requesting consent to transfer control of the domestic and international section 214 authority held by wholly owned operating subsidiaries (the Licensees, operating as Lumos Fiber) of MTN Infrastructure TopCo LP (MTN Infrastructure) to Trailblazer Holdco, LLC (Trailblazer). The proposed transaction involves the acquisition of Lumos Fiber by a joint venture co-owned and co-managed by a subsidiary of T-Mobile US, Inc. (T-Mobile) and investment funds managed and advised by an affiliate of EQT AB (EQT), a Swedish holding company, which is the Licensees' current ultimate owner. As a result, T-Mobile US Inc. (T-Mobile) and EQT, through wholly-owned subsidiaries, will each control 50% of Trailblazer, which will indirectly own and control the Licensees. The applications were processed on a non-streamlined basis. Comments were due July 12, 2024 and replies were due July 19, 2024. The Bureau received one party comment in support and four brief comments in opposition. Pursuant to the FCC's standard practice, the Applications were referred to Team Telecom for their review of any national security, law enforcement, foreign policy, or trade policy concerns, consistent with routine practice.

BACKGROUND AND KEY ISSUES

- Licensees operate as Lumos Fiber and provide 100% fiber optic Internet, Wi-Fi, voice, and streaming services to more than 300,000 homes and businesses across Virginia, North Carolina, and South Carolina.
- MTN Infrastructure was created to aggregate the ownership of various investment funds ultimately managed by an affiliate of EQT Infrastructure III Fund (including co-investors) in Licensees.
- Trailblazer is a joint venture equally owned and operated by subsidiaries of the EQT Infrastructure VI Fund and T-Mobile US, Inc. Applicants have announced that at closing, T-Mobile is expected to invest approximately \$950 million in the JV to acquire a 50% equity stake and all existing Lumos fiber customers, with the funds invested by T-Mobile being used by Lumos for future fiber builds. The next capital contribution by T-Mobile out of an additional commitment of approximately \$500 million is anticipated between 2027 and 2028. They state that these combined investments are expected to allow Lumos to reach 3.5 million homes passed by the end of 2028.
- In a separate pending transaction, T-Mobile seeks to acquire ownership in MetroNet Holdings, LLC, which owns several fiber-based subsidiaries (WC Docket No. 24-244, in which Team Telecom review is scheduled to end in June 2025). From a competitive standpoint, MetroNet and Lumos do not provide services that overlap with each other.
- Applicants state that the proposed transaction will "strengthen the financial position of Licensees by providing access to capital from new funding resources, enabling accelerated investment in the companies' networks and expansion of those fiber networks," resulting in Licensees "being better able to meet the need of their [CLEC] and [ILEC] customers, as well as to compete for new customers—driving growth that will enhance competition and make high-capacity fiber connections available to more customers in the Licensees' current operating areas of North Carolina, South Carolina, and Virginia" and "aid in the deployment of broadband to rural and underserved communities who do not have access to fiber today."

WCB BRIEFING SHEET**March 2025****Page 56 of 122**

- Five parties filed comments. One party filed comments in support of the transaction; three individuals filed brief comments opposing the transaction (two asserting competitive concerns and one asserting a consumer complaint about T-Mobile). A fifth commenter expressed concern about the transfer of the Lumos-owned MVPD (which is included in part as part of the transaction), and requested that the Commission impose a condition requiring applicants to carry any local broadcast TV station on any MVPD system it operates.
- In connection with the Team Telecom foreign ownership review, the applicants entered into a Letter of Agreement (LOA) with the relevant agencies of Team Telecom, and on March 4, 2025, NTIA submitted into the 214 docket a petition to adopt conditions to authorizations and licenses advising that it has no objection to the Commission approving the above-captioned application, provided that the Commission conditions its approval on assurance of the applicants complying with the commitments in the LOA.

STATUS: The transaction remains pending.

WCB BRIEFING SHEET**SUBJECT: PROTECTING CONSUMERS FROM SIM SWAP AND PORT-OUT FRAUD**
(WC Docket No. 21-341)

SUMMARY: On November 15, 2023, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* that amends the Commission’s Customer Proprietary Network Information (CPNI) and Local Number Portability (LNP) rules to require carriers to protect consumers against SIM swap and port-out fraud.

BACKGROUND AND KEY ISSUES:

- Bad actors have taken advantage of two methods to fraudulently take control of consumers’ cell phone accounts without gaining physical control of a consumer’s phone. The first type of scam is called “subscriber identity module swapping” or “SIM swapping,” whereby a bad actor convinces a victim’s wireless carrier to transfer the victim’s service from the victim’s cell phone to a cell phone in the bad actor’s possession. It is called “SIM swapping” because it involves an account being fraudulently transferred (or swapped) from a device associated with one SIM to a device associated with a different SIM.
- The second type of fraud is known as “port-out fraud.” In this fraud, the bad actor, posing as the victim, opens an account with a carrier other than the victim’s current carrier. The bad actor then arranges for the victim’s phone number to be transferred to (or “ported out”) to the account with the new carrier controlled by the bad actor.
- Section 222 of the Act, and the Commission’s CPNI rules, govern the use, disclosure, and protection of sensitive customer information to which a carrier has access, and require carriers to take reasonable measures to discover and protect against attempts to gain unauthorized access to customers’ private information. The Commission’s LNP rules govern the porting of telephone numbers from one carrier to another.
- The *Report and Order* sets baseline requirements that establish a uniform framework across the mobile wireless industry, giving wireless providers the flexibility to deliver the most advanced and appropriate fraud protection measures available while not impinging on customers’ ability to upgrade and replace their devices or choose their preferred wireless provider. Specifically, the *Report and Order*:
 - Revises the Commission’s CPNI and LNP rules to require wireless providers to adopt secure methods of authenticating a customer before redirecting a customer’s phone number to a new device or provider, and requires that providers keep records of SIM change requests and the authentication measures they use.
 - Adopts additional rules that reinforce that requirement, including requiring wireless providers to adopt processes for responding to failed authentication attempts, institute employee training for handling SIM swap and port-out fraud, and establish safeguards to prevent employees who interact with customers from accessing CPNI until after customers have been authenticated.
 - Adopts rules that will enable customers to act to prevent and address fraudulent SIM changes and number ports, including requiring wireless providers to notify customers regarding SIM change and port-out requests, offer customers the option to lock their accounts to block processing of SIM changes and number ports, and give advanced notice of available account protection mechanisms.
 - Establishes requirements to minimize the harms of fraud when it occurs, including requiring wireless providers to maintain a clear process for customers to report fraud,

promptly investigate and remediate fraud, and promptly provide customers with documentation of fraud involving their accounts.

- The accompanying *Further Notice of Proposed Rulemaking* seeks comment on whether to harmonize the Commission's existing requirements governing customer access to CPNI with the SIM change authentication and protection measures in the *Report and Order*, and on what steps the Commission can take to harmonize government efforts to address SIM swap and port-out fraud.
- On Jan. 8, 2024, CTIA filed a Petition for Partial Reconsideration of the *Report and Order*, requesting a 12-month extension to the current six-month Compliance Deadline. Oppositions to the petition were due Feb. 5, 2024, and replies to oppositions were due Feb. 15, 2024.
- On June 16, 2024, CTIA, Competitive Carriers Association, and NCTA filed a Joint Petition for Limited Waiver or Other Relief, request that the Commission temporarily waive or suspend enforcement of all of the new rules adopted in the *SIM Swap and Port-Out Fraud Order* until the later of (1) March 10, 2025 or (2) after the Office of Management and Budget (OMB) completes review of any information collection requirements associated with the Order under the Paperwork Reduction Act (PRA).

STATUS: The *Report and Order* was adopted on November 15, 2023. Comments and reply comments on the *Further Notice of Proposed Rulemaking* were due Jan. 16, 2024 and Feb. 12, 2024, respectively. On July 5, 2024, the Wireline Competition Bureau granted in part and denied in part the petition for limited waiver or other relief submitted by CTIA, Competitive Carriers Association, and NCTA, finding that while waiver of the Commission's rules until March 10, 2025 would not serve the public interest, good cause existed to waive compliance with the rules adopted in the *SIM Swap and Port-Out Fraud Order* that are not subject to OMB review until the effective date of the rules that are subject to OMB approval. Compliance with the rules in their entirety, including those not subject to the PRA, will not be required until OMB completes review of the information collection requirements associated with the Order, and the Commission publishes a notice in the Federal Register announcing the compliance date. OMB completed its review of the information collection requirements on Jan. 15, 2025. CTIA's Petition for Partial Reconsideration remains pending.

WCB BRIEFING SHEET**SUBJECT: THIRD LOCAL NUMBER PORTABILITY ADMINISTRATOR SELECTION PROCESS** (WC DOCKET NO. 23-237)

SUMMARY: On October 10, 2023, the Wireline Competition Bureau released a Public Notice opening a new proceeding to select the entity that will serve as the Local Number Portability Administrator (LNPA) at the conclusion of the contract with the present LNPA, iconectiv, LLC (iconectiv), and seeking comment on the Bureau's proposed selection process. In addition, the Bureau sought comment on a potential extension of the contract under which iconectiv would remain the LNPA during the selection process. This will be the third time that the Commission has conducted an LNPA selection process.

BACKGROUND AND KEY ISSUES:

- Congress directed the Commission in section 251(e)(1) of the Communications Act of 1934, as amended, to “create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.” One of the Commission's numbering administration functions involves local number portability, which promotes consumer choice and competition by allowing consumers to keep their phone numbers when they switch providers, a process referred to as porting. The LNPA plays an important role in this process by managing the system, known as the Number Portability Administration Center/Service Management System (NPAC/SMS), that makes such porting possible.
- Pursuant to Commission directive, North American Portability Management, LLC (NAPM), an industry consortium generally open to all wireline (including interconnected Voice over Internet Protocol) and Commercial Mobile Radio Service providers, provides continuing management and oversight of the numbering administration process, including porting. NAPM has served in this role since the inception of the LNPA and was the originator of all procurement documents (all subject to Commission approval), as well as the initial evaluator of competing bids, in the last selection process.
- The Bureau's current proposed selection process is a streamlined version of the informal adjudicatory process upheld by the United States Court of Appeals for the D.C. Circuit during the last LNPA selection proceeding.
 - The Bureau has proposed that NAPM, an organization with significant experience in LNPA selection recommendation, management, and oversight matters, initially develop selection criteria and contractual documents for consideration by the Bureau. The Bureau will play an active role during these development processes.
 - The process includes multiple phases, each with an opportunity for bidder and public input.
- The current contract between NAPM and iconectiv is set to expire on May 25, 2025, if NAPM elects the second of two one-year contract extension options available to it. The previous selection process lasted more than five years, not counting the two-year transition period to iconectiv. In order to ensure continuity of numbering administration during the selection process and transition to the next LNPA administrator, NAPM and iconectiv have proposed an extension of their current contract until May 2031, with two potential additional option years, along with a number of contractual amendments that would apply during the extension period and that were the product of negotiations between iconectiv and the NAPM. The Bureau has sought comment on this extension.
- The Bureau released an order on February 6, 2024 adopting the proposed process and approving the proposed contract extension.
- The Bureau released a public notice announcing the release of the Request for Information (RFI) and Request for Qualifications (RFQ) for the selection process on August 14, 2024.

WCB BRIEFING SHEET

March 2025

Page 60 of 122

STATUS: Responses to the RFI and RFQ were due on October 10, 2024. NAPM and the Commission are currently in the process of reviewing these responses.

WCB BRIEFING SHEET

SUBJECT: SECTION 63.71 APPLICATION OF AT&T SERVICES, INC., ON BEHALF OF ITS AFFILIATE SOUTHWESTERN BELL TELEPHONE COMPANY, LLC, D/B/A AT&T OKLAHOMA (WC DOCKET NO. 24-220)

SUMMARY: On November 1, 2024, AT&T filed a technology transition discontinuance application seeking Commission authorization to discontinue TDM-based service in nine wire centers in Oklahoma pursuant to the Adequate Replacement Test “totality of the circumstances” showing, established by the Commission in the *2016 Technology Transitions Order*. This will be the first time the Commission has processed a technology transitions discontinuance application where the applicant will be providing the replacement service over its own network.

BACKGROUND AND KEY ISSUES:

- In the *2016 Technology Transitions Order*, the Commission adopted an updated approach for preparing, reviewing, and evaluating section 214 discontinuance applications from applicants seeking to transition from TDM-based voice service to a new technology, whether IP or wireless, which is known as the Adequate Replacement Test. Under this test, applications seeking streamlined treatment for an application to discontinue a legacy TDM-based service as part of a technology transition must certify or show that an adequate replacement exists. An adequate replacement service must offer: (i) substantially similar levels of network infrastructure and service quality; (ii) compliance with existing federal standards required to ensure that critical applications such as 911 and applications for individuals with disabilities remain available; and (iii) interoperability with an enumerated list of applications key to consumers and competitors. The requisite showing or certification can be based on either compliance with the *2016 Technology Transitions Order’s* Appendix B testing criteria or a “totality of the circumstances” showing. It can also be satisfied by a first-party applicant ((one who will be providing the replacement service itself) or an applicant relying on a third-party’s service (the voice service of another provider or providers in the affected service area).
- In 2018, the Commission adopted an additional test, termed the alternative options test, for evaluating technology transition discontinuance applications where the discontinuing carrier itself provides a stand-alone interconnected VoIP service throughout the affected service area, and at least one other stand-alone facilities-based voice service is available from another provider throughout the affected service area, including mobile wireless voice service.
- On July 19, 2024, AT&T submitted a network performance test plan (Test Plan) for its AT&T Phone – Advanced (AP-A) service, an IP-based voice service, so that it may seek streamlined processing of a forthcoming section 214 application for authority to discontinue its TDM-based voice service, AT&T Residential Local Service, as part of a technology transition. In its Test Plan, AT&T states it intends to show that its AP-A service “provides substantially similar performance” based on a demonstration of the “totality of the circumstances” and that it intends to use the results obtained from testing conducted pursuant to its Test Plan to do so.
- On September 4, 2024, the Bureau released a public notice announcing AT&T’s submission of the Test Plan, AT&T’s intention, pending the outcome of its testing, to include the results in its planned section 214 application to discontinue AT&T Residential Local Service in a limited number of wire centers in Oklahoma, and providing a link where interested parties may view the Test Plan.
- On November 1, 2024, AT&T submitted the planned discontinuance application. This is the first technology transitions discontinuance application utilizing a first-party “totality of the circumstances” Adequate Replacement Test. that will be acted on by the Commission.

WCB BRIEFING SHEET**March 2025****Page 62 of 122**

STATUS: Commission staff is reviewing AT&T's application and the data resulting from the testing performed pursuant to the Test Plan to determine if the application qualifies for streamlined processing pursuant to the Adequate Replacement Test. AT&T's application was automatically granted on December 21, 2024.

WCB BRIEFING SHEET**SUBJECT: EMERGENCY BROADBAND BENEFIT PROGRAM/AFFORDABLE CONNECTIVITY PROGRAM** (WC DOCKET NOS. 20-445; 21-450)

SUMMARY: On February 25, 2021, the Commission adopted a Report and Order establishing the Emergency Broadband Benefit Program (EBB Program) pursuant to the Consolidated Appropriations Act, 2021, to implement the \$3.2 billion congressionally appropriated budget to support broadband services and connected devices for eligible low-income households during the COVID-19 pandemic. In November 2021, the Infrastructure Investment and Jobs Act (Infrastructure Act) established the \$14.2 billion Affordable Connectivity Program (ACP) by extending and modifying the EBB Program. The EBB Program stopped accepting new enrollments on December 30, 2021 and the Affordable Connectivity Program launched on December 31, 2021. On January 14, 2022, the Commission adopted a Report and Order establishing the rules for the Affordable Connectivity Program and issued a Further Notice of Proposed Rulemaking. Due to a lack of additional funding, the last fully funded month of the ACP was April 2024, with a partial benefit offered for enrolled households for May 2024. The ACP stopped offering benefits to households on June 1, 2024.

BACKGROUND AND KEY ISSUES: On February 25, 2021, the Commission adopted a Report and Order establishing the Emergency Broadband Benefit Program and made available \$3.2 billion in funding, appropriated by Congress as part of the Consolidated Appropriations Act, 2021, to support broadband service and connected devices for low-income households during the COVID-19 pandemic. The EBB Program began accepting enrollments on May 12, 2021.

The EBB Program provided support of up to \$50 per month to discount the monthly price of broadband service provided by participating providers, and up to \$75 per month for households on Tribal lands. In addition, eligible households received a one-time discount of up to \$100 for a desktop, laptop, or tablet purchased through a participating provider.

By establishing the ACP, the Infrastructure Act left the EBB Program's basic framework in place but modified the benefit amount, rules regarding plan and subscriber eligibility, consumer protections, and provider promotion obligations, among other changes. The EBB Program stopped accepting new enrollments on December 30, 2021 and the ACP began on December 31, 2021. ACP enrollees received a monthly discount of up to \$30 per month for broadband service provided by participating providers, and up to \$75 per month for households on qualifying Tribal lands. As with the EBB Program, ACP households were eligible to receive a one-time discount of up to \$100 for a desktop, laptop, or tablet purchased through a participating provider if they contributed more than \$10 and less than \$50 toward the purchase price.

The ACP eligibility criteria mirrored the EBB Program criteria except that the pandemic-related criteria (substantial loss of income since February 29, 2020 due to job loss or furlough and participation in a provider's Covid-19 program) were removed. Participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) was added for the ACP and the income eligibility threshold has increased from 135% of the Federal Poverty Guidelines to 200% of the Federal Poverty Guidelines. The full ACP eligibility criteria are listed below:

- Household income is at or below 200% of the Federal Poverty Guidelines
- Received a Federal Pell Grant during the current award year;
- Meets the eligibility criteria for a participating provider's existing low-income internet program;
- Participates in one of these assistance programs:
 - Free and Reduced-Price School Lunch Program or School Breakfast Program, including at U.S. Department of Agriculture (USDA) Community Eligibility Provision schools

- SNAP
- Medicaid
- Federal Housing Assistance, including:
 - Housing Choice Voucher (HCV) Program (Section 8 Vouchers)
 - Project-Based Rental Assistance (Section 8 PBRA/Section 202/ Section 811)
 - Public Housing
 - Affordable Housing Programs for American Indians, Alaska Natives or Native Hawaiians
- Supplemental Security Income (SSI)
- WIC
- Veterans Pension or Survivor Benefits
- or [Lifeline](#);
- Participates in one of these assistance programs and lives on qualifying Tribal lands:
 - Bureau of Indian Affairs General Assistance
 - Tribal TANF
 - Food Distribution Program on Indian Reservations
 - Tribal Head Start (income based)

Households were able to verify their eligibility for the program through the Universal Service Administrative Company's (USAC) National Verifier or through a participating provider's FCC-approved alternative verification process (AVP).

ACP Outreach Grant Program: On August 5, 2022, the FCC established the Affordable Connectivity Outreach Grant Program (Outreach Grant Program), which provided eligible governmental entities and non-governmental entities funding to conduct outreach to increase awareness of and encourage participation in the ACP among eligible households. In addition, the order allocated grant funding for participants in the Your Home, Your Internet Pilot Program and ACP Navigator Pilot Program; directed CGB to designate a portion of the program budget for formula-based allocation to every State and U.S. Territory, for competitive allocation to Tribal governments and organizations, and for allocations to a nationwide competitive pool. On March 10, 2023, the Commission announced target funding allocations for the Outreach Grant Program for 197 outreach partners, totaling \$66 million. On March 15, 2023, the Commission announced target funding allocations for 32 applicants selected to receive grant funding through the Pilot Program Grants, totaling \$7.4 million. In 2023, after the Commission established an additional funding opportunity with unspent funding, the Commission announced over \$5.5 million to a total of 17 applicants.

ACP Transparency Data Collection: On November 15, 2022, the Commission established the ACP Transparency Data Collection that required all participating providers to submit data on the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program, in compliance with a mandate in the Infrastructure Investment and Jobs Act. The Order adopted an aggregate approach requiring providers to submit to the Commission plan characteristics, price, and subscription rate information at the ZIP code level for all plans that are subscribed to by an ACP-enrolled household. The Office of Economics and Analytics and Wireline Competition Bureau published the data on May 30, 2024. A subsequent update to the data was published on July 30, 2024.

GAO Report on the Affordable Connectivity Program: On April 29, 2021, Senators Wicker and Thune requested the GAO investigate the EBB Program to determine three main areas of interest: (1) waste, fraud, and abuse (WFA); (2) administrative costs; and (3) eligibility requirements. Following seven meetings and ten sets of information requests (totaling over a hundred questions and similar document productions), the GAO issued the final report on January 25, 2023. The GAO report focused on the

WCB BRIEFING SHEET

March 2025

Page 65 of 122

Affordability Connectivity Program (ACP) to analyze the Commission's efforts to "align with relevant selected leading practices in: (1) establishing performance goals and measures; (2) conducting outreach; and (3) managing fraud risks." The report made nine recommendations, including that the FCC improve its program goals and measures, revise its language translation process, develop a consumer outreach plan, and develop and implement various processes for managing fraud risk. The GAO did not find specific instances of improper payments or other programmatic abuses. The FCC, in its response, committed to specific actions to implement the recommendations. On May 3, 2024, GAO informed the FCC that the FCC has closed out all nine recommendations.

Program Data. USAC has created a webpage to report program enrollments and claims data (<https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/> or [getinternet.gov/data](https://www.getinternet.gov/data)). As of June 2024, the page reports claims and enrollment data among different geographic levels and provides a table that demonstrates amount claimed each month as well as the amount remaining in the ACP. The FCC has also published a map that shows the total EBB and ACP support disbursed for different geographic areas over the life of the EBB Program and the ACP (to date), available at [fcc.gov/maps](https://www.fcc.gov/maps). Users can see EBB and ACP support by state, county, Congressional District, and ZIP by toggling between four different maps.

Appeals. The following appeals related to the EBB and ACP have been resolved:

- **EBB Community Eligibility Provision Order:** On January 17, 2025, the Bureau released an [Order](#) upholding USAC's recovery from DISH Wireless, AT&T, and Excess Telecom because their subscribers were not eligible for the EBB Program based on their enrollment, or the enrollment of a qualifying person in their household, in a school or school district participant the USDA National School Lunch Program's Community Eligibility Provision (CEP).

STATUS: At the time of the enrollment freeze on February 8, 2024, over 1,700 broadband providers were participating in the ACP, serving over 23 million enrolled households. The last fully funded month of the ACP was April 2024, with a partial benefit for May 2024. Commission staff continues to engage in wind-down activities such as resolving appeals and audits.

WCB BRIEFING SHEET

SUBJECT: **UNIVERSAL SERVICE – LIFELINE** (WC DOCKET NOS. 19-111; 17-287; 11-42; 09-197)

SUMMARY: The Commission’s Lifeline program helps ensure that low-income consumers have access to affordable voice and broadband services. Affordability is a key component of broadband adoption, particularly as the Commission works to ensure that 100% of the country has access to these services and can reliably participate in the 21st century economy. The Commission regularly engages in updates to the Lifeline program to ensure that it works towards this goal of increased affordability, while also ensuring that limited Universal Service Fund (USF) resources go to those with genuine needs and that the Lifeline program is not subject to waste, fraud, and abuse.

BACKGROUND AND KEY ISSUES:

Since 2012, the Commission has adopted a number of reforms that have modernized the Lifeline program and targeted waste, fraud, and abuse in the program.

January 2012 Lifeline Order: The *2012 Lifeline Order* made significant and successful reforms to bring accountability to the Lifeline program, including:

- Adopting specific performance goals and measures for the program;
- Establishing an interim support amount of \$9.25 per month on non-Tribal lands;
- Setting a uniform eligibility floor;
- Adopting a one-per-household requirement, limiting one Lifeline supported service to each qualifying household;
- Requiring eligible telecommunications carriers (ETCs) to obtain proof of consumer eligibility at enrollment and recertifying annually that Lifeline subscribers remain eligible for the program; and
- Launching the National Lifeline Accountability Database (NLAD), a national duplicates database to detect and eliminate duplicative Lifeline support.

As a result of these reforms targeting waste, fraud, and abuse, overall disbursements for Lifeline program fell from \$2.2 billion in 2012 to \$1.5 billion in 2016.

March 2016 Lifeline Order: The *2016 Lifeline Order* acted on many of the proposals in the 2015 FNPRM to:

- Make permanent the \$9.25 base reimbursement amount and allow low-income consumers to apply the per month support not only to bundled voice and data service packages, but also to standalone broadband service;
- Purportedly preempt states from their statutory role in designating Lifeline broadband-only providers;
- Set minimum service standards for Lifeline-supported service;
- Establish the National Verifier to prevent waste, fraud, and abuse by relying on a neutral third party, rather than relying solely on ETCs, for eligibility verification; and
- Establish a non-self-enforcing budget of \$2.25 billion, indexed to inflation.

Minimum Service Standards Update and Voice-only Support: Under the rules established in the *2016 Lifeline Order*, the Lifeline minimum service standards are updated annually, and the mobile broadband minimum service standard is currently 4.5 GB per month, as of March 1, 2025. To best serve the public interest, in November 2021 the Bureau first paused the increase in the minimum service standard for mobile broadband data capacity for one year. At the same time, the Bureau also paused the phaseout in Lifeline support for voice-only services. This pause, of both the increase in the minimum service standard for mobile broadband data capacity and the phaseout in Lifeline support for voice-only services, has been further extended until December 1, 2025. Voice-only Lifeline services will still be eligible for reimbursement at \$5.25 until December 1, 2025. The Lifeline minimum service standard for mobile broadband data capacity will also continue at 4.5 GB per month until December 1, 2025. These actions are meant to give the Commission time to further consider these efforts. The fixed broadband minimum service standard has not been paused and, based on the results of the 2024 Urban Rate Survey, decreased from 1280 GB per month to 1230 GB per month on December 1, 2024.

October 2019 Lifeline Order and Notice: The *2019 Lifeline Order and Notice* took significant steps to promote the integrity, effectiveness, and efficiency of the Lifeline program by:

- Determining that states retain the primary responsibility for designating ETCs and eliminating the Lifeline Broadband Provider (LBP) ETC category;
- Removing a financial incentive for abuse of the Lifeline program in the enrollment process by prohibiting ETCs from offering commissions-based payments to agents, employees, contractors, and subcontractors based on the number of Lifeline applications received or the number of successful Lifeline enrollments;
- Codifying a requirement that an ETC's enrollment representatives register with USAC before they can begin interacting with USAC's Lifeline systems;
- Codifying USAC's process for confirming that a consumer is alive when they are enrolled in the program or their eligibility is recertified;
- Codifying USAC's process for requesting reimbursement from the Lifeline program based on actual consumer data in the NLAD to prevent overclaims;
- Requiring eligibility documentation from the subscriber at the time of recertification in certain circumstances;
- Targeting future audits of ETCs based on a risk assessment to be developed by USAC;
- Seeking comment on a new Lifeline program goal of increasing broadband adoption among customers and the data that the Commission might collect and analyze to assess that potential goal; and
- Seeking comment on further program integrity enhancements around eligibility documentation, compliance with the Lifeline program's usage requirement, the de-enrollment process, the distribution of free handsets, and privacy protection efforts.

National Lifeline Eligibility Verifier: In the *2016 Lifeline Order*, the Commission established the National Verifier to determine Lifeline eligibility and ensure program integrity. The National Verifier is now fully launched in all 55 states and territories and the District of Columbia.

With the National Verifier, all new subscribers must be deemed eligible by the National Verifier prior to receiving the Lifeline benefit. However, this approach varies in California, Oregon, and Texas, where the state agencies have managed their own Lifeline eligibility verification and duplicate checking processes for many years and, pursuant to waivers granted under the *2012 Lifeline Order*, do not participate in the NLAD duplicates database. Due to the unique circumstances in these states, the FCC continues to rely on

WCB BRIEFING SHEET**March 2025****Page 68 of 122**

the states' eligibility determinations and duplicate checks with oversight from the National Verifier to strengthen program integrity and ensure compliance with FCC rules. Under this approach, consumers in California (bundled and voice-only consumers only; broadband-only consumers apply through the National Verifier), Oregon, and Texas will continue to apply using a streamlined state application process for both federal and state benefits, which will leverage the states' automated database connections where available.

In addition to benefitting indirectly from available automated connections in the NLAD opt-out states, the National Verifier has established direct connections to automated data sources in 22 states and Puerto Rico. These connections provide a check for participation in the Supplemental Nutrition Assistance Program (SNAP) in each state, as well as a check of Medicaid and Supplemental Security Income (SSI) participation and income-based eligibility, where available. The National Verifier also has implemented automated connections to check eligibility for applicants in every State and territory with three federal agencies: the Centers for Medicare & Medicaid Services (CMS) to check for federal Medicaid participation, the U.S. Department of Housing and Urban Development (HUD) to check for Federal Public Housing Assistance (FPHA) participation, and the Department of Veterans Affairs to check participation in qualifying veterans and survivor benefit programs. All of the eligibility database connections established by the National Verifier to date are reflected in the chart below.

State/Territory	Lifeline Eligibility Database Connections Established
Colorado	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Mississippi	SNAP, FPHA, CMS, Veterans Pension
Montana	FPHA, CMS, Veterans Pension
New Mexico	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Utah	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Wyoming	FPHA, CMS, Veterans Pension
Guam	FPHA, Veterans Pension
Hawaii	FPHA, CMS, Veterans Pension
Idaho	FPHA, CMS, Veterans Pension
New Hampshire	FPHA, CMS, Veterans Pension
North Dakota	FPHA, CMS, Veterans Pension
South Dakota	FPHA, CMS, Veterans Pension
Missouri	SNAP, Medicaid, FPHA, CMS, Veterans Pension
North Carolina	SNAP, FPHA, CMS, Veterans Pension
Pennsylvania	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Tennessee	SNAP, FPHA, CMS, Veterans Pension
Alaska	FPHA, CMS, Veterans Pension
American Samoa	FPHA, Veterans Pension
Delaware	FPHA, CMS, Veterans Pension
District of Columbia	FPHA, CMS, Veterans Pension
Maine	FPHA, CMS, Veterans Pension
Northern Mariana Islands	FPHA, Veterans Pension
Rhode Island	FPHA, CMS, Veterans Pension
U.S. Virgin Islands	FPHA, CMS, Veterans Pension
Indiana	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Kentucky	SNAP, Medicaid, FPHA, CMS, Veterans Pension

WCB BRIEFING SHEET

March 2025

Page 69 of 122

State/Territory	Lifeline Eligibility Database Connections Established
Michigan	SNAP, Medicaid, SSI, FPHA, CMS, Veterans Pension
Arizona	SNAP, Tribal TANF, FPHA, CMS, Veterans Pension
Connecticut	SNAP, FPHA, CMS, Veterans Pension
Georgia	SNAP, FPHA, CMS, Veterans Pension
Iowa	SNAP, FPHA, CMS, Veterans Pension
Kansas	FPHA, CMS, Veterans Pension
Nebraska	FPHA, CMS, Veterans Pension
Nevada	SNAP, Medicaid, FPHA, CMS, Veterans Pension
New York	FPHA, CMS, Veterans Pension
Virginia	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Vermont	FPHA, CMS, Veterans Pension
West Virginia	FPHA, CMS, Veterans Pension
Alabama	FPHA, CMS, Veterans Pension
Arkansas	FPHA, CMS, Veterans Pension
Louisiana	FPHA, CMS, Veterans Pension
Maryland	FPHA, CMS, Veterans Pension
Massachusetts	FPHA, CMS, Veterans Pension
New Jersey	FPHA, CMS, Veterans Pension
Oklahoma	FPHA, CMS, Veterans Pension
South Carolina	SNAP, FPHA, CMS, Veterans Pension
Washington	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Florida	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Illinois	FPHA, CMS, Veterans Pension
Minnesota	SNAP, Medicaid, FPHA, CMS, Veterans Pension
Ohio	FPHA, CMS, Veterans Pension
Wisconsin	SNAP, Medicaid, SSI, Income, FPHA, CMS, Veterans Pension
Puerto Rico	SNAP, FPHA, CMS, Veterans Pension
Oregon	SNAP, Medicaid, SSI
Texas	SNAP, Medicaid
California	N/A

USAC submitted its latest required National Verifier annual report to the Bureau in January 2025. In 2024, eligibility was confirmed using an automated state/federal data source for approximately 94% of new Lifeline enrollees. The connection to CMS accounted for approximately 60% of all automated eligibility passes in 2024. In 2024, USAC continued to work with state and federal agencies in furtherance of its efforts to add more automated data sources to the National Verifier.

Natural Disaster Relief and Support: The Commission regularly takes action to respond to natural disasters to ensure that consumers impacted by such disasters are able to continue to participate in the Lifeline program. To this end, the Wireline Competition Bureau released a waiver of the Lifeline program's recertification and usage requirements for households impacted by the Hawaii Wildfires (DA 23-723). This waiver also paused Lifeline reverification in Hawaii. The flexibility offered by this waiver ran through October 31, 2023. Given the significant impact of the wildfires, the Commission (in FCC 23-67) also acted to allow households receiving support from the Federal Emergency Management Agency's

WCB BRIEFING SHEET**March 2025****Page 70 of 122**

(FEMA) Individuals and Households Program (IHP) to enter the Lifeline program, regardless of their ability to otherwise qualify to participate in the Lifeline program. This relief expired on February 25, 2024.

The Wireline Competition Bureau released additional waivers of the Lifeline program's recertification and usage requirements for households impacted by the Hurricanes Helene (DA 24-1025) and Milton (DA 24-1059) weather events. The relief provided in these waivers expired in November 30, 2024 and December 15, 2024, respectively. As with the Hawaii Wildfires, the Commission also acted to temporarily allow households receiving FEMA IHP support as a result of the Hurricane Helene (FCC 24-107) and Milton (FCC 24-108) weather events, regardless of their ability to otherwise qualify to participate in the Lifeline program, to enter the Lifeline program. The Hurricane Milton order, moreover, extends Lifeline eligibility to all households receiving Lifeline IHP support as the result of tropical weather systems that occur during the six months following release of the waiver. Relief is scheduled to expire six months after the release of the respective orders for these two weather events and six months after the disaster declaration issued as the result of tropical weather systems occurring in the six month period ending April 11, 2025. Households entering the Lifeline program using their FEMA IHP participation must go through USAC's annual recertification process and may stay in the Lifeline program after the initial one-year period if they qualify for the Lifeline program through a standard, non-FEMA IHP eligibility criterion.

Most recently, the Wireline Competition Bureau released a waiver of the Lifeline program's recertification requirement and corresponding de-enrollments for households receiving broadband-only Lifeline service in certain areas of California that were affected by the spread of wildfires and straight-line winds (DA 25-63). Relief is scheduled to expire on March 17, 2025.

GAO Report on Lifeline National Verifier: In January 2021, the GAO released a report finding that the FCC had implemented the National Verifier pursuant to the *2016 Lifeline Order*, and made recommendations to promote consumer awareness of the program especially in Tribal communities, to use performance measures to evaluate the National Verifier's value to consumers and consumer experience in the application process, and to convert the National Verifier's website to a .gov domain. The FCC and USAC have taken numerous actions to improve and promote awareness of the verify and continue to work to address GAO's recommendations.

Representative Accountability Database: The *2019 Order* codified a requirement that ETC enrollment representatives register with USAC before they can begin interacting with USAC's Lifeline systems. On May 25, 2020, use of USAC's Representative Accountability Database (RAD) became mandatory. Thus, enrollment representatives must have a Representative ID, and that ID must be linked to their employer's system account to complete transactions in NLAD and the National Verifier.

Safe Connections Act. The Safe Connections Act (SCA) required mobile service providers to separate the line of a survivor from a mobile service contract shared with an abuser and required the Commission to designate a low-income program to provide survivors suffering financial hardship with affordable communications support. In November 2023, the Commission designated the Lifeline program to provide emergency communications support. The rules additionally specify that qualifying survivors that have pursued a line separation must receive the \$9.25 support amount, including those that subscribe to voice-only service, and expand eligibility criteria beyond standard Lifeline criteria to match ACP criteria. Survivors are eligible to participate in Lifeline through broadened criteria for 6 months, after which they must qualify through a standard eligibility criterion to remain in the Lifeline program. Compliance with these rules became effective on August 29, 2024.

Ongoing Oversight: Commission staff and USAC continue to take steps to protect the integrity of the Lifeline program rules through tools like auditing requirements, application metric monitoring, ad hoc reviews, and periodic program reporting, among other oversight actions.

WCB BRIEFING SHEET

SUBJECT: UNIVERSAL SERVICE FUND – RURAL HEALTH CARE (WC DOCKET NOS. 02-60, 17-310)

SUMMARY: The Commission’s Rural Health Care (RHC) Program stems from the Telecommunications Act of 1996 and provides support for communications connections for eligible nonprofit and public health care providers. Currently, it consists of two separate programs: the Telecommunications (Telecom) Program and the Healthcare Connect Fund Program. The Telecom Program ensures that eligible health care providers pay no more than their urban counterparts for telecommunications services. The Healthcare Connect Fund Program expands health care provider access to broadband, especially in rural areas, and encourages the creation of state and regional broadband health care networks. The funding year (FY) for the RHC Program runs from July 1 through June 30 of the subsequent year (*e.g.*, FY2024 runs from July 1, 2024 - June 30, 2025). The cap for FY2025 is \$723.9 million and is adjusted annually for inflation.

BACKGROUND AND KEY ISSUES:

- ***Telecom Program.*** This program, established in 1997, ensures that rural health care providers pay no more than their urban counterparts for telecommunications services. Specifically, an applicant’s program support is based on the difference between rural rates charged for telecommunications services in the rural areas where the health care provider is located, and the urban rates charged for similar telecommunications services in the State. The rural health care provider pays only the urban rate for the telecommunications service, and the Universal Service Fund (USF) pays the difference between the urban rate and rural rate for the service to the service provider – in effect, providing a discount to the health care provider in the amount of the “rural-urban differential.”
- ***Healthcare Connect Fund Program.*** This program, established in 2012, provides a flat 65% discount on high-capacity broadband connectivity to both individual rural health care providers and consortia, which can include non-rural health care providers (if the consortium has a majority of rural sites). These services include Internet access, dark fiber, business data, traditional DSL, and private carriage services. Through the Healthcare Connect Fund Program, the Commission promotes the use of broadband services for the delivery of health care services and facilitates the formation of health care provider consortia. These efforts recognize the increasing need for rural health care providers to have access to specialists who are often located in urban areas, as well as the advent of certain communications-based trends in healthcare delivery, such as the move towards electronic health records.
 - In contrast to Telecom Program participants, participants in the Healthcare Connect Fund Program may obtain multi-year funding commitments. Consortia may also obtain support for upfront charges, which may include support for service provider deployment of new or upgraded facilities or for health care provider-owned network facilities, if shown to be the most cost-effective option.

STATUS: There have been several developments in the RHC Program in the past several years:

- ***Reform of the RHC Program:*** In December 2017, the Commission released an NPRM seeking comment on the appropriate level for the RHC Program funding cap. The NPRM also explored ways to more efficiently distribute RHC Program funds and combat waste, fraud, and abuse.
 - In August 2019, the Commission adopted and released a Report and Order (the *RHC Reform Order*) that (1) targeted and prioritized funding to rural areas in the most need of health care services; (2) required the use of a database to establish urban and rural rates in the Telecom Program (rules regarding the Rates Database were initially temporarily waived and later rescinded before it was ever used); (3) reformed competitive bidding in

WCB BRIEFING SHEET**March 2025****Page 72 of 122**

the RHC Program making it more productive for health care providers to identify and select cost-effective service offerings in their rural areas; (4) streamlined the application process and aligned procedures between the E-Rate and RHC Programs to ease the burden on participants; and (5) strengthened safeguards against waste, fraud, and abuse in the RHC Program.

- On January 26, 2023, the Commission adopted an Order on Reconsideration, Second Report and Order, Order, and Second Further Notice of Proposed Rulemaking for the RHC Program. The Order on Reconsideration granted petitions for reconsideration to restore the prior rate determination rules and eliminate rules requiring the Rates Database for the Telecom Program. The Second Report and Order amended the RHC Telecom Program invoicing processes to eliminate the Health Care Provider Support Schedule and move invoice submission until after services have been provided, and also amended the internal cap application and prioritization rules to promote efficiency, reduce delays in funding commitments, and prioritize support for the current funding year. The Order dismissed as moot Applications for Review of the Bureau's guidance to the Universal Service Administrative Company regarding the Rates Database. The Second Further Notice of Proposed Rulemaking proposed or sought comment on minor changes to the newly-restored rules for determining rural and urban rates in the RHC Telecom Program; reinstating the cap on support for satellite services in the Telecom Program that existed before the adoption of the Rates Database; making it easier for health care providers to receive RHC Program funding as soon as they become eligible; and revisions to data collected in the Telecom Program.
- On December 14, 2023, the Commission adopted a Third Report and Order with further program improvements. This Third Report and Order enabled health care providers that are not yet eligible but plan to become eligible in the future to engage in competitive bidding and file applications so they can begin to receive program funding as soon as they become eligible. It also gave health care providers more flexibility to extend evergreen contracts and additional time to file changes to their service providers. It eliminated an outdated rule relating to urban rates determination. Additionally, it allowed participants in the Telecom Program to file a one-time eligibility determination rather than requiring an eligibility determination each time the health care provider engaged in competitive bidding. Finally, a deadline of July 1, 2024, was set for health care providers to claim undisbursed funding commitments that were issued in funding year 2019 and earlier.

- *Rural Rates in the Telecom Program:*

Pursuant to the *RHC Reform Order*, on July 1, 2020, USAC released a database with urban and rural rates for determining support in the Telecom Program beginning in FY2021. WCB later released waivers of the rules requiring use of the Rates Database for FYs 2021-23.

On January 26, 2023, the Commission rescinded rules requiring the use of the Rates Database by granting petitions seeking reconsideration of it. The Commission restored the previous rules for determining urban and rural rates and proposed minor modifications to those rules.

- *Administering Funding Requests*

- *FY2023.* The FY2023 application filing window opened on December 1, 2022, closed on May 1, 2023. The application filing window was originally scheduled to close on April 1, 2023, but the Bureau extended the window as a part of the Commission's COVID-19 relief efforts. The funding cap for FY 2023 is \$682,361,586 and the cap for upfront payments and multi-year commitments under the Healthcare Connect Fund Program is \$172,294,354. On May 24, 2023, WCB released a Public Notice announcing USAC's projection that \$211.50

WCB BRIEFING SHEET
March 2025
Page 73 of 122

- million in unused funding from previous years is available to satisfy demand for FY2023 and that demand could be fully satisfied without prioritization.
- *FY2024.* The FY2024 application filing window opened on December 1, 2023, and closed May 1, 2024. The application filing window was originally scheduled to close on April 1, 2024, but the Bureau extended the window due to brief form outages as a major deadline approached. The funding cap for FY2024 is \$706,926,603 and the cap for upfront payments and multi-year commitments under the Healthcare Connect Fund Program is \$178,496,951.
 - *FY2025.* The FY2025 application filing window opened on December 1, 2024, and is scheduled to close on April 1, 2025. The Bureau is expected to announce the funding cap for FY 2025 in March 2025.
 - On April 18, 2024, the Bureau released the *Bartlett Regional Hospital Order*, [DA 24-366](#), which, consistent with the E-Rate Program, established an automatic waiver of the application filing deadline for applications filed within 14 days of that deadline.
 - On June 4, 2024, the Bureau in [DA 24-526](#) updated the list of rural areas used to determine eligibility in the RHC Program to reflect the results of the 2020 decennial United States census. To ease the transition, the Bureau granted a waiver for FY2025 to allow health care providers whose status has changed from rural to urban to continue to participate in the RHC Program as if they were rural.

WCB BRIEFING SHEET

SUBJECT: UNIVERSAL SERVICE – CONNECTED CARE PILOT PROGRAM

WC Docket No. 18-213

SUMMARY: The Commission adopted a Report and Order to establish a Connected Care Pilot Program in March 2020 to support the delivery of advanced telehealth services primarily to low-income Americans and veterans.

BACKGROUND AND KEY ISSUES:

2020 Report and Order: In March 2020, the Commission adopted a [Report and Order](#) establishing the Connected Care Pilot Program. The Connected Care Pilot Program will make available up to \$100 million of universal service funding over a three-year period to help defray eligible health care providers' costs of providing connected care services, with a primary focus on pilot projects that will provide connected care services to low-income Americans and veterans.

The Report and Order established that the Connected Care Pilot Program is open to eligible health care provider sites, whether located in rural or non-rural areas and is limited to nonprofit and public eligible health care providers that fall within the statutorily enumerated categories of "health care provider" in section 254(h)(7)(B) of the Telecommunications Act. Health care providers interested in participating will submit an application to the Commission, and the Commission will select applicants based on the criteria outlined in the Report and Order. Applying health care providers will determine the specific health conditions to be treated and connected care services to be provided through their proposed pilot projects. Selected pilot projects will receive an 85% discount on the eligible costs of 1) patient broadband internet access services, 2) health care provider broadband data connections, 3) other connected care information services, and 4) certain network equipment.

Data gathered through the Pilot program would be used to analyze the possible benefits that support of broadband service for connected care may bring.

2020 Public Notice: On September 3, 2020, the Wireline Competition Bureau released a [Public Notice](#) providing guidance to assist prospective applicants in preparing to apply for the Connected Care Pilot Program (DA 20-1019). The Public Notice provided additional information on eligible funding, eligible health care providers, how to request an eligibility determination before filing an FCC Form 460, and information that will be required on applications.

Application Filing Window: On November 5, 2020, the Bureau issued a [Public Notice](#) announcing that an application filing window would open on November 6, 2020, and close on December 7, 2020, and providing additional information on services eligible for support in the Connected Care Pilot Program.

January 2021 Selections: On January 15, 2021, the Commission released a [Public Notice](#) announcing a selection of 14 Pilot Programs that sought \$26.6 million. The Commission indicated that it would follow up with additional selections at a later date.

June 2021 Selections: On June 17, 2021, the Commission released a [Public Notice](#) announcing the selection of 36 additional Pilot Programs that sought more than \$31 million in funding, bringing the total selections to more than \$57 million in funding for 59 pilot projects serving patients in 30 states, plus Washington, DC.

2021 Report and Order: On June 21, 2021, the Commission released a [Report and Order](#) offering further guidance on the administration of the Pilot Program, including guidance on eligible services, competitive bidding, invoicing, and data reporting for selected participants. This action enabled applicants selected for the Pilot Program to begin their projects.

WCB BRIEFING SHEET

March 2025

Page 75 of 122

Deadline Public Notice: On July 14, 2021, the Bureau released a [Public Notice](#) announcing key deadlines for the Pilot Program. Most notably, all projects that have been selected to date must file their initial Request for Funding (FCC Form 462) by February 14, 2022.

October 2021 Selections: At the October 26, 2021, Open Meeting the Commission adopted a [Public Notice](#) (released October 27, 2021) announcing the selection of 36 additional Pilot Programs that sought more than \$15 million in funding, bring the total selections to more than \$69.3 million for 93 pilot projects serving patients in 35 states plus Washington, DC. **FCC Form 462 Deadline Waiver Order:** On January 13, 2022, the Bureau released an [Order](#) waiving the deadline for participants selected in January and June 2021 to file their initial Request for Funding (FCC Form 462). The new date for participants to file their initial FCC Form 462 is April 27, 2022.

March 2022 Selections: At the March 16, 2022, Open Meeting, the Commission adopted a [Public Notice](#) (released March 17, 2022) announcing the selection of 16 additional Pilot projects that sought more than \$29 million in funding, bringing the total selections to more than \$98 million for 107 projects serving patients in 40 states, plus Washington, DC. The Commission also extended the deadline for all program participants to file their initial FCC Form 462 until September 16, 2022. Following the passing of the deadline, any participant that had not yet filed an initial 462 was notified by USAC that they needed to seek a waiver of the deadline within 60 days. The deadline to seek that waiver was November 18, 2022.

March 2023 Interim Report: On March 21, 2023, the Wireline Competition Bureau released an interim [report](#) on the Program's status and initial lessons learned. Although the three-year Connected Care Pilot Program is ongoing and many of the projects in the Program are still in their early stages of implementation, this report noted that Program participants who are one year into their projects reported overall satisfaction with the Program, increased participation in telehealth (10-20%), increased savings for healthcare providers and/or improvements in patient well-being. Six projects formally withdrew from the program due to changes in telehealth priorities since the peak of pandemic and general operational barriers in implementing programs and 26 projects were removed from the Program for not filing their initial Funding Request forms.

Uniform date for completion of individual projects: On October 28, 2024, the Wireline Competition Bureau released an [Order](#) establishing a uniform completion deadline of December 31, 2025, for all projects funded by the Connected Care Pilot Program. This waiver permits projects to continue using their pre-approved program budgets through the end of 2025. All projects may continue to submit forms and receive funding for services rendered through December 31, 2025, rather than being bound by the original project end date that was three years from the project's first funding commitment. Selected projects remain subject to all other Connected Care rules including competitive bidding rules, funding request and commitment procedures, data reporting requirements, and document retention requirements.

WCB BRIEFING SHEET**SUBJECT: COVID-19 TELEHEALTH PROGRAM (WC DOCKET NO. 20-89)**

SUMMARY: On April 2, 2020, the Commission released a Report and Order establishing the COVID-19 Telehealth Program pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to implement the \$200 million in Congressionally appropriated funding to help eligible health care providers deliver telehealth in response to the COVID-19 pandemic. On March 30, 2021, the Commission released a Report and Order and Order on Reconsideration establishing the policies for Round 2 of the COVID-19 Telehealth Program, pursuant to the Consolidated Appropriations Act, 2021, to provide \$249.95 million in support of health care providers' efforts to continue providing telehealth in response to the COVID-19 pandemic. On April 10, 2023, President Biden signed legislation to terminate the COVID-19 emergency period, during which the COVID-19 Telehealth Program was authorized to support telehealth providers. All devices and services submitted for reimbursement must have been paid for and received during the emergency period, which began March 13, 2020, and ended April 10, 2023. The program has been winding down: The deadline to submit requests for reimbursement was October 31, 2023, and the deadline for awardees to submit post-program reports was January 31, 2024. As one of its last steps, the Wireline Competition Bureau will release a final report later in early 2025.

BACKGROUND AND KEY ISSUES: On April 2, 2020, the Commission released a Report and Order establishing the COVID-19 Telehealth Program and made available \$200 million in funding, appropriated by Congress as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to help health care providers provide telehealth and connected care services to patients at their homes or mobile locations in response to the COVID-19 pandemic. The COVID-19 Telehealth Program provided immediate support to eligible health care providers responding to the COVID-19 pandemic by fully funding their telecommunications services, information services, and devices necessary to provide critical connected care services until the program's funds have been expended or the COVID-19 pandemic has ended.

The Wireline Competition Bureau opened the application window for the COVID-19 Telehealth Program on April 13, 2020, and accepted applications until June 25, 2020, when it became clear that demand for funding had exceeded Program funds. From April 13, 2020, to July 8, 2020, the Bureau expeditiously reviewed applications and issued funding commitments and, in accordance with the Commission's Report and Order, prioritized funding applications that targeted areas that have been hardest hit by COVID-19 and where the support had the potential to have the most impact on addressing the health care needs. On July 8, 2020, the Commission announced that it committed exactly \$200 million through issuing 539 separate funding awards to eligible health care providers, and had therefore exhausted the funds appropriated to the Commission through the CARES Act.

On December 27, 2020, the Consolidated Appropriations Act, 2021 was signed into law, appropriating \$249.95 million in additional funding to the COVID-19 Telehealth Program. In January 2021, as directed by the Consolidated Appropriations Act, 2021, the Wireline Competition Bureau sought public input on the policies for Round 2. On March 30, 2021, the Commission released a Report and Order and Order on Reconsideration establishing the policies for Round 2 of the COVID-19 Telehealth Program. To comply with the requirements of the Consolidated Appropriations Act, 2021, the Commission adopted additional processes, such as establishing an application filing window, adopting application evaluation metrics to objectively evaluate eligible health care providers' applications, and ensuring that, to the extent feasible, funding would be awarded to each state, territory, and the District of Columbia. In Round 2, awards were made to 446 health care providers and consortia, for a total of \$256.4 million.

STATUS:

Round 2: The application filing window for Round 2 opened on April 29, 2021, and closed on May 6, 2021. More than 1,800 applications, from all 50 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, were submitted. On August 26, 2021, the Bureau released a Public Notice announcing the approval of the first group of funding commitments under Round 2, committing \$41,980,345 in funding to 62 health care providers in every state, territory, and the District of Columbia. On September 29, 2021, the Bureau approved the second group of funding commitments under Round 2, committing \$41,133,186 in funding to 72 health care providers. On October 21, 2021, the Bureau approved an additional 71 applications for funding commitments totaling \$40,468,845. On November 9, 2021, the Bureau approved an additional 75 applications for funding commitments totaling \$42,163,705. In conjunction with the November 9th *Public Notice*, Round 2 applicants that had not received funding commitments were given ten days to supplement their applications with any information that they had not previously included. On December 21, 2021, the Bureau approved an additional 68 applications totaling \$42,702,383. On January 26, 2022, the Bureau announced its final Round 2 funding commitments, awarding \$47,885,341 to 100 applications. Ultimately, the Bureau issued 446 funding commitments totaling \$256.4 million for Round 2. As of May 27, 2024, nearly \$244 million in reimbursements have been paid to Round 2 awardees.

- On April 12, 2023, WCB and the Office of the Managing Director issued a Public Notice announcing the end of the COVID-19 emergency period on April 10, 2023, due to the signing on the same day of House Joint Resolution 7. All supported expenses must be incurred by the expiration of the emergency period. This superseded earlier guidance, issued by PN on March 16, 2023, regarding the previously announced end date of May 11, 2023.

Round 1: Round 1 is complete and all reimbursements have been paid. As of July 8, 2020, the Commission committed exactly \$200 million through 539 separate funding commitments to eligible health care providers, and has therefore exhausted the funds appropriated through the CARES Act. Round 1 funding that was de-obligated was rolled over to Round 2.

March 2023 Interim Report: On March 21, 2023, the Wireline Competition Bureau released an interim report on the Program's status and initial lessons learned. A final report on the COVID-19 Telehealth Program is projected for completion in 2024. The COVID-19 Telehealth Program enabled health care providers to continue offering necessary care throughout the pandemic, and the ongoing Connected Care Pilot Program has increased participation in telehealth and improved health care outcomes. Many post-program reports filed by Round 1 participants concluded that telehealth funding helped safeguard health professionals and vulnerable populations, conserved resources such as hospital rooms and personal protective equipment (PPE), and assisted in maintaining or increasing the volume of patient care services. Telehealth services supported by the COVID-19 Telehealth Program reimbursements were particularly effective for remote patient monitoring applications and treatment for behavioral health conditions.

WCB BRIEFING SHEET**SUBJECT: UNIVERSAL SERVICE FUND – SCHOOLS AND LIBRARIES (E-RATE)**
(CC Docket Nos. 02-6; 13-184, 21-31)

SUMMARY: The E-Rate program helps schools and libraries obtain affordable Internet access, internal connections, basic maintenance of internal connections, managed internal broadband services, telecommunications, and telecommunications services. It allows eligible schools, libraries, and consortia of schools and libraries, to apply for universal service discounts on the costs of eligible equipment and services. Discounts for support are based on student poverty levels and whether the majority of schools or libraries in the school or library system are located in urban or rural areas. The discounts range from 20% to 90% of the costs of eligible “category one” services (i.e., services needed to support broadband connectivity to schools and libraries), and from 20% to 90% for “category two” services (i.e., internal connection services needed for broadband connectivity within schools and libraries). Annual E-Rate funding is currently capped at \$5.059 billion (adjusted annually for inflation) for funding year 2025.

BACKGROUND AND KEY ISSUES:

On December 16, 2021, the Commission released a Notice of Proposed Rulemaking (FCC 21-124) to seek comment on establishing a bidding portal and other proposed changes to promote competitive bidding in the E-Rate Program. The Notice of Proposed Rulemaking was published in the Federal Register on January 27, 2022, making Comments due by March 28, 2022 and Reply Comments due by April 27, 2022, in the Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455. On March 16, 2022, the Bureau issued an order (DA 22-284) and extended the deadlines for submitting Comments and Reply Comments to April 27, 2022 and May 27, 2022, respectively. Bureau staff are currently reviewing and evaluating the record established in this proceeding.

On January 27, 2022, Commission adopted the *E-Rate Tribal Library Order* updating rules in the E-Rate program to clarify that Tribal libraries can access funding to provide affordable Internet access in their communities. Specifically, the Commission updated the definition of “library” in the E-Rate program rules to make clear that the definition includes Tribal libraries, resolving a longstanding issue that limited Tribal libraries’ access to affordable broadband connectivity through the program. The Commission further directed the Office of Native Affairs and Policy and the Wireline Competition Bureau, in coordination with the Universal Service Administrative Company, to develop targeted outreach efforts and program training for Tribal libraries to help them in applying and receiving E-Rate support. Tribal libraries were able to submit E-Rate applications for funding year (FY) 2022. On March 2, 2022, the Bureau waived the FY 2022 application filing window for applications submitted by a new Tribal library applicants or included a new Tribal library as a recipient of service, and directed USAC to treat such applications filed by May 26, 2022 as being timely filed.

On October 20, 2022, the Commission announced a Tribal Library Pilot Program designed to provide technical one-to-one assistance to new Tribal library E-Rate applicants. To continue to encourage greater Tribal participation in the E-Rate program, on February 16, 2023, the Commission adopted a Notice of Proposed Rulemaking (NPRM) (FCC 23-10) seeking comment on proposals and rule changes aimed to encourage Tribal schools and libraries to participate in the program. Comments were due on April 24, 2023, and reply comments were due on May 23, 2023. On July 20, 2023, the Commission unanimously adopted a Report and Order and Further Notice of Proposed Rulemaking (E-Rate Tribal Order and FNPRM) (FCC 23-56) to promote greater participation of Tribal schools and libraries in the E-Rate program by taking the following actions: (1) allow Tribal college and university libraries that also serve as a public library to be eligible for E-Rate support; (2) provide an additional competitive bidding exemption for low-cost Category Two equipment and services; (3) increase the Category Two maximum discount rate and funding floor for Tribal libraries; (4) simplify cost-allocation rules for shared Internet access service and shared equipment at non-instructional facilities; (5) add a Tribal community representative to USAC’s board of directors; (6) adopt a definition of Tribal for the E-Rate program; and

WCB BRIEFING SHEET**March 2025****Page 79 of 122**

(7) direct USAC to provide enhanced outreach and training to Tribal libraries and other new E-Rate applicants. The Commission also included an FNPRM with this Report and Order to seek additional comment on ways to simplify the E-Rate program for all E-Rate applicants. Comments were due on September 25, 2023 and reply comments were due on October 23, 2023. On August 30, 2023, the Bureau issued a Public Notice (DA 23-791) announcing the launch of the Tribal Library Pilot Program for funding year 2024. On October 28, 2024, the Commission announced the creation of the Tribal Library E-Rate Advocacy Program (T-LEAP), which builds on the Commission's Tribal Library Pilot Program (Pilot Program). T-LEAP is a permanent program that Tribal libraries can sign-up for at any time. T-LEAP will apply the framework of the existing Pilot Program including assigning Tribal library Advocates through USAC to provide one-to-one assistance to Tribal libraries. T-LEAP also includes specialized Tribal-focused trainings and other resources to help Tribal libraries successfully navigate through all phases of the E-Rate program.

On October 19, 2023, the Commission adopted a Declaratory Ruling (FCC 23-84) clarifying that the use of Wi-Fi, or other similar access point technologies, on school buses serves an educational purpose, and the provision of such service, including the equipment needed to provide such services, is eligible for E-Rate funding, consistent with the Commission's past determinations regarding other eligible off-campus use of E-Rate supported services. On October 25, 2023, the Bureau issued a Public Notice (DA 23-1011) seeking comment on the eligible services and equipment for Wi-Fi on school buses as part of the ongoing FY 2024 eligible services list proceeding. On December 15, 2023, the Commission issued its order and the approved Eligible Services List (ESL) for funding year 2024 (DA 24-1171). The Commission added language to Category One services to make wireless mobile service for school buses and the equipment needed to make the service functional eligible for support. The Commission also addressed other requirements related to school bus Wi-Fi service in the order. On December 20, 2023, Maurine and Matthew Molak filed a Petition for Review challenging the school bus Wi-Fi declaratory ruling in the U.S. Court of Appeals for the Fifth Circuit (Fifth Circuit). Oral argument was held on November 4, 2024 and a decision is expected from the Fifth Circuit this spring.

On November 1, 2023, the Commission adopted a Notice of Proposed Rulemaking (FCC 23-91) proposing to permit eligible schools and libraries to receive E-Rate support for Wi-Fi hotspots and wireless Internet services that can be used off-premises. On July 18, 2024, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (FCC 24-76) to allow schools and libraries to request E-Rate funding for the off-premises use of Wi-Fi hotspots and mobile wireless Internet service by students, school staff, and library patrons. The Commission adopted rules to allow schools and libraries to use E-Rate funding to loan out Wi-Fi hotspots and support Internet service for off-premises use. The Commission also adopted a budget mechanism to set a limit on the amount of funding an applicant can request for Wi-Fi hotspots and services over a three-year period and prioritized funding for on-premises Category One and Two services before funding off-premises services in the event the E-Rate program funding cap is exceeded. The Commission further adopted numerous safeguards to protect the integrity of the E-Rate program, including measures to ensure the support-Wi-Fi hotspots and services are in use, are used for educational purposes, are not funded through other sources, and are properly documented for auditing purposes. The Commission also requires applicants to comply with the Children's Internet Protection Act. The Commission sought comment on additional ways to ensure the continued success of Wi-Fi hotspot lending programs funded through the E-Rate program. Comments were due on October 4, 2024 and reply comments were due on November 4, 2024. On January 27, 2025, a Senate Joint Resolution of disapproval under the Congressional Review Act (CRA) was introduced to rescind the FCC's rules regarding the eligibility of Wi-Fi hotspots and service through the E-Rate program. A similar resolution was introduced in the House on February 4, 2025. If the resolutions pass and become law, the FCC rules that became effective on August 20, 2024 will be rescinded under the CRA process.

NATURAL DISASTER RELIEF

On October 1 and October 9, 2024, the Bureau issued orders providing relief in response to Hurricanes Helene and Milton, respectively (DA 24-1025 and DA 24-1059). The Bureau waived and provided

WCB BRIEFING SHEET**March 2025****Page 80 of 122**

additional time for E-Rate participants to: (1) file appeal/waiver requests; (2) file the FCC Form 486; (3) file the FCC Forms 472/474; (4) extended the FY 2023 non-recurring implementation deadline to September 30, 2025; (5) allowed greater flexibility for service/equipment substitutions; and (6) waived the document retention/production rule for documents that were destroyed.

On January 16, 2025, the Bureau provided relief to E-Rate schools and libraries impacted by the California Wildfires (DA 25-630). Specifically, the Bureau waived and extended the FY 2025 FCC Form 471 application filing deadline from March 26, 2025 to September 26, 2025 and the invoice filing deadline by 120-days for deadlines that fall within 60 days of the release date of the Order.

STATUS

- For funding year 2023, the FCC Form 471 application filing window opened on January 18, 2023, and closed on March 28, 2023. On March 29, 2023, USAC announced that 34,430 funding applications were timely submitted during the FY 2023 application filing window for a total demand of over \$2.944 billion. For funding year 2023, USAC issued its first wave of commitments on April 28, 2023, for over \$1.039 billion. As of February 28, 2025, USAC has completed its review for 99.9% of the FY 2023 funding applications totaling over \$3.2 billion in commitments.
- For funding year 2024, the FCC Form 471 application filing window opened on January 17, 2024, and closed on March 27, 2024. On March 8, 2024, the Wireline Competition Bureau announced that the funding year 2024 E-Rate funding cap will be \$4,940,076,139. For funding year 2024, USAC issued its first wave of commitments on April 26, 2024, for over \$1.14 billion. As of February 28, 2025, USAC has completed its review for 99.1% of the FY 2024 applications totaling over \$3 billion in commitments.
- For funding year 2025, the FCC Form 471 application filing window opened on January 15, 2025 and will close on March 26, 2025.

WCB BRIEFING SHEET**SUBJECT: UNIVERSAL SERVICE – SCHOOLS AND LIBRARIES CYBERSECURITY PILOT PROGRAM** (WC DOCKET NO. 23-234)

SUMMARY: The Schools and Libraries Cybersecurity Pilot Program will provide up to \$200 million to selected participants over a three-year term to purchase a wide variety of cybersecurity services and equipment. Modeled after the FCC's Connected Care Pilot, the Pilot Program will evaluate the effectiveness of using Universal Service funding to support cybersecurity services and equipment to protect school and library broadband networks and data in order to determine whether to fund them on a permanent basis.

BACKGROUND AND KEY ISSUES: On November 8, 2023, the Commission adopted a Notice of Proposed Rulemaking (FCC 23-92) proposing a three-year pilot program within the Universal Service Fund (USF), though distinct from E-Rate, to provide up to \$200 million to support cybersecurity and advanced firewall services for eligible schools and libraries. On June 6, 2024, the Commission adopted a Report and Order (FCC 24-63) to create the Schools and Libraries Cybersecurity Pilot Program by taking the following actions: (1) establish final rules for a three-year pilot program; (2) allow a diverse array of eligible schools and libraries to be selected as participants in the Pilot Program based on applicant type, discount rate, and strength of proposed project; (3) leverage many of the existing forms, processes and rules from the E-Rate, ECF, and Connected Care pilot programs; (4) adopt robust program integrity protections, including competitive bidding, document retention, audits, restrictions on gifts, and suspension and debarment rules; (5) designate USAC as the Administrator of the Pilot Program; and (6) establish performance goals and data reporting requirements to track and measure the effectiveness of the Pilot Program. On September 4, 2024 the Commission announced that the FCC Form 484 application filing window would open on September 17, 2024 and close on November 1, 2024 (DA 24-887).

On October 2, 2024, the Commission and the Department of Education, with input from the Cybersecurity and Infrastructure Security Agency, released a resource guide to help schools and libraries evaluate their cybersecurity risks and identify the most impactful cybersecurity solutions.

On January 16, 2025, the Wireline Competition Bureau (Bureau) announced the 707 participants that were selected to be included in the Pilot Program (DA 25-53). The selected participants comprised of 645 schools and districts, 50 libraries, and 12 consortia. Participants from all 50 states, Puerto Rico and the District of Columbia were selected. The Bureau also announced the Pilot FCC Form 471 application filing window would open on March 18, 2025 and close on September 15, 2025. Pilot participants will also be required to submit the FCC Form 484 Part 2 on or before September 15, 2025. Pilot participants who fail to submit the FCC Form 484 Part 2 will be subject to removal from the Pilot program and will not receive a funding commitment decision letter (FCDL). Pilot participants and service providers will be able to file requests for reimbursement after receiving a FCDL and receipt or delivery of the eligible cybersecurity services and equipment. Pilot participants will also be subject to annual and final reporting requirements.

STATUS: On November 8, 2024, the Commission announced that it received 2,734 applications from schools, libraries, and consortia of schools and libraries to participate in the Schools and Libraries Cybersecurity Pilot Program, representing \$3.7 billion in requests to fund cybersecurity projects during the three-year program. Bureau staff are reviewing applications to target funding to as many qualified applicants as possible with a special focus on the neediest eligible schools, libraries, and consortia who will benefit most from cybersecurity funding (i.e., those at the highest discount rate percentages); Tribal entities; and selecting a mix of large and small and urban and rural, schools, libraries, and consortia. Selected Pilot participants and additional information on next steps will be announced in a future Public Notice. On January 16, 2025, the Bureau announced the 707 participants in the Pilot Program. The Pilot

WCB BRIEFING SHEET

March 2025

Page 82 of 122

FCC Form 471 application filing window will open on March 18, 2025 and will close on September 15, 2025.

WCB BRIEFING SHEET**SUBJECT: EMERGENCY CONNECTIVITY FUND (WC DOCKET NO. 21-93)**

SUMMARY: On March 11, 2021, Congress established a \$7.171 billion Emergency Connectivity Fund as part of the recently enacted American Rescue Plan Act of 2021 (American Rescue Plan or the Act). Congress directed the Commission to promulgate rules within 60 days of enactment providing for the distribution of funding from the Emergency Connectivity Fund during the emergency period.

BACKGROUND AND KEY ISSUES: Under the American Rescue Plan, the Commission will distribute funding to eligible school and libraries, for the purchase of eligible equipment or advanced telecommunications and information services (or both) for use by students, school staff, and library patrons at locations that include locations other than a school or library.

- The American Rescue Plan defines eligible equipment as Wi-Fi hotspots, modems, router, device that combine a modem and router, and connected devices.
- Connected devices are defined as laptop computers, tablet computers, or similar end-user devices that are capable of connecting to advanced telecommunications and information services.
- The American Rescue Plan provides that the Commission reimburse 100% of eligible schools' and libraries' costs for eligible equipment and services during the COVID-19 emergency period, so long as the Commission determines such costs are reasonable.
- The emergency period is defined as beginning on January 27, 2020, with the end date calculated based on a declaration by the Secretary of Health and Human Services that a public health emergency no longer exists.
- The American Rescue Plan provides that Universal Service Administrative Company (USAC) will administer the Emergency Connectivity Fund.

The Commission adopted the *Emergency Connectivity Fund Report and Order* (FCC 21-58) on May 10, 2021, establishing rules for the distribution of support to eligible schools and libraries. The \$7.171 billion Emergency Connectivity Fund Program will provide funding to eligible schools and libraries for the reasonable costs of laptop and tablet computers; Wi-Fi hotspots; routers; modems; and broadband Internet connections for use by students, school staff, and library patrons at locations that include locations other than a school or library. Funding is limited to students, school staff, and library patrons who would otherwise lack access to connected devices and broadband Internet services sufficient to engage in remote learning during the COVID-19 pandemic.

During the first two application filing windows, eligible schools and libraries were able to apply for funding for Emergency Connectivity Fund eligible equipment and/or services purchased between July 1, 2021 and June 30, 2022 to meet the remote learning needs of students, school staff, and library patrons who would otherwise lack access to connected devices and/or broadband connections sufficient to engage in remote learning during the 2021-2022 school year.

On July 22, 2021, the Bureau issued a Public Notice (DA 21-881) establishing June 30, 2022 as the service delivery date for equipment and other non-recurring services that have not been received at the time applicants are submitting their funding applications for the Emergency Connectivity Fund Program. Applicants may use June 30, 2022 as the service delivery date for equipment and other non-recurring services on their funding application(s). Applicants will then have 60 days "from the date of the funding commitment decision letter; a revised funding commitment decision letter approving a post-commitment change or a successful appeal of previously denied or reduced funding; or service delivery date, whichever is later" to submit requests for reimbursement for the Emergency Connectivity Fund Program. 47 CFR § 54.1711(d).

WCB BRIEFING SHEET**March 2025****Page 84 of 122**

On December 2, 2021, the Bureau issued an order (DA 21-1499) that waived sections 54.1711(d) and (e) of the Commission's rules to provide relief to Emergency Connectivity Fund (ECF) applicants that: (a) applied for ECF funding during the first or second application filing windows; (b) incorrectly used June 30, 2022 as the service delivery date on their ECF FCC Form 471 applications for equipment and/or other non-recurring services, rather than the actual service delivery date; and (c) received a funding commitment decision letter (FCDL) or revised funding commitment decision letter (RFCDL) noting August 29, 2022 as the invoice filing deadline based on the incorrect service delivery date. The Bureau allowed applicants to use June 30, 2022 as the service delivery date for all ECF funding requests for equipment, other non-recurring services, and recurring services submitted for the period July 1, 2021 through June 30, 2022, and modified section 54.1711(e) accordingly.

On February 22, 2022, the Bureau issued an order (DA 22-176) that waived and extended the service delivery date from June 30, 2022 to June 30, 2023 for all equipment, non-recurring service, and recurring service Emergency Connectivity Fund Program funding requests submitted during the first and second window application filing windows. The Bureau recognized that in the swift implementation of this emergency program, the timing of application reviews, post-commitment change request processing, and the issuance of funding commitment decision letters may have inadvertently resulted in some applicants having less time to use the funded equipment and/or services during the July 1, 2021 through June 30, 2022 funding period. The Bureau also noted that other factors, such as disruptions in the global supply chain, logistical delays, and the ongoing impact of the COVID-19 pandemic on schools and libraries have also contributed to the need for additional time and present compelling and unique circumstances that merit a waiver of our rules. The Bureau waived the service delivery date and extended it to June 30, 2023 for all equipment, non-recurring service and recurring service funding requests submitted during the first two application filing windows and also modified section 54.1711(e) to reflect the updated service delivery date.

On March 1, 2023, the Bureau released a Public Notice (DA 23-166) reminding Emergency Connectivity Fund participants of their ongoing obligations to comply with the program's documentation retention and production requirements including the obligation to maintain and provide equipment and service inventory lists and documentation on determination of unmet need.

On May 12, 2023, the Bureau released an order (DA 23-405) waiving and extending the service delivery date for certain first, second, and third Emergency Connectivity Fund (ECF) application filing window funding requests. Specifically, the Bureau extended the service delivery deadline for first and second filing window recurring, non-recurring service and equipment funding requests for applicants that received a funding commitment decision letter (FCDL) or revised funding commitment decision letter (RFCDL) on or after July 1, 2022. For recurring service requests, the Bureau extended the service implementation deadline for 14 months from the date of FCDL or RFCDL, not to exceed June 30, 2024. For equipment and other non-recurring service requests, the Bureau extended the service delivery date for six months from the date of the FCDL or RFCDL, not to exceed June 30, 2024. For all third filing window recurring, non-recurring, and equipment funding requests, the Bureau extended the service delivery deadline from December 31, 2023, to June 30, 2024. For all special construction funding requests where the applicant received a FCDL or RFCDL after July 1, 2022, and the application included an approved recurring service request, the Bureau extended the service delivery deadline to June 30, 2024 to allow these applicants to receive up to 12 months of recurring service. The Bureau did not waive the one-year deadline to complete the special construction services and ECF applicants remain required to complete the construction within this deadline. On this same date, the Bureau also released a Public Notice (DA 23-406) providing guidance to ECF applicants regarding the termination of the COVID-19 public health emergency on May 11, 2023, and announcing June 30, 2024 as the sunset date for the ECF program based on the termination of the emergency period. The Public Notice also included the updated service delivery deadlines and invoice filing deadline dates based on the May 12th ECF Waiver Order, and reminded ECF participants to submit their requests for reimbursement as soon as they have received the services and/or equipment.

WCB BRIEFING SHEET**March 2025****Page 85 of 122**

On August 14, 2023, the Wireline Competition Bureau issued an Order (DA 23-669) and granted a limited waiver of the program's invoice filing deadline rule, section 54.1711(d) of the Commission's rules, to provide an automatic, one-time extension of the filing deadline to October 30, 2023. In addition, section 54.1711(d) of the Commission's rules was modified to allow 60 days to submit an invoice from the date of notification from USAC that a refund request was processed by USAC.

Congressional Funding Rescission: In March 2024, Congress rescinded \$1.768 billion from the ECF program (Public Law 117-2). The FCC satisfied the rescission in mid-September 2024 by returning the full \$1.768 billion to the U.S. Treasury. Due to the continuing resolution that went into effect on October 1, 2024, the FCC is restricted from making certain changes to existing funding commitments and in obligating any new funds, including to resolve an appeal, waiver request, or other post-commitment transaction. These restrictions will be in place until Congress adopts a government funding bill for fiscal year 2025.

STATUS: The first application filing window for the Emergency Connectivity Fund Program opened on June 29, 2021, and closed on August 13, 2021. Applicants requested \$5.137 billion to fund connected devices and broadband connections in the first application filing window. In light of outstanding demand and the spike in coronavirus cases as a result of the Delta variant, the Commission announced that a second application funding window would open on September 28, 2021 and close on October 13, 2021. Applicants requested \$1.29 billion to fund connected devices and broadband connections in the second application filing window. On March 23, 2022, the Commission announced that a third application filing window would open on April 28, 2022 and close on May 13, 2022. During this application filing window, applicants could request support for eligible equipment and up to 12 months of recurring service to be provided or delivered between July 1, 2022 and December 31, 2023 to students, school staff, and library patrons with unmet needs. The Commission also noted that at least \$1 billion would be available to fund the third window applications. Applicants requested over \$2.81 billion to fund connected devices and broadband connections during the third application filing window. As demand was greater than available funds, the third window applications were being prioritized to fund schools and libraries with the greatest need with priority provided schools and libraries located in rural areas. The Commission has completed reviewing applications and has announced over \$7.09 billion in commitments (November 1, 2023). In addition, as of February 28, 2025, over \$5.398 billion in funding has been disbursed to Emergency Connectivity Fund applicants and service providers, who agreed to invoice on behalf of the applicant. Information on ECF funding commitments and disbursements is available at [Emergency Connectivity Fund FCC Form 471 Open Data](#). The program sunset on June 30, 2024, and all eligible equipment and services had to be purchased by this date. August 29, 2024, was the last date to file requests for reimbursement for most ECF related funding requests. There are certain ECF funding requests that have invoice filing deadlines after August 29, 2024, and USAC is continuing to process requests for reimbursement for the program.

PROGRAM AWARENESS AND REQUIREMENTS: The FCC developed a suite of web resources to increase awareness about the Emergency Connectivity Fund and to help schools and libraries with frequently asked questions. The suite included an anchor webpage (<https://www.fcc.gov/emergency-connectivity-fund>) that includes a video from the Chairwoman, webinars for users, updates on program funding requests and commitments, news media contacts, links to program information, and news about FCC action. An accompanying ECF FAQ (<https://www.fcc.gov/emergency-connectivity-fund-faqs>) has been updated multiple times as new questions arise about the program or compliance with the rules, including with additional information about the Congressional funding rescission.

WCB BRIEFING SHEET

SUBJECT: UNIVERSAL SERVICE – HIGH-COST (WC DOCKET NOS. 19-126, 18-143, 10-90, 16-271, 23-328)

SUMMARY: Since 2011, the Commission has undertaken extensive reforms to modernize the high-cost universal service support program to ensure that voice and broadband services, both fixed and mobile, are available throughout the nation. Beginning with the *USF/ICC Transformation Order and FNPRM*, the Commission established the Connect America Fund to support networks capable of providing voice and broadband service in areas that do not, or would not otherwise, have access to such networks. The Commission has made subsequent adjustments to the framework to take into account what the Commission has learned to date and new marketplace developments. For example, the Commission has adopted universal service programs for Puerto Rico and the U.S. Virgin Islands, as well as an Alaska Plan, and has newly adopted an Alaska Connect Fund program. In 2020, the Commission established the Rural Digital Opportunity Fund, which provides support over 10 years to expand fixed broadband in unserved high-cost areas. In July 2023, the Commission adopted Enhanced A-CAM for rate-of-return areas of the country, which will provide support for carriers to deploy 100/20 Mbps or faster broadband to 100% of eligible locations. In October 2023 and in November 2024, the Commission adopted a NPRM, and then an Order and FNPRM regarding Fixed and Mobile support for Alaska-specific carriers for support years 2025-2034. (For information on the reforms adopted to support mobile voice and broadband, please see WTB’s “Mobility Fund” briefing sheet).

BACKGROUND AND KEY ISSUES:

- High-cost support subsidizes the costs for providers serving rural, high-cost areas to deploy and maintain a modern network capable of offering voice and high-speed broadband services at rates reasonably comparable to urban areas
- In order to receive high-cost universal service support, a provider must first receive a designation as an Eligible Telecommunications Carrier (ETC) for a specific area by either a state regulatory commission or, in some cases, the FCC
- High-cost recipients can be grouped into three general categories:
 - Price Caps: former Bell Operating Companies and other large and mid-sized incumbent local exchange carriers
 - Rate-of>Returns: smaller, rural incumbent local exchange carriers
 - Competitive ETCs: carriers providing either fixed or mobile service that are not regulated as incumbent local exchange carriers and receive high-cost support in lieu of, or sometimes in addition to, the incumbent
- The high-cost universal service support program includes several different funding mechanisms. High-cost support is determined in one of four ways:
 - Competition: Carriers compete (such as in a reverse auction) for a portion of a fixed budget to serve an area identified as eligible by the FCC, and support is awarded to bidders offering the best possible service at a competitive cost
 - Cost Model: Carriers receive support in high-cost areas as determined by a model that estimates the cost to construct and maintain an efficient voice and broadband network
 - Cost Basis: Carriers recover a portion of their own costs to provide service
 - Fixed Amounts: Carriers receive a fixed amount of support as determined by the FCC
- Regulatory goals include:

WCB BRIEFING SHEET**March 2025****Page 87 of 122**

- Fiscal responsibility (eliminate inefficiency and control costs to manage ratepayers' burden)
- No support for areas served with voice and broadband by an unsubsidized competitor
- Explicit, accountable public interest obligations, including mandatory deployment obligations and defined service levels
- **Deployment:** As of the reporting deadline for September 30, 2024 deployment, support recipients reported broadband deployment to more than 9.2 million locations.

IMPLEMENTATION:

- **Connect America Phase I**

- Between 2012 and 2015, price cap carriers reported deploying at least 4/1 Mbps to almost 25,000 locations that previously lacked access to broadband with two rounds of Phase I incremental support.

- **Connect America Phase II**

- **Model-based Support:** Each price cap carrier had the opportunity to make a “state-level commitment” to provide voice and broadband to high-cost locations in its service territory in each state it serves, in exchange for six years of support determined by a cost model—in 2020, a seventh year of support was offered, which all carriers accepted.
 - Price caps elected model-based support in 2015. Twelve carriers received over \$1.5 billion in annual support to serve over 3.6 million locations by the end of 2020 in 45 states and one U.S. territory (Northern Mariana Islands). The support and deployment terms for CAF Phase II ended in December 2021.
 - CAF Phase II model-based support recipients, who were required to meet their final obligation by the end of 2021, reported deployment to 4.2 million locations. All CAF Phase II model support recipients certified to meeting their commitments, which are subject to potential compliance reviews.
- **Auction:** In states where the price cap carriers declined model-based support, and in certain other areas nationwide (such as extremely high-cost areas), a competitive bidding process awarded funding.
 - In August 2018, bidding concluded in the CAF Phase II auction (Auction 903), potentially awarding \$1.488 billion in support over 10 years to 103 winning bidders to deploy networks serving more than 700,000 locations in 45 states. Over 99% of the locations will receive access to broadband service with speeds of at least 25/3 Mbps. The Bureaus have authorized support totaling over \$1.48 billion over 10 years to over 708,400 locations. On February 9, 2023, the Bureau adjusted the defined deployment obligations (and associated support on a per capita basis) on a state-by-state basis of 22 CAF Phase II auction support recipients, finding that each of these recipients had demonstrated that it is more likely than not that the number of qualifying locations within their supported areas within the relevant state(s) is less than the number of funded locations.
 - In November 2020, bidding concluded in the Rural Digital Opportunity Fund Phase I auction (Auction 904), with winning bids of \$9.23 billion in ten-year support to 180 winning bidders that, if authorized for support, committed to serve approximately 5.2 million locations in 49 states and one territory. Authorization for funding was subject to the grant of winning bidders' post-auction, long form applications after processing and review.

WCB BRIEFING SHEET

March 2025

Page 88 of 122

- As of January 2023, more than \$6.062 billion in Auction 904 support was authorized in ten-year support for more than 3,458,000 estimated locations nationwide. There were 379 support recipients with authorized winning bids in 48 states and one territory. While authorized bids included a range of performance tiers, over 97% of locations are covered by winning bids for Gigabit speed service. The Auction Closing Public Notice announced the end of application review on December 20, 2023.
 - As of January 14, 2025 a limited number of post-authorization defaults announced in public notices have resulted in the default of an estimated 143,948 RDOF locations (just over 4% of RDOF authorized locations) and 6,336 CAF Phase II auction locations (less than 1% of CAF Phase II auction authorized locations).
- **Rural Broadband Experiments (RBEs):** In July 2014, prior to conducting the Phase II auction (Auction 903), the Commission adopted an experiment to test competitive interest in deploying broadband in high-cost price cap areas and established an objective methodology for selecting projects. The Commission received bids from 181 entities. In total, the Commission authorized 16 bidders in 15 states to receive a collective \$41 million in RBE support. Two support recipients have permanently defaulted on their obligations to serve locations within a collective five study areas and the Commission has recovered all RBE support associated with these study areas.
- **New York CAF II Auction Waiver:** In January 2017, the Commission made available up to \$170.4 million to companies that were selected by the state's New NY Broadband process to deploy broadband services to CAF Phase II eligible areas. WCB has authorized almost \$65.5 million in high-cost support to offer voice and broadband services to more than 47,000 locations across New York.
- **Alaska**
 - **Alaska Communications Systems:** In 2016, the Commission adopted tailored CAF II service obligations for ACS, a price cap carrier serving Alaska that elected to continue to receive frozen support in lieu of model-based support. ACS elected to receive nearly \$20 million annually for a 10-year term and is required to offer voice service and broadband service at the same speed, latency, usage and pricing metrics as established for Phase II model-based carriers to at least 31,571 locations.
 - **Alaska Plan:** In 2016, the Commission adopted the *Alaska Plan Order*, which provided a one-time opportunity for Alaskan rate-of-return carriers to elect to receive frozen support for a 10-year term in exchange for meeting individualized performance obligations. In December 2016, the Bureau approved the individualized performance obligations of the 13 fixed carriers that elected support (2 elected A-CAM support instead). Performance obligations for Alaska Plan carriers were updated in December 2021 and subject to adjustment based on changed circumstances.
 - As of December 31, 2023, the Commission's Alaska programs for fixed providers have certified deploying to over 96,000 locations
 - Under the current Commission funding programs, disbursements to ACS, Alaska Plan carriers, and Alaska A-CAM carriers are scheduled to conclude by 2025, 2026, and 2028, respectively
 - **Alaska Connect Fund:** In October 2023, the Commission adopted an NPRM inquiring about the next phase of high-cost fixed and mobile support to Alaska. The item asked for input on several factors of developing the fund including: eligibility, support amounts, budget, public interest obligations, support term and timing, accountability and oversight, transitional/phased down support, and issues affecting Tribal Nations and Tribal Lands in

Alaska. The Commission received over 30 filings during the comment and reply comment period.

- ***Alaska Connect Fund Order and FNPRM:*** On November 1, 2024, the Commission adopted the ACF Order and FNPRM, which increases existing support by 30% beginning in 2025 and extends support for fixed and mobile carriers in Alaska through 2034. It also seeks further comment on determining mobile support through a competitive process.
 - For fixed support recipients, the Order increases and extends support to current recipients through 2028 under the ACF Transition program. The Order also provides operational and maintenance support for carriers serving Alaska who have received federal or state funding to build broadband networks providing service speed of 100/20 Mbps through 2034 under the Fixed ACF program. WCB is delegated authority to determine how best to implement the Fixed ACF program. The Commission adopted phased down support for a period of three years following the ACF Transition.
 - For mobile support recipients, the Order and FNPRM extend support and adopt a two-phase approach based on whether an area has a single or multiple subsidized competitors. Support is extended through 2034 for single subsidized areas. For multiple subsidized areas, Phase I extends support through 2029, and Phase II provides support to a single provider through 2034. WTB (together with OEA) is delegated authority to implement various components of the programs. The FNPRM seeks comment on the implementation of Phase II, including further inquiry regarding establishing a competitive process.
- ***Bringing Puerto Rico Together and the Connect USVI Funds***
 - In response to the widespread devastation of the 2017 hurricane season and in recognition of unique circumstances, in May 2018, the Commission established the Bringing Puerto Rico Together Fund (Uniendo a Puerto Rico) and the Connect USVI Fund. In Stage 1, the Commission made available \$64.2 million in new funding to Puerto Rico and the U.S. Virgin Islands for both fixed and mobile services.
 - As of October 2020, WCB had authorized all \$258.8 million in Stage 2 support for mobile services to both territories.
 - For Stage 2 fixed support, the Commission adopted a single-round competitive proposal process and selected winners for each geographic area by applying objective scoring criteria for price, network performance, and network resilience and redundancy. In November 2020, the Bureau announced the winners. Following the Bureau's review and approval of post-application requirements, the Bureau authorized all winning applicants in Puerto Rico and the U.S. Virgin Islands to receive fixed high-cost support. Winning applicants received their first monthly disbursement of support from the Universal Service Administrative Company in June 2021.
 - In November 2020, the Bureau announced two winning applicants in Puerto Rico that are eligible for high-cost support, with the 10-year support amount totaling \$127.1 million covering 1,222,508 total locations in all 78 municipios. Puerto Rico Telephone Company (PRTC) won approximately \$55.56 million in support to offer voice and broadband services to over 308,000 locations in 35 municipios, and Liberty Communications Puerto Rico (Liberty) won approximately \$71.54 million in support to offer services to over 914,000 locations in 43 municipios. All winning proposals are for network performance tiers above the minimum required performance standard of 25 megabits per second (Mbps) downstream

WCB BRIEFING SHEET**March 2025****Page 90 of 122**

speeds, with more than two-thirds of the locations to receive downstream speeds of at least 100 Mbps and nearly one-third to receive speeds of 1 Gigabit per second.

- In November 2020, the Bureau announced Broadband VI, LLC (Broadband VI) as the winning applicant of both geographic areas in the territory, with the 10-year support amount totaling \$84.5 million covering over 46,000 locations throughout the islands. The winning proposals submitted by Broadband VI are for the highest performance tier with downstream speeds of 1 Gigabit per second. In June 2021, the Bureau authorized Broadband VI to receive high-cost support for both geographic areas covered by its winning proposals following the approval of post-selection application requirements. In June 2021, the Universal Service Administrative Company disbursed Broadband VI's first monthly support in the amount of \$703,807.25.
- Bringing Together Puerto Rico and Connect USVI: In June 2021, the Bureau authorized PRTC and Liberty to receive high-cost support for all municipios covered by their winning proposals following the approval of post-selection application requirements. In June 2021, the Universal Service Administrative Company disbursed PRTC's first monthly support in the amount of \$462,968.08 and Liberty's first monthly support payment in the amount of \$596,158.28.
- In October 2022 the Commission issued a Further Notice of Proposed Rulemaking in which it sought comment on providing transitional support for recipients of Stage 2 mobile support, in order to ensure the continued provision of support after Stage 2 mobile support ends in June 2023. The Commission also proposed extending phase-down frozen support beyond May 2023 for the incumbent fixed providers that did not win Stage 2 competitive support in a given area.
- On April 19, 2023, an Order was adopted to provide transitional support for Stage 2 mobile providers for up to two years, or until a long-term funding mechanism is established at the conclusion of Stage 2 mobile support beginning in June 2023. Transitional funding must be used to strengthen networks. All mobile recipients that were eligible to receive transitional funding needed to elect to receive that funding, which they all did. Transitional funding for each carrier is limited to 50 percent of current Stage 2 support amount for the first year of transitional support and 25 percent of current support during the second 12-month period. The Order also extended phase-down frozen support at 1/3 amount of legacy support to incumbent fixed broadband providers, PRTC in Puerto Rico and Viya in the U.S. Virgin Islands, that did not win competitive support in a given area until December 31, 2025. Phase-down support must be used on resiliency and redundancy measures and the incumbent carriers must maintain their current coverage footprints. Phase-down support payments to incumbent carriers began in June 2023.
- On June 2, 2023, Viya filed a petition for reconsideration of the Transitional Support Order to extend phase-down support more than two years to March 31, 2027. On June 21, 2023, the Commission released a public notice seeking comment on the PFR, which remains pending.
- On September 22, 2023, the Commission released a Further Notice of Proposed Rulemaking (FCC 23-74) seeking to refresh the record to expand the deployment of 5G service nationwide. Among the issues in the FNPRM, the Commission sought comment on whether to make 5G Fund support available to the territories as a long-term funding mechanism or explore a separate dedicated mechanism for Puerto Rico and the U.S. Virgin Islands. The Commission received comments from all carriers that received Stage 2 mobile support and comments are under review.
- On October 31, 2023, the Bureau and OEA released a Public Notice that provides guidance to mobile carriers in Puerto Rico and the U.S. Virgin Islands on the reporting their final milestone deployment using the Broadband Data Collection portal due by January 30, 2024.

WCB BRIEFING SHEET**March 2025****Page 91 of 122**

As part of the Public Notice, WTB and OEA also announced approved parameters and a testing methodology that mobile recipients may use to submit network data to verify they have met their network performance commitments for 4G long term evolution and 5G-New Radio technologies for voice and broadband services required by the *2019 PR-USVI Order*. A carrier will perform the required network speed tests after submitting its final network coverage data and submit the test data results to the Bureau and OEA for review. All mobile carriers have submitted final coverage maps that were due on January 30, 2024; and the Bureau and OEA expect to work with carriers to perform the required drive tests to demonstrate network coverage and performance.

- On August 29, 2024, the Commission adopted an Order to implement the framework for the 5G Fund for Rural America. As part of the Order, the 5G Fund will include areas of Puerto Rico and the U.S. Virgin Islands in the Phase I auction that meet eligible area definition.
- On October 7, 2024, the Bureau and OEA opened the drive testing window for mobile carriers in Puerto Rico and the U.S. Virgin Islands to ensure compliance with the requirements of the *2019 PR-USVI Order* for network coverage and performance. Carriers must complete and submit drive testing results by December 9, 2024.
- On October 28, 2024, Liberty Communications USVI, which acquired Broadband VI, the winning Stage 2 fixed applicant, filed a petition for waiver of its fixed deployment obligation to 40% of the locations in the U.S. Virgin Islands by December 31, 2024. Liberty cites ongoing permitting and pole attachment agreement delays attributable to the USVI Department of Public Works and Water and Power Authority, respectively. Liberty further indicates that unexpected increased expenses and operational resources as contributing to the delay of its network construction. The petition for waiver is pending. On December 20, 2024, the Bureau granted a limited waiver for a three-month period (ending March 31, 2025) while also seeking comment on BBVI's Petition for a one-year waiver until December 31, 2025.

- ***Rate-of-Return Reforms***

- For rate-of-return carriers, in March 2016 the Commission established two new mechanisms for the distribution of support:
 - Under one option, carriers voluntarily elected to receive model-based support for a term of 10 years in exchange for meeting defined build-out obligations.
 - 262 companies in 43 states have elected A-CAM I: obligation to deploy 25/3 Mbps, 10/1 Mbps, 4/1 Mbps and upon reasonable request to more than 700,000 locations.
 - 171 companies in 49 states and one Territory have elected A-CAM II: obligation to deploy 25/3 Mbps, 4/1 Mbps and upon reasonable request; 25/3 Mbps to more than 363,000 locations, including more than 37,000 locations on Tribal lands.
 - Under the alternative, carriers may choose to remain on legacy support, which has been modified to provide support for broadband service to locations where the customer no longer subscribes to traditional regulated local exchange voice service, along with defined voice and broadband build-out obligations.
 - 430 study areas remain on legacy mechanisms, with an obligation to deploy 25/3 Mbps to more than 473,000 locations by December 31, 2023.
- In March 2016, the Commission re-prescribed the authorized rate of return from 11.25% to 9.75%, with a phased transition.

WCB BRIEFING SHEET

March 2025

Page 92 of 122

- In December 2018, the Commission provided predictable funding levels for legacy mechanisms with annual inflation adjustment.
- In July 2023, the Commission adopted the Enhanced A-CAM program, providing a voluntary path for supporting the widespread deployment of 100/20 Mbps broadband service throughout the rural areas served by carriers currently receiving A-CAM support and in areas served by legacy rate-of-return support recipients. In August 2023, the Commission made Enhanced A-CAM offers to current A-CAM and CAF BLS carriers. The deadline to accept these offers was September 29th, 2023. On October 30, 2023, the Commission authorized approximately \$18.28 billion in funding for carriers that accepted the offer of Enhanced A-CAM support for a 15-year period beginning January 1, 2024. Collectively, these companies are committing to deploy broadband service of at least 100/20 Mbps service to over 700,000 locations and to maintain or improve existing 100/20 Mbps service to approximately 2 million locations in 44 states.
- In July 2023, the Commission sought comment on amending legacy rate-of-return mechanisms to align them with the current broadband deployment and support environment. The Commission sought comment on: reforms to legacy support mechanisms and appropriate funding, so that rate-of-return carriers are subject to a smaller reduction when the budget control mechanism applies; appropriate deployment obligations for carriers receiving Connect America Fund Broadband Loop Support BLS when the current deployment term ends this year; and methodologies for preventing duplication of support between legacy high-cost universal service support mechanisms and funding provided by other federal and state agencies for the deployment of broadband.
- In October 2023, the Commission issued a Public Notice that authorizes approximately \$18.28 billion in Enhanced A-CAM support for carriers that have accepted the offer of Enhanced A-CAM support in the states identified in today's Authorization Report for a 15-year period beginning January 1, 2024. Collectively, these companies are committing to deploy broadband service of at least 100/20 Mbps service to over 700,000 locations and to maintain or improve existing 100/20 Mbps service to approximately 2 million locations in 44 states across the United States.
- The Commission released an order on December 27, 2023, deferring the commencement of the next five-year deployment obligation term for legacy rate-of-return carriers until January 1, 2025, while it considers reforms in the ongoing rulemaking proceeding. The Bureau on January 17, 2025 further deferred the commencement of the next five-year deployment term for an additional year, to January 1, 2026, or until the completion of the pending rulemaking proceeding, whichever is later.
- ***Rural Digital Opportunity Fund:*** In January 2020, the Commission established the Rural Digital Opportunity Fund.
 - Through a two-phase reverse auction mechanism, the FCC directs support over ten-year support terms to broadband networks capable of up to gigabit speed in unserved areas, connecting millions more American homes and businesses to digital opportunity.
 - Phase I (Auction 904), which closed in November 2020, targeted up to \$16 billion over a ten-year support term to deploy broadband to approximately 5.3 million rural homes and businesses in census blocks that are wholly unserved by voice and fixed broadband at speeds of at least 25/3 Mbps, based on existing data. There were 180 winning bidders in the Phase I auction, with the 10-year potential support amount totaling \$9.23 billion and covering 5,220,833 locations in 49 states and the Commonwealth of the Northern Mariana Islands. While winning bids are associated with a range of performance tiers, winning bids for downstream speeds of at least 100/20 Mbps cover 99.7% of eligible locations, and over 85% of eligible locations are covered by winning bids for Gigabit speed service.

WCB BRIEFING SHEET**March 2025****Page 93 of 122**

- In February 2021, the Bureau announced that 417 Rural Digital Opportunity Fund applicants had submitted the long-form application portion of the FCC Form 683. As of January 13, 2023, approximately \$6B in support has been announced as ready to authorize to deploy gigabit service to over 3,458,802 model locations. The Auction Closing Public Notice announced the close of review of long-form applications and the public release of application materials on December 20, 2023.
- In the Report and Order establishing the Rural Digital Opportunity Fund, the Commission determined that Phase II of the program will make available at least \$4.4 billion over a ten-year support term to target partially served areas using the granular, precise broadband mapping data being developed in the FCC's Broadband Data Collection (formerly known as the Digital Opportunity Data Collection), along with census blocks unawarded in the Phase I auction that remain unserved. In the Report on the Future of the Universal Service Fund, the Commission said it should consider how and/or whether future planned processes, such as RDOF Phase II, remain necessary after the Commission's creation of the Fabric and deployment commitments under NTIA's BEAD and/or other Infrastructure Act programs are made.
- ***Overall Connect America Fund (information applicable to all CAF programs)***
 - *Performance Measures.* High-cost recipients with defined deployment obligations are subject to a uniform framework for measuring the speed and latency performance of their broadband service, which requires carriers to submit testing results as part of their annual compliance certification. Carriers that do not comply with our speed and latency requirements are subject to a withholding/reduction in support, commensurate with their level of noncompliance. In addition, providers are subject to audit of all testing data.
 - The Bureau acted on petitions for reconsideration related to satellite performance in September 2019; the Commission affirmed the performance measures framework, with certain refinements, in October 2019. Carriers are required to engage in pre-testing, which will allow carriers to gain testing experience without being subject to support reductions, and the implementation of testing for specific support programs will be based on required deployment deadlines. Carriers receiving CAF Phase II model-based support conducted pre-testing throughout 2020 and testing during 2021 (results are available here <https://www.usac.org/wp-content/uploads/high-cost/documents/Compliance/Quarterly-2021-CAFII-Model-by-Carrier.xlsx>). Carriers receiving A-CAM I, Alaska Plan, and RBE conducted pre-testing throughout 2021 and began testing in the first quarter of 2022. A-CAM II, CAF BLS, and CAF II Auction carriers began pre-testing in 2022 and testing in 2023. Puerto Rico and USVI began pre-testing in 2024 and will start testing in 2025. RDOF carriers will begin pre-testing in 2025 and testing in 2026. Enhanced A-CAM carriers will begin pre-testing in 2026 and testing in 2027.
 - Starting in 2025, all carriers will be required to certify the quarter's network testing results within two weeks of the end of the quarter.
 - *Connect America Fund Broadband Map.* On October 9, 2018, WCB announced the release of the Connect America Fund Broadband Map (CAF Map). The CAF Map shows locations where funding recipients have already reported CAF-funded broadband deployment to fixed locations. The CAF Map illustrates both areas eligible for funding and the specific fixed locations where funding recipients have reported deployment by address and geographic latitude and longitude, including the maximum speed offered and the date of deployment. The CAF Map is updated twice a year with additional information as it is certified by carriers participating in these CAF programs and as more CAF programs are added to the map. The CAF Map is published by the administrator of the Universal Service Fund, the Universal

WCB BRIEFING SHEET**March 2025****Page 94 of 122**

Service Administrative Company (USAC), with data submitted annually by funding recipients using USAC's High Cost Universal Broadband (HUBB) portal.

- *Rural Broadband Accountability Plan.* The Rural Broadband Accountability Plan (RBAP) is the Commission's plan to monitor and ensure compliance for universal service high-cost programs including the Rural Digital Opportunity Fund and Connect America Fund Phase II Auction. The FCC's high-cost universal service program is approving billions of new investment dollars to bring connectivity to consumers in areas lacking access to broadband. RBAP seeks to ensure these dollars are properly invested and produce new broadband services in these areas.
 - **Increased Audits and Verification**—the Rural Broadband Accountability Plan makes a number of changes and enhancements to existing audit and verification procedures: the number of audits and verifications doubled starting in 2022 as compared to 2021 and include on-site audits as well as audits and verifications based upon identified risks and random selection; USAC will conduct more verifications and reviews prior to a program's first required deployment milestone; the largest dollar recipients will be subject to an on-site audit in at least one state; higher risk recipients will be subject to additional audits and verifications.
 - **Increased Program Transparency**—for the first time, starting in 2022 results of verifications, audits, and speed and latency performance testing were made public on USAC's website.
- *Broadband Deployment Alignment Plan.* When notified of a default on broadband deployment obligations, the Commission's Broadband Deployment Alignment Plan (BDAP) procedures provide for taking immediate action to coordinate with other federal and state agencies to minimize the impact on consumers and the geographic areas to which the defaulting carriers committed. First, the Wireline Competition Bureau (WCB) ensures that the carrier has notified the relevant state broadband offices about the carrier's inability to deploy broadband infrastructure to the defaulted locations. Second, WCB notifies the National Telecommunications and Information Administration (NTIA) to begin a similar dialogue about the locations. These notifications allow the state and NTIA to promptly consider the implications for the ongoing BEAD Program and other, similar programs. Third, where feasible, WCB discusses with both the relevant state broadband office and the carrier whether there is another entity that may be interested in serving the area and assuming the defaulting carrier's RDOF obligations. Finally, if another carrier does not assume the obligation, WCB notifies NTIA, the Rural Utility Service of the U.S. Department of Agriculture (RUS), and the U.S. Department of Treasury of the circumstances so that the defaulted area can be given priority consideration in other federal broadband funding programs, in accordance with agreed-upon best practices. WCB also makes enforcement referrals where appropriate.
- *Ongoing Support.* On July 23, 2023, the Commission adopted a Notice of Inquiry that seeks comment on whether and how the Commission should modify its USF high-cost support program considering the anticipated deployment in most high-cost areas of robust, scalable, next-generation broadband networks offering a minimum of 100/20 Mbps service made possible through Commission programs created by the Infrastructure Act and other state and federal subsidy programs. Through the NOI, the Commission will assess adopting a mechanism or process to address determining the support needed by carriers to efficiently maintain these full-service networks, particularly where providers have received significant upfront federal and/or state funding. It will also assess the conditions and terms under which such continuing support will be made available.

WCB BRIEFING SHEET

SUBJECT: UNIVERSAL SERVICE FUND CONTRIBUTIONS (WC DOCKET NO. 06-122)

SUMMARY: The Commission has a pending rulemaking to consider how to reform and modernize the universal service contribution methodology in light of the evolving communications ecosystem. The Commission has asked the Federal-State Joint Board on Universal Service to submit a recommended decision on contributions reform to the Commission.

BACKGROUND AND KEY ISSUES: All telecommunications service providers and certain other providers of telecommunications must contribute to the federal universal service fund (USF or Fund) based on a percentage of their interstate and international end-user telecommunications revenues. Under current rules, revenues from telecommunications services—such as voice service (whether offered by wireline or wireless carrier), broadband transmission service offered on a common carriage basis, and paging—as well as private carrier transmission services and interconnected VoIP offered by any entity, are subject to contributions. In contrast, revenues from information services, such as retail broadband Internet access and text messaging, are not subject to contributions. This system has two distinct but related components: (1) the assessment of contributions on telecommunications providers; and (2) the recovery of contribution payments by providers from their customers.

- *Assessment.* Contributors are assessed on their interstate and international end-user telecommunications revenues based on a “contribution factor” that is calculated quarterly.
- *Recovery.* Contributors that elect to do so may recover their contribution payments from their end users. If contributors choose to recover their universal service contribution costs through a line item on a customer’s bill, the contributors may not mark up the line item above the relevant contribution factor.

Contribution Methodology Reform and Modernization Further Notice of Proposed Rulemaking. On April 27, 2012, the Commission adopted a Further Notice of Proposed Rulemaking (*2012 Further Notice* or *Notice*) regarding reform of the contributions system. The *2012 Further Notice* sought comment on various measures to reform and modernize the USF contribution system, including:

- *Who Should Contribute.* The *Notice* seeks comment on two possible approaches to address uncertainty regarding the USF contribution obligations for providers of certain services. The first approach would require USF contributions from providers of specific services, including all enterprise communications services, text messaging, one-way VoIP, and broadband Internet access service. The second approach would adopt a more general definition of interstate telecommunications providers who would be required to contribute, and to clearly identify those services that are exempted or not required to contribute.
- *How Contributions Should Be Assessed.* The *Notice* seeks comment on how contributions should be assessed and on what methodology should be used to determine the relative contribution obligations among those providers who are required to contribute. In particular, the *Notice* seeks comment on potential reforms to the current revenues-based system, including approaches to simplify the apportionment of revenues from bundled offerings and how companies allocate revenues between the interstate, intrastate, and international jurisdictions for USF contribution purposes. The *Notice* also seeks comment on alternative contribution methodologies based on connections, numbers, or a hybrid approach in light of changes in the marketplace since the Commission last sought comment on these issues.
- *How the Administration of the Contribution System Can Be Improved.* The *Notice* also proposes administrative improvements that could be implemented regardless of who is required to contribute, or on what basis. For example, the *Notice* proposes to adopt a rule that would provide for annual

WCB BRIEFING SHEET

March 2025

Page 96 of 122

public comment on the instructions and content of the form on which contributors report information used to determine USF contribution assessments.

- *Recovery of Universal Service Contributions from Consumers.* The *Notice* also addresses the process by which providers recover contributions from consumers. Among other things, the *Notice* looks at ways in which that process could be made more transparent for consumers, such as requiring additional information on customer bills.

STATUS: On August 7, 2014, the Commission released an order asking the Federal-State Joint Board on Universal Service to provide recommendations on how the Commission should modify the universal service contribution methodology. The Commission asked the Joint Board to examine the record in the 2012 *Further Notice* and provide recommendations within the scope of the issues raised in that proceeding, with particular focus on issues that would impact the role of the states in accomplishing universal service objectives and protecting consumers. The Joint Board's recommendation remains pending. On June 11, 2020, the Bureau released a Public Notice to refresh the record on whether to include revenues derived from the provision of non-interconnected (one-way) VoIP services in the funding base. The comment cycle closed on July 27, 2020. Staff are currently reviewing the record.

ORDERS ADDRESSING REQUESTS FOR REVIEW

- On October 9, 2020, the Commission released an Order on Review (*2020 Order on Review*), denying two Applications for Review and affirming the Wireline Competition Bureau's 2017 *Private Line Order*. In the *Private Line Order*, the Wireline Competition Bureau clarified the operation of the so-called "10% rule" for assessing contributions to the Fund. The *Private Line Order* also remanded to the Universal Service Administrative Company (USAC) several requests for review of USAC audit findings for further consideration in accordance with the clarifications and guidance set forth in the Bureau's order. On May 1, 2017, TDS Metrocom and XO Communications Services filed Applications for Review challenging the Bureau's *Private Line Order*, or in the alternative, sought waiver of the Bureau's order. The *2020 Order on Review* adopted by the Commission affirms the Bureau's 2017 *Private Line Order*; grants TDS's request for waiver and reverses USAC's determination to the extent it reclassified TDS's lines at issue as interstate; and dismisses XO's request for waiver and remands USAC's audit finding back to USAC for further consideration. USAC has completed the remand work consistent with the Commission's directive in the item.
- On July 15, 2022, the Bureau released an Order addressing a request for review filed by Mark Twain Telephone Company challenging a USAC decision requiring the carrier to charge a Subscriber Line Charge (SLC) and to contribute to the USF based on this interstate revenue. The order finds that although Mark Twain is not required by the Commission's rules to charge its end-user customers an itemized SLC, Mark Twain nevertheless continues to have an obligation to contribute to the USF based on the interstate-allocated portion of its local loop revenues and to report those revenues on the FCC Form 499-A. Consistent with this order, the Bureau separately released a Public Notice proposing revisions to the 2023 FCC Forms 499 and accompanying Instructions, and seeking comment on clarifications pertaining to reporting the interstate portion of local exchange services for incumbent LECs that do not charge a SLC.
- On March 22, 2023, the Bureau released an Order addressing a petition for reconsideration filed by SES Government Solutions seeking reconsideration of the Bureau's 2017 *Stratos Order*. In the *Stratos Order*, the Bureau clarified that the government-only exemption that exempts non-governmental providers of interstate telecommunications that exclusively provide service to public safety or government entities from contributing to the Universal Service fund applies to entities that provide service directly and exclusively to government and public-safety entities and does not include sub-contractors working at the direction of a prime contractor. In the *SES Order*, the Bureau denied reconsideration and affirmed that the government-only exemption is

intended to be narrow as to not be detrimental to the stability of the fund by allowing additional entities to claim the exemption from contributing to the Universal Service Fund.

FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE

- Section 254(a)(1) requires the Universal Service Joint Board to be composed of the three FCC Commissioners, one of who serves as Chair, and four state Commissioners required by section 410(c) and a state utility consumer advocate. In January 2024, the Commission appointed Commissioners Gomez and Simington to the Joint Board, with Commissioner Gomez assuming the role of Chair. In May 2024, the Commission appointed one State Member for a full slate of Joint Board members.

WCB BRIEFING SHEET**SUBJECT: UNIVERSAL SERVICE – FUTURE OF UNIVERSAL SERVICE REPORT**
(WC Docket No. 21-476)

SUMMARY: On December 15, 2021, the Commission released a Notice of Inquiry, as directed by Congress, commencing a proceeding seeking comment on the future of universal service in light of the broadband investments in the Infrastructure Investment and Jobs Act of 2021 (Infrastructure Act). Congress required submission of a Report on the Future of the Universal Service Fund by August 12, 2022.

BACKGROUND AND KEY ISSUES: The Infrastructure Act contains approximately \$65 billion in federal broadband investments. Section 60104(c) of the Act directs the Commission to submit within 270 days “a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband in light of this Act” and states that in the report the Commission “may make recommendations for Congress on further actions the Commission and Congress could take to improve the ability of the Commission to achieve the universal service goals for broadband.” In the Notice of Inquiry, the Commission defined its universal service goal for broadband as “universal deployment, affordability, adoption, availability, and equitable access to broadband throughout the United States.”

The Notice of Inquiry summarized key broadband and universal service provisions in the Infrastructure Act, most significantly the Commission’s Affordable Connectivity Program and the Broadband Equity, Access, and Deployment Program to be administered by NTIA, as well as other relevant federal programs. The Notice of Inquiry then sought comment on the impact of the Infrastructure Act on the Commission’s ability to achieve its universal service goals for broadband as well as recommendations for future actions by the Commission and Congress.

On August 12, 2022, the Commission adopted and submitted to Congress the Future of USF Report, as required by the Infrastructure Act.

- For the High-Cost Program, the Report recommends that the Commission consider the future support needs of high-cost and hard-to-serve areas in light of the upcoming BEAD Program funding. The Commission took the first step toward acting on this recommendation when it adopted, on July 23, 2023, a Notice of Inquiry seeking comment on whether and if so, how, the Commission should modify its USF high-cost support program given anticipated changes to the support needs of carriers operating robust, scalable, next-generation broadband networks with a minimum of 100/20 Mbps.
- The Report also recommended that the Commission consider lessons learned for the Lifeline program in light of the launch of the Emergency Broadband Benefit and Affordable Connectivity Programs, and consider how Lifeline can best operate with the Affordable Connectivity Program.
- The Report also recommended that the Commission analyze the impact of network construction funding programs, including the Emergency Connectivity Fund and Infrastructure Act funding and consider the implications for the E-Rate Program.
- For the Rural Health Care Program, the Commission recommended that Congress consider revisiting the list of entities defined as health care providers in section 254 of the Communications Act to improve the Program and quality of telehealth services in rural America. The Report also discussed the Commission’s proceeding considering proposed updates to the Rural Health Care Program to make it easier for health care providers to receive support, reduce delays in funding commitments, and improve the overall efficiency of the program, which the Commission adopted in January 2023.
- For the contributions that fund the Universal Service Fund, the Report recommended that Congress provide the Commission with the legislative tools needed to make changes to the contributions methodology and base in order to reduce the financial burden on consumers, to

WCB BRIEFING SHEET**March 2025****Page 99 of 122**

provide additional certainty for entities that will be required to make contributions, and to sustain the Fund and its programs over the long term.

STATUS: On January 4, 2022, the Bureau granted an extension of the comment and reply comment deadlines until February 17, 2022, and March 17, 2022, respectively. On August 12, 2022 the Commission adopted and submitted to Congress the Report on the Future of Universal Service.

WCB BRIEFING SHEET

SUBJECT: INCARCERATED PEOPLE'S COMMUNICATIONS SERVICES (WC DOCKET NO. 12-375; WC DOCKET NO. 23-62)

SUMMARY: Incarcerated people's communications services (IPCS) and its interstate audio component, inmate calling services (ICS), differ from traditional payphone services in a number of important respects. Correctional authorities typically use a competitive bidding process to select a provider that is granted a monopoly contract to offer IPCS in a particular correctional facility or group of facilities. Correctional facilities often require payments, in the form of site commissions, as part of the bidding process, which are then passed on to IPCS users through higher rates.

BACKGROUND AND KEY ISSUES:

- In 2013, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*2013 ICS Order and Further Notice*) that fundamentally reformed the interstate ICS regime in order to ensure that rates for interstate ICS are just, reasonable, and fair. In 2014, the United States Court of Appeals for the District of Columbia Circuit stayed three rules adopted in the *2013 ICS Order* pending resolution of the underlying appeal, including the rule requiring rates to be based on costs, the rule adopting interim safe harbor per-minute rates, and the rule requiring ICS providers to file with the Commission annual reports and certifications. The court allowed the \$0.21 per-minute rate cap for interstate debit/prepaid ICS and \$0.25 per-minute rate cap for interstate collect ICS adopted in the *2013 ICS Order* to go into effect on February 11, 2014.
- In 2014, the Commission released a Second Further Notice of Proposed Rulemaking (*Second Further Notice*) on ICS. In the *Second Further Notice*, the Commission sought comment on a comprehensive, market-based approach to ensuring just and reasonable rates as well as fair compensation for all interstate and intrastate inmate calling. The item sought comment on banning, or otherwise limiting, site commission payments and some ancillary fees, establishing rate caps as a backstop to the proposed market-based approach and transitional approaches to the proposed reforms. The *Second Further Notice* also sought comment on how the Commission could work cooperatively with states that undertake their own ICS reforms.
- In 2015, the Commission released a Second Report and Order and Third Notice of Proposed Rulemaking (*2015 ICS Order or Third Further Notice*), in which it:
 - Adopted a tiered rate structure that accounted for the relatively higher costs ICS providers face in serving jails (especially small jails) as opposed to state and federal prisons. The rate caps adopted for both interstate and intrastate ICS calls follow:
 - 11 cents/minute for debit and prepaid calls in state or federal prisons
 - 14 cents/minute for debit and prepaid calls in jails with 1,000 or more inmates
 - 16 cents /minute for debit and prepaid calls in jails with 350-999 inmates
 - 22 cents /minute for debit and prepaid calls in jails of up to 349 inmates
 - Rates for collect calls were slightly higher in the first year and were to be phased down to the same level as debit and prepaid calls over a two-year period
 - Capped charges for the following ancillary services and adopted general ICS rules listed below:
 - Automated account payment by phone or website: \$3
 - Payment through a live agent: \$5.95

WCB BRIEFING SHEET
March 2025
Page 101 of 122

- Paper bill fee: \$2
- Third-party financial transaction fees, such as fees charged by MoneyGram or Western Union, may be passed through with no mark-up
- Prohibited all other ancillary service charges
- Allowed mandatory taxes and regulatory fees to be passed through with no mark-up
- Prohibited mandatory minimum account payments and placed a floor on maximum payments
- Discouraged “site commission” payments: payments made from providers to institutions that are not costs directly related to providing ICS
- Disallowed providers from imposing so-called “flat-rate calling,” that is, a flat rate for a call up to 15 minutes regardless of actual call duration
- Required providers to offer free access to telephone relay service (TRS) calls for inmates with communications disabilities and applied a steeply discounted rate for TTY-to-TTY calls
- Required ICS providers to report annually on rates, fees, site commission payments, the number of TRS-related calls and complaints, and video visitation rates and fees
- Required ICS providers to publicly disclose rates and fees
- In addition, the *Third Further Notice* sought comment on several issues including:
 - Rate caps for international ICS
 - How to promote competition in inmate calling services to reduce the need for regulation
 - The use, costs and rates of video visitation and other advanced inmate communications services, and whether these services could be used to circumvent traditional ICS rates
 - The use of revenue-sharing agreements and whether additional reforms are necessary
 - Whether the FCC should adopt a recurring mandatory data collection and/or require providers to submit copies of their ICS contracts
- The rules governing rates and fees applicable to prisons were to become effective on March 17, 2016, 90 days after publication in the Federal Register, and those applicable to jails were to become effective on June 20, 2016, six months after publication in the Federal Register. However, on March 7, 2016, the D.C. Circuit stayed both the rules establishing the rate caps and the cap on charges and fees for single call services but allowed the remaining rules to become effective as scheduled. The rules that were subject to PRA approval—those related to the consumer disclosure requirement, annual reporting and certification requirement, and the Mandatory Data Collection—became effective on March 1, 2017.
- Later in 2016, the Commission released an Order on Reconsideration (*2016 Reconsideration Order*) responding to a petition filed by Michael S. Hamden (the Hamden Petition), an attorney and corrections consultant who had actively participated in this proceeding. The *2016 Reconsideration Order* took the following steps:

WCB BRIEFING SHEET**March 2025****Page 102 of 122**

- Increased the rate caps on both interstate and intrastate ICS rates to expressly account for costs that facilities incur that are reasonably related to the provision of ICS. The revised rate caps are as follows:
 - 13 cents per minute for debit or prepaid calls, in state or federal prisons
 - 19 cents per minute for debit or prepaid calls, in jails with 1,000 or more inmates
 - 21 cents per minute for debit or prepaid calls, in jails with 350 to 999 inmates
 - 31 cents per minute for debit or prepaid calls, in jails of up to 349 inmates
 - Rates for collect calls were slightly higher, and were to be phased down after two years
 - Amended the definition of “Mandatory Tax or Mandatory Fee” adopted in the *2015 ICS Order* to make clear that providers may not markup the taxes and fees they pass through to consumers.
 - Denied the Hamden Petition in all other respects.
- The revised rate caps were to take effect on December 12, 2016, for calls from prisons and on March 13, 2017, for calls from jails. However, on November 2, 2016, the D.C. Circuit stayed the revised rate caps.
 - On June 13, 2017, the D.C. Circuit vacated the rate caps adopted in the *2015 ICS Order*, as well as reporting requirements related to video visitation. The court also remanded the caps on fees for ancillary services to allow the Commission to determine whether those fees could be segregated between interstate calls—over which the Commission has jurisdiction—and intrastate calls—over which the court held the Commission lacks jurisdiction. On September 26, 2017, the D.C. Circuit denied a petition seeking rehearing en banc. On December 21, 2017, the D.C. Circuit vacated the rate caps the Commission adopted in the *2016 Reconsideration Order*. On the same day, the D.C. Circuit dismissed challenges to the Commission’s *2013 ICS Order* as moot, noting that all parties agreed that the order had been superseded by subsequent Commission actions. As a result of the 2017 judicial actions, the interim rate caps adopted in the *2013 ICS Order* (\$0.21 per minute for debit/prepaid ICS calls and \$0.25 per minute for collect calls) remained in effect for interstate ICS calls. No federally mandated rate caps currently apply to intrastate ICS calls.
 - On February 5, 2020, the Bureau released a public notice seeking to refresh the record on ICS-related ancillary service charges in response to the D.C. Circuit’s remand. On August 6, 2020, the Commission adopted a Report and Order on Remand (*2020 Remand Order*) and a Fourth Further Notice of Proposed Rulemaking (*Fourth Further Notice*) responding to remands by the U.S. Court of Appeals for the District of Columbia Circuit and proposing to comprehensively reform rates and charges for inmate calling services within the Commission’s jurisdiction.
 - The *2020 Remand Order* found that the Commission’s five permitted ancillary service charges—(1) automated payment fees; (2) fees for single-call and related services; (3) live agent fees; (4) paper bill/statement fees; and (5) third-party financial transaction fees—generally, cannot be practically segregated between interstate and intrastate inmate telephone calls, except in a limited number of cases. As a result of the inability to practically separate interstate from intrastate components, inmate calling services providers would generally be prohibited from imposing ancillary service fees higher than the Commission’s caps, or imposing fees for additional ancillary services unless imposed in connection with purely intrastate inmate telephone service calls. The *2020 Remand Order* also reinstated a rule prohibiting providers from marking up third-party fees for single-call services; reinstated rule language that prohibits providers from marking up mandatory taxes or fees that they pass on to inmate telephone service consumers; and amended certain of the inmate calling services rules consistent with the D.C. Circuit’s

WCB BRIEFING SHEET**March 2025****Page 103 of 122**

mandates to reflect that the Commission's rate and fee caps on inmate calling service apply only to interstate and international inmate calling.

- The *Fourth Further Notice* proposed to substantially reduce the interstate rate cap for inmate telephone calls from the then current interim rate caps of \$0.21 per minute for debit or prepaid calls and \$0.25 per minute for collect calls for all types of correctional facilities, to permanent rate caps of \$0.14 per minute for all interstate calls from prisons and \$0.16 for all interstate calls from jails. The *Fourth Further Notice* also proposed to adopt rate caps for international inmate calling services calls for the first time based on the proposed interstate rate caps, plus the amount that the provider must pay its underlying international service provider for terminating an international call. It also proposed a waiver process for providers that believe the Commission's rate caps and ancillary services fee caps would not allow them to recover their costs of serving a particular facility or contract. Finally, it sought comment on a further mandatory data collection to continue efforts to reform these rates and fees.
 - The *2020 Remand Order* became effective on November 23, 2020. Comments on the *Fourth Further Notice* were received on November 23, 2020 and replies on January 15, 2021. On March 3, 2021, the Bureau issued a Public Notice reminding providers of inmate calling services of the April 1, 2021 deadline for the submission of their annual reports and certifications.
- On May 20, 2021 the Commission adopted the Third Report and Order, Order on Reconsideration and Fifth Further Notice of Proposed Rulemaking (*2021 ICS Order*, *2021 Reconsideration Order*, or *Fifth Further Notice*), in which the Commission:
 - Substantially reduced the interim rate caps for interstate inmate calling services from prisons and jails with 1,000 or more incarcerated people from \$0.21 per minute for debit and prepaid calls and \$0.25 per minute for collect calls to new uniform interim interstate caps of \$0.12 per minute for prisons and \$0.14 per minute for larger jails;
 - Maintained the current interim interstate rate cap of \$0.21 for jails with less than 1,000 incarcerated people because of insufficient record evidence to determine providers' costs of serving those facilities at this time
 - Eliminated separate treatment of collect calls, resulting in a uniform interim interstate rate cap for all types of calls at each facility, as proposed
 - Reformed the treatment of site commission payments:
 - Where site commission payments are mandated by federal, state, or local law, providers can pass those payments through to consumers without any markup
 - Where site commission payments result from negotiated contractual obligations between providers and correctional officials, providers may recover from consumers no more than an additional \$0.02 per minute resulting in maximum total interstate rate caps of \$0.14 per minute for prisons and \$0.16 per minute for larger jails, as proposed in the *Fourth Further Notice*
 - Capped, for the first time, international calling rates at all facilities at the applicable facility's total interstate rate cap, plus the amount the inmate calling services provider pays to its underlying wholesale carriers for completing international calls.
 - Reformed the ancillary service charge caps for third-party financial transaction fees, including those related to calls that are billed on a per-call basis.
 - Adopted a new mandatory data collection to obtain more uniform cost data based on consistent, prescribed allocation methodologies to determine fair, permanent cost-based

WCB BRIEFING SHEET**March 2025****Page 104 of 122**

rates for facilities of all sizes and delegated authority to WCB and OEA to implement the data collection.

- The *2021 Reconsideration Order* denied a petition filed by GTL seeking reconsideration of a single sentence from the *2020 Remand Order*, in which the Commission reminded providers that the jurisdictional nature of a call, that is whether it is interstate or intrastate, depends on the physical location of the endpoints of the call and not on whether the area code or NXX prefix of the telephone number associated with the account are associated with a particular state. The Commission held that the end-to-end analysis has been, and remains, the generally applicable test for all telecommunications carriers in determining the jurisdiction of their calls and the Commission continues to use the traditional end-to-end jurisdictional analysis in setting rates for calls placed by inmate calling services consumers.
- The *Fifth Further Notice* proposed to amend the Commission's rules to require calling service providers to provide access to all forms of Telecommunications Relay Services, including Internet-based services, to facilitate greater accessibility for incarcerated people with hearing and speech disabilities. It also sought comment on:
 - The methodology the Commission should use to set permanent per-minute rate caps for interstate and international inmate calling services;
 - Site commission costs for facilities of all sizes and site commission reform generally;
 - The costs of providing calling services to jails with average daily populations of fewer than 1,000 incarcerated people;
 - Whether and how the Commission should reform the ancillary service charge caps and how the Commission can curtail potentially abusive practices related to these charges;
 - Whether to institute a recurring periodic data collection; and
 - Whether some providers have market power in the bidding process, thereby impacting the competitiveness of the bidding process.
- The interim interstate and international rate caps set in the *2021 ICS Order* became effective on October 26, 2021. The consumer disclosure requirements and the requirements for petitions for waiver of the rate and ancillary service charge caps were approved by OMB under the PRA on January 24, 2022, and took effect on February 11, 2022. WCB released a public notice announcing OMB's approval and the effective date of the consumer disclosure and waiver requirements on February 14, 2022.
- Comments and reply comments on the *Fifth Further Notice* were filed on September 27, 2021, and December 17, 2021, respectively, following WCB's partial grant of Global Tel*Link's motion to extend various filing deadlines.
- On September 22, 2021, WCB and OEA (collectively, WCB/OEA) issued a Public Notice seeking comment on the contours and specific requirements of the Third Mandatory Data Collection, including proposed instructions and a proposed template for that collection. In issuing this Public Notice, WCB/OEA acted pursuant to the Commission's directive, in the *2021 ICS Order*, that the new data collection obtain data on providers' operations, costs, demand, and revenues, among other information. As the Commission explained in that order, the collected information will allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps.

WCB BRIEFING SHEET**March 2025****Page 105 of 122**

- On January 18, 2022, WCB adopted an Order implementing the Third Mandatory Data Collection and adopted accompanying instructions, reporting templates, and a certification form. The collected information will allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps. On March 1, 2022, OMB approved the data collection under the PRA. On March 2, 2022, WCB released a Public Notice announcing OMB's approval and that ICS providers' responses to the Third Mandatory Data Collection were due on June 30, 2022.
- On December 15, 2021, WCB/OEA issued a Public Notice seeking comment on revised requirements for ICS Annual Reports, including proposed instructions, templates, and a provider certification. Specifically, the Public Notice proposed changes in the reporting requirements to align them with ICS rule changes adopted in the *2021 ICS Order*. On June 24, 2022, WCB issued an Order updating the annual reporting requirements, templates, and provider certification in light of the Public Notice and related comments. The new requirements affected provider responses filed in April 2023, reflecting calendar year 2022 data.
- On September 30, 2022, the Commission released the Fourth Report and Order, and Sixth Further Notice of Proposed Rulemaking (*Sixth Further Notice*). The Order improved access to communications services for incarcerated people with communication disabilities and took further action to ensure that the rates, terms, and practices related to interstate and international inmate calling services are just and reasonable. The new rules:
 - Require access to all relay services eligible for Telecommunications Relay Services fund support in any correctional facility that is located where broadband is available and is part of a correctional system with 50 or more incarcerated people. This includes the ability to place point-to-point video calls using American Sign Language (ASL);
 - Restrict provider charges for relay services and point-to-point video calls.
 - More generally, the rules reduce certain charges and curtail abusive practices related to inmate calling services to ease the financial burdens on all incarcerated people and their families;
 - Prohibit providers from taking control of funds in inactive calling accounts until at least 180 calendar days of continuous inactivity has passed, after which providers are required to refund the balance or dispose of the funds in accordance with applicable state law;
 - Lower the current ancillary fee caps on charges for single-call services, and lower the cap on provider charges for processing credit card, debit card, and other payments to calling services accounts; and
 - Revise the definitions of "Prison" and "Jail" in the Commission's rules to conform the wording of those rules with the Commission's intent in adopting them in 2015.
- The *Sixth Further Notice*, sought additional comment on the following topics:
 - Whether to allow enterprise registration for Internet Protocol Captioned Telephone Service (IP CTS) in carceral settings and how to address the special circumstances faced by some inmate calling services providers in jurisdictions with average daily populations of fewer than 50 incarcerated persons;
 - Refining the rules adopted in the *Fifth Report and Order* concerning the treatment of balances in inactive accounts;
 - Expanding the breadth and scope of the Commission's consumer disclosure requirements;

WCB BRIEFING SHEET**March 2025****Page 106 of 122**

- Using provider data to establish just and reasonable permanent caps on interstate and international rates and associated ancillary service charges consistent with the statute;
 - Pilot programs allowing consumers to purchase calling services under alternative pricing structures; and
 - Expanding the definition of “Jail” and “Prison” to ensure they capture the full universe of confinement facilities with residents who may access interstate and international communications services.
- Comments on the *Sixth Further Notice* were filed on December 15, 2022 and replies were filed on March 3, 2023.
 - On January 27, 2023, the Commission invited comment on three petitions for reconsideration of the disability access rules adopted in the *Fourth Report and Order*, as well as petitions for reconsideration of the *Third Report and Order*. Oppositions were filed on February 23, 2023 and replies were filed March 6, 2023.
 - On January 5, 2023, the President signed into law the Martha Wright-Reed Just and Reasonable Communications Act of 2022. The Martha Wright-Reed Act modifies section 276 of the Communications Act of 1934 to explicitly enable the Commission to require that rates for incarcerated people’s communications services be just and reasonable, irrespective of the calling device used. It also expands the definition of payphone service in correctional institutions to encompass all advanced communications services (other than electronic messaging), including any audio or video communications service used by inmates, regardless of technology used to access or provide those services. In addition, the new statute amends section 2(b) of the Communications Act to make clear that the Commission’s jurisdiction extends to intrastate as well as interstate and international communications services used by incarcerated people. The Act also expressly allows the Commission to use industry-wide average costs, as well as the average costs of service of a communications service provider, in setting just and reasonable rates. The Martha Wright-Reed Act also requires the Commission to consider, as part of its ratemaking, costs associated with any safety and security measures necessary to provide telephone service and advanced communications services. Finally, the statute directs the Commission to promulgate regulations necessary to implement the statutory provisions not earlier than 18 months and not later than 24 months after the date of its enactment.
 - On March 17, 2023, the Commission released a Notice of Proposed Rulemaking and Order in a new docket, WC Docket No. 23-62 and dual docketed it with WC Docket No. 12-375, to begin implementation of the Martha Wright-Reed Act.
 - The Notice sought comment on:
 - The expansion of the Commission’s authority over incarcerated people’s communications services to include advanced communications services (including audio and video services) and intrastate services;
 - The meaning of “just and reasonable” in the context of the Act’s other provisions;
 - The rate-making methodology the Commission should use to fulfill its mandate to ensure that rates and charges for incarcerated people’s communications services are just and reasonable;
 - The safety and security costs necessary for the provision of incarcerated people’s communications services; and

WCB BRIEFING SHEET**March 2025****Page 107 of 122**

- The actions the Commission should take to ensure that incarcerated people's communications services are accessible to, and usable by, people with communication disabilities.
 - The accompanying Order reaffirmed the Commission's prior delegation of data collection authority to WCB and OEA and directed them to initiate a collection of provider data to inform the Commission's responsibilities to implement the requirements of the Martha Wright-Reed Act.
 - Comments in response to the Notice were filed on May 8, 2023, and reply comments were filed July 12, 2023.
- On April 28, 2023, WCB and OEA released a Public Notice seeking comment on all aspects of the proposed 2023 Mandatory Data Collection, including proposed instructions, reporting templates, and a certification form. WCB and OEA proposed retaining the overall structure of the Third Mandatory Data Collection, while revising and supplementing the definitions, instructions, and templates to accommodate the Commission's expanded authority. Comments in response to the Public Notice were filed June 2, 2023, and reply comments were filed June 27, 2023.
 - On June 1, 2023, the Bureau released an Order extending the deadline for filing reply comments in response to the *2023 IPCS Notice* from June 6, 2023 to July 12, 2023. That Order also extended the deadline for filing reply comments in response to the *2023 Mandatory Data Collection Public Notice* from June 20, 2023 to June 27, 2023.
 - On July 26, 2023, the Bureau and the Office of Economics and Analytics jointly released an Order adopting the modifications to the Third Mandatory Data Collection proposed in the April 28, 2023 Public Notice (*2023 Mandatory Data Collection Order*). The modifications included collecting information concerning any audio or video communications service used by incarcerated people for the purpose of communicating with non-incarcerated individuals, regardless of technology used. The Order adopted the proposed instructions, reporting template, and certification form with certain modifications.
 - On August 3, 2023, the Bureau and the Consumer and Governmental Affairs Bureau jointly released a Public Notice (*2023 Annual Reports Public Notice*) seeking comment on proposed revisions to the Annual Reports and Annual Certifications that the Commission requires certain providers of IPCS to submit. The Public Notice proposed changes to the Annual Reports to (1) reflect expanded reporting requirements regarding access to IPCS by persons with communication disabilities, and (2) seek data about video IPCS necessary to implement the Martha Wright-Reed Just and Reasonable Communications Act. The Public Notice also sought comment on proposed modifications to the instructions, reporting templates, and certification form for the Annual Reports data collection.
 - On October 27, 2023, the Bureau and the Consumer and Governmental Affairs Bureau jointly released a Public Notice seeking comment on a petition filed on October 19, 2023 by Securus Technologies, LLC, for a partial waiver of section 64.6040(b)(2) of the Commission's rules (*Securus Partial Waiver Petition*). The petition seeks a one-year extension of the January 1, 2024 deadline for IPCS providers to make all forms of telecommunications relay services (TRS) available at correctional facilities covered by the rule.
 - Commission staff processed IPCS providers' 2023 mandatory data collection submissions and, on March 18, 2024, released a preliminary IPCS Database for members of the public to access pursuant to the protective orders in the proceedings. A final version of the IPCS Database was released on August 5, 2024.
 - The Commission held three IPCS listening sessions to provide IPCS consumers an opportunity to share their experiences. They were held on October 27, 2023 in Chicago, IL and on February 1, 2024

WCB BRIEFING SHEET**March 2025****Page 108 of 122**

in Charleston, SC, hosted by Chairwoman Rosenworcel, and, on June 18, 2024 in Phoenix, AZ, hosted by Commissioner Gomez. Transcripts of the sessions were included in the record.

- On July 22, 2024, the Commission released the Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking (*2024 IPCS Order*, *2024 Order on Reconsideration*, or *2024 IPCS Notice*) (FCC 24-75) in the IPCS rulemaking proceedings.
 - The *2024 IPCS Order* implemented the Martha Wright-Reed Act by adopting comprehensive reforms to the Commission's IPCS rules, which:
 - Utilized the expanded authority Congress granted the Commission, in conjunction with the FCC's preexisting statutory authority, to adopt just and reasonable IPCS rates and charges for all intrastate, interstate, and international audio and video IPCS, including video visitation services;
 - Lowered existing per-minute rate caps for audio IPCS and established initial interim per-minute rate caps for video IPCS, based on industry-wide cost data submitted by IPCS providers, while permitting states to maintain IPCS rates lower than the Commission's rate caps;
 - Lowered the overall prices consumers pay for IPCS and simplified the pricing structure by incorporating the costs of ancillary services in the rate caps and prohibiting providers from imposing any separate ancillary service charges on IPCS consumers;
 - Prohibited IPCS providers from making site commission payments for IPCS and preempted state and local laws and regulations requiring such commissions;
 - Limited the costs associated with safety and security measures that can be recovered in the per-minute rates to only those costs that the Commission found are used and useful in the provision of IPCS;
 - Allowed, subject to conditions, IPCS providers to offer alternate pricing plans for IPCS that comply with the rate caps established;
 - Revised and strengthened accessibility requirements for IPCS for incarcerated people with disabilities;
 - Revised and strengthened existing consumer disclosure and inactive account requirements; and
 - Revised the existing annual reporting and certification requirements.
 - The *2024 Order on Reconsideration* resolved various pending petitions in the IPCS proceeding including those filed by the United Church of Christ and Public Knowledge, NCIC Inmate Communications, Securus Technologies, and Hamilton Relay.
 - The *2024 IPCS Notice* sought comment on potential additional reforms, including establishing permanent rate caps for video services, further disaggregating the very small jail tier, addressing quality of service issues, expanding the definitions of prisons and jails, further reforming the treatment of unused balances in IPCS accounts, and adopting a uniform additive to account for correctional facility costs.
- On September 11, 2024, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau released a public notice seeking supplemental comment to refresh the record on proposed revisions to the Commission's IPCS annual reports. The comments were to supplement comments previously received in response to the public notice released by the Bureaus on August 3, 2023.

WCB BRIEFING SHEET**March 2025****Page 109 of 122**

- WCB released orders denying four separate petitions for stay of the *2024 IPCS Order* filed by Securus Technologies (rel. October 2, 2024), Pay Tel Communications (rel. October 15, 2024), the National Sheriffs' Association (rel. October 23, 2024), and HomeWAV, LLC (rel. October 28, 2024).
- On October 28, 2024, the Commission released a public notice seeking comment on petitions for reconsideration of the *2024 IPCS Order* received on October 21, 2024. Petitions for Reconsideration were timely filed by Stephen A. Raher, Deaf Equality and TDIAccess, NCIC Correctional Services, and HomeWAV, LLC.
- On November 8, 2024, WCB released an order extending certain IPCS filing deadlines, including for reply comments on the *2024 IPCS Notice*, reply comments on the IPCS Annual Reports PN, and comments on the *2024 IPCS Order* 60-day Paperwork Reduction Act Notice.
- On December 19, 2024, WCB released an order granting in part a request by Securus Technologies to temporarily waive the Commission's per-minute pricing rules as applied to Securus's video IPCS to enable Securus to continue offering uninterrupted video IPCS.
- On January 8, 2025, WCB released an order revising the instructions, reporting templates, and certification form for the Annual Reports that IPCS providers are required to submit, and granting a one-time extension of the filing deadline for the 2025 IPCS Annual Reports from April 1, 2025 to Monday, June 2, 2025.

STATUS: Certain aspects of the rules adopted by the Commission in the *2024 IPCS Order* remain pending subject to review and approval by the OMB under the Paperwork Reduction Act, including rules related to consumer disclosures, inactive accounts, alternate pricing plans, waivers, and certain accessibility requirements.

The revisions to the IPCS Annual Reports adopted by WCB in January remain pending subject to review and approval by the OMB under the Paperwork Reduction Act.

The *2024 IPCS Order* and *2024 Order on Reconsideration* were appealed by various parties, which appeals were consolidated and are pending at the 1st Circuit Court of Appeals.

WCB BRIEFING SHEET

SUBJECT: DEVELOPING A UNIFIED INTERCARRIER COMPENSATION REGIME

(WC Docket No. 10-90 et al.)

SUMMARY: In 2011, the Commission adopted a framework to comprehensively reform federal high-cost universal service programs and the intercarrier compensation (ICC) system. (*USF/ICC Transformation Order*) (See the Universal Service – High-Cost briefing sheet for USF reform issues). ICC is the system of regulated payments in which carriers compensate each other for the origination, transport and termination of telecommunications traffic. Under the legacy ICC regime, the compensation available to a carrier for originating or terminating a call varied based on the type of carrier (ILEC, CLEC, CMRS/wireless), the nature of the traffic involved (local, interexchange, ISP-bound), and the direction of traffic (originating or terminating), even though the cost to the carrier generally is the same in all cases. This variability led to widespread disputes and arbitrage opportunities, such as access stimulation and phantom traffic. It also became a deterrent to the deployment of IP networks to the detriment of consumers. In addition, significant controversy existed over the appropriate ICC framework for Voice over Internet Protocol (VoIP) traffic.

BACKGROUND AND KEY ISSUES:

- ***ICC Reform:*** In the *USF/ICC Transformation Order*, the Commission fundamentally reformed the ICC regimes. First, the Commission adopted rules to immediately address access stimulation and “phantom traffic.” Second, the Commission adopted comprehensive ICC reform based on a uniform national bill-and-keep framework as the ultimate end state for all telecommunications traffic exchanged with a LEC. In order to facilitate predictability and stability, the Commission adopted a gradual, measured transition that focused on reducing terminating switched access rates. The Commission first required carriers to cap most ICC rates as of the Order’s effective date. Thereafter, the Commission required carriers to reduce their termination (and for some carriers also transport) rates, and to transition to a bill-and-keep methodology for setting rates, within six years for price cap carriers and nine years for rate-of-return carriers. The Commission also adopted a transitional recovery mechanism that allows incumbent LECs to recover a portion of ICC revenues reduced as part of the transition to bill-and-keep, up to a defined baseline, through limited increases in end-user rates and, where appropriate, universal service support through the Connect America Fund. The Commission also clarified the prospective payment obligations for VoIP traffic exchanged between a LEC and another carrier and adopted a transitional ICC framework applicable to such traffic. Further, the Commission clarified certain aspects of CMRS-LEC compensation to reduce disputes and to address existing ambiguity.
- ***Further Notice of Proposed Rulemaking:*** In the FNPRM accompanying the *USF/ICC Transformation Order*, the Commission sought comment on: (1) the transition of remaining switched access rate elements to the end state of bill-and-keep; (2) the appropriate policy framework and legal justification for any needed rules to address IP-to-IP interconnection; and (3) the proper definition of the network “edge” when a bill-and-keep methodology is applied to ICC.
- ***Waiver Petitions:*** Several cost recovery-related waiver petitions have been resolved. A number of petitions related to signaling requirements remain pending.
- ***Reconsideration Petitions:*** The Commission received a number of petitions seeking reconsideration of the rules implementing the *USF/ICC Transformation Order*. The petitions seek reconsideration of specific aspects of the rules concerning access stimulation, phantom traffic, the access rate transition, the recovery mechanism, LEC-CMRS compensation, and compensation for VoIP-PSTN traffic. In 2012, the Commission received comments and reply comments on the petitions. However, no comments or *ex parte* submissions regarding these

WCB BRIEFING SHEET**March 2025****Page 111 of 122**

petitions have been filed for several years. In an effort to manage its dockets, reduce backlog, and avoid addressing issues that are no longer relevant in light of regulatory changes, the Bureau released a Public Notice on January 14, 2020 announcing its intent to dismiss each Petition with prejudice unless it received an objection by April 20, 2020. The Commission received one objection. On October 30, 2020, the Commission released a Public Notice dismissing seven petitions for reconsideration or clarification of the *USF/ICC Transformation Order* (DA 20-1279).

- ***Public Notice to Update Record:*** On September 8, 2017, the Bureau released a Public Notice inviting interested parties to update the record on issues raised by the Commission in the FNPRM portion of the *USF/ICC Transformation Order* regarding (1) the network edge for traffic that interconnects with the Public Switched Telephone Network, (2) tandem switching and transport, and (3) transit (the non-access traffic functional equivalent of tandem switching and transport). Comments were received on October 26, 2017 and replies on November 13, 2017.

WCB BRIEFING SHEET

SUBJECT: 8YY ACCESS CHARGE REFORM (WC DOCKET NO. 18-156)

SUMMARY: 8YY (toll free) calls have been used by companies to provide toll free access to their customers for over half a century and 8YY number usage continues to grow. 8YY calls differ from other calls in that their toll costs are paid for by the company that receives the calls, rather than the customer that initiates them. Under the current intercarrier compensation system, 8YY calling has become an increasing target of arbitrage and fraud schemes. In 2016-18, various parties urged the Commission to check the growing abuses related to 8YY calling. In June 2018, the Commission released a Further Notice of Proposed Rulemaking seeking comment on its proposal to move most toll free calling charges to bill-and-keep. In October 2020, the Commission released a Report and Order that adopted a number of the rule changes proposed in the Further Notice.

BACKGROUND AND KEY ISSUES:

- ***Further Notice of Proposed Rulemaking:*** On June 8, 2018, the Commission released a Further Notice of Proposed Rulemaking proposing to take further steps in moving virtually all 8YY intercarrier compensation charges to bill-and-keep by transitioning tariffed rates for interstate and intrastate originating end office and tandem switching and transport charges for 8YY calls to bill-and-keep over a three-year period. Additionally, to address reported abuses of 8YY database query charges, the Further Notice proposed to cap 8YY database query rates on a nationwide basis at the lowest rate currently charged by any price cap local exchange carrier and to limit charges to one database query charge per call, regardless of how many carriers are in the call path or how many database queries are conducted. The Further Notice also sought comment on other issues related to reforming 8YY access charges, including revenue recovery and the role of intermediate providers, and the relationship between 8YY traffic and the network edge.
- ***Report and Order:*** On October 9, 2020, the Commission released a Report and Order adopting many of the changes proposed in the Further Notice. Consistent with that proposal, the Order transitions toll free originating end office access charges to bill-and-keep over approximately three years. It also mandates carriers assess a single joint tandem switching and transport rate for 8YY traffic of no more than \$0.001 per minute, instead of imposing bill-and-keep for such services as proposed in the Further Notice. The Commission found that retaining a charge for such services would allow intermediate tandem providers, which do not serve end users, to continue to participate in the toll free market. The Order also caps rates for the database queries needed to route 8YY calls and imposes a lower interim nationwide cap on 8YY database query charges of \$0.0002 per query over approximately three years. This cap reduces the incentives for arbitrage of these charges by eliminating the wide variations in query rates that exist among carriers. The Order also limits carriers to assessing a single query charge per 8YY call. Finally, the Order allows carriers to use existing revenue recovery mechanisms, such as the universal service fund, to recover revenues lost as a result of these changes. Reducing intercarrier compensation for 8YY calling will curtail incentives to engage in toll free arbitrage and reduce the cost of 8YY calling overall, preserving and enhancing the value of toll free services for consumers and businesses.
- ***Petition for Reconsideration:*** USTelecom filed a petition for reconsideration of the 8YY Order on December 28, 2020. The Bureau sought comment on the petition for reconsideration in a Public Notice released January 21, 2021. Comments were filed on [TBA] and replies filed on [TBA].

STATUS: Inteliquent filed an appeal of the 8YY Order on November 30, 2020, which was denied in an opinion released on May 27, 2022 (*Inteliquent v. FCC*, No. 20-1471 (D.C. Cir. May 27, 2022)). To date, no further action has been taken on the USTelecom petition for reconsideration of the 8YY Order filed on December 28, 2020. As the final step in the 8YY rate transition, as of July 1, 2023, price cap and rate-of-return local exchange carriers were required to refile their interstate switched access tariffs and any state

WCB BRIEFING SHEET**March 2025****Page 113 of 122**

tariffs to remove charges for toll free 8YY intrastate and interstate originating end office access service, and reduce their database query charges to no more than \$0.0002 per query for intrastate and interstate toll free service.

WCB BRIEFING SHEET**SUBJECT: REGULATION OF PRICE CAP CARRIERS' BUSINESS DATA (SPECIAL ACCESS) SERVICES PRICING (WC DOCKET NOS. 21-17)**

SUMMARY: Business data services (BDS), also known as special access, are high capacity access services provided over dedicated facilities for business, educational, healthcare and other institutional use. Interstate special access rates for price cap carriers (e.g., Bell Operating Companies) have been governed by the Commission's price cap rules since 1990. Price cap regulation, however, has become less predominant as the Commission granted pricing flexibility and forbearance from dominant carrier treatment for higher speed optical and packet-based special access services. On April 28, 2017, the Commission released a Report and Order that eliminated ex ante pricing regulation and tariffing requirements for most types of BDS offered by price cap carriers, while preserving its regulatory authority to ensure just and reasonable rates under sections 201, 202 and 208 of the Communications Act. The Commission instituted a similar pricing regulatory framework for certain rate-of-return carriers' BDS in a subsequent order in 2018 (see separate briefing sheet).

BACKGROUND AND KEY ISSUES:

Business Data Services Report and Order: On April 28, 2017, the Commission released a Report and Order (BDS Order or Order) that resolved most of the outstanding issues in the price cap BDS proceedings. Various parties filed appeals of the Order at the Eighth Circuit Court of Appeals which upheld all portions of the Order except for the revised regulation of price cap carriers' TDM transport services which the court vacated and remanded to the Commission on the basis of insufficient notice (*Citizens Telecommunications Co. of Minnesota v. FCC*, 901 F.3d 991 (8th Cir. 2018)) (see discussion below of the Commission's Second Further Notice).

- In the BDS Order, the Commission made findings based in part on its 2015 data collection, as to the relevant market for analysis, trends in competition, and the presence or absence of market power. The Commission found competition sufficiently widespread that pricing regulation would be counterproductive for all packet-based business data services, legacy Time Division Multiplexing (TDM)-based business data services with bandwidths in excess of a DS3 (approx. 45 Mbps), and TDM transport services. The Commission eliminated ex ante pricing regulation for these services.
- With respect to the provision of legacy TDM DS1 and DS3 end user channel terminations, the Commission found that levels of competition varied and, therefore, adopted the following competitive market test to distinguish between competitive and non-competitive markets. For a particular county if: (1) 50% of the buildings in that county are within a half mile of a location served by a competitive provider based on the 2015 Collection or (2) 75% of the census blocks in a county have a cable provider present offering broadband at a minimum rate of 10/1 Mbps based on Form 477 data, the Commission found that ex ante pricing regulation of DS1 and DS3 services in that county would be counterproductive.
- Packet-based BDS, TDM-based services that exceed DS3 speeds, for all TDM transport services, and TDM end user channel termination services (DS1s and DS3s) in counties that meet the competitive market test offered by price cap carriers were relieved of ex ante pricing regulation and are subject to permissive detariffing for a period of 36 months at which time they will be subject to mandatory detariffing.
- The Commission imposed a six-month price freeze for tariffed TDM end user channel termination services (DS1s and DS3s) in counties that are deemed competitive. It also grandfathered existing BDS contract tariffs.

WCB BRIEFING SHEET

March 2025

Page 115 of 122

- For counties that do not meet the competitive market test, the Commission retained price cap regulation for DS1 and DS3 end user channel terminations and applied the principles of Phase I pricing flexibility to those services offered in these counties, which permit the price cap carriers serving in those counties to offer volume and term discounts, as well as contract tariffs for those services. It also grandfathered the Phase II pricing flexibility obtained by price cap carriers in counties deemed non-competitive by the competitive market test based on the administrative burden of converting these carriers in these counties back to price cap regulation.
- In the Order, the Commission adjusted forbearance to be consistent with its revised regulatory framework for business data services, leveling the regulatory playing field for all price cap providers. The Commission extended forbearance from section 203 of the Act to all price cap incumbent LECs for all packet-based business data services, for TDM services that exceed DS3 speeds, for all TDM transport services and other TDM services that are not end user channel terminations, and for all TDM end user channel terminations in counties that meet the competitive market test criteria. The Commission also conformed forbearance that had been deemed granted to Verizon and its successors in interest to the forbearance provided other carriers.
- The Commission incorporated a productivity-based X-factor of 2.0% for DS1 and DS3 end user channel terminations in non-competitive, non-grandfathered counties on a going-forward basis and concluded that no catch-up adjustment is warranted.
- The Commission confirmed that packet-based and TDM services that are relieved of ex ante pricing regulation continue to be subject to its regulatory authority pursuant to sections 201, 202, and 208 of the Act.
- For DS1 and DS3 end user channel terminations in counties that do not meet the competitive market test criteria, the Commission prohibited the use of non-disclosure agreements (NDAs) in business data service tariffs, contract tariffs, and commercial agreements that restrict or forbid disclosure of information to the Commission, or require a prior request or legal compulsion by the Commission to effect such disclosure, provided that any confidential information is submitted subject to a Commission protective order.
- The Commission concluded that certain business data services, such as certain services Comcast and Charter describe in the record, constitute private carriage rather than common carrier services and are therefore not subject to Title II regulation.
- The Commission confirmed that the interim rules established in the Emerging Wireline Order, which require incumbent LECs to offer reasonably comparably priced packet-based services as a condition of approval of a section 214 discontinuance of TDM business data services in a wire center, were to be discontinued upon the effective date of the rules in the Order (August 1, 2017).
- ***Eighth Circuit Appeal:*** In August 2018, the Eighth Circuit Court of Appeals upheld all portions of the Order except for the revised regulation of price cap carriers' TDM transport services which the court vacated and remanded to the Commission on the basis of insufficient notice (*Citizens Telecommunications Co. of Minnesota v. FCC*, 901 F.3d 991 (8th Cir. 2018)). On November 9, 2018, the court stayed the issuance of its mandate for one year, preserving the Commission's TDM transport rules for price cap carriers and providing the Commission an opportunity to address the remand of its rules. On October 22, 2019, following the release of the Commission's BDS transport order (see below), the court issued its mandate, effectively terminating the litigation.
- ***Business Data Services Second Further Notice:*** On October 24, 2018, the Commission released a Second Further Notice of Proposed Rulemaking to address the issues raised by the

WCB BRIEFING SHEET

March 2025

Page 116 of 122

Eighth Circuit's remand of the portion of the BDS Order that dealt with the regulation of price cap carriers' TDM transport services. The Second Further Notice proposed to eliminate ex ante pricing regulation of price cap carriers' TDM transport services and sought comment on that proposal.

- ***Business Data Services Transport Order.*** On July 12, 2019, the Commission released a Report and Order on Remand addressing the Eighth Circuit Court of Appeals' partial remand of the price cap BDS Order of 2017. The Order on Remand found that competition for lower speed price cap BDS TDM transport services had increased since 2017, particularly with the increase in competition from cable operators. The Order on Remand reaffirmed the Commission's previous decision, finding there was sufficient competition to justify elimination of ex ante pricing regulation of lower speed price cap BDS TDM transport services nationwide. The Order on Remand permitted price cap carriers to detariff these services and required de-tariffing by August 1, 2020. The Commission also used its section 10 forbearance authority to grant price cap carriers forbearance from DS1 and DS3 Transport unbundling obligations between certain wire centers.
- ***First Triennial Update of BDS Competitive Market Test:*** On January 31, 2020, pursuant to delegated authority, the Bureau released the results of its first triennial update of both the rate-of-return and price cap BDS competitive market tests. Using the most current Form 477 data available, the Bureau found that an additional seven price cap counties were deemed competitive, removing ex ante pricing regulation and tariffing obligations from the relevant carriers' DS1 and DS3 TDM-based BDS end user channel termination services.
- ***Second Triennial Update of BDS Competitive Market Test:*** Despite sunsetting Form 477 broadband data collection in 2022, the Commission instructed the Bureau and the Office of Economics and Analytics (OEA) to conduct the 2023 triennial update to the competitive market tests using the most recent Form 477 data available. On January 27, 2023, pursuant to that delegation of authority, the Bureau released the results of the second triennial update of both the rate-of-return and price cap BDS competitive market tests. The test resulted in an additional fifteen counties being deemed competitive and ex ante pricing regulation and tariffing obligations no longer to apply to the relevant carriers' DS1 and DS3 TDM-based BDS end user channel termination services in those counties.
- Price cap carriers' packet-based, higher speed TDM (above DS3 speeds), BDS transport, and lower speed TDM end user channel terminations (at or below a DS3) in price cap counties deemed competitive are no longer subject to the Commission's ex ante pricing regulation, including the tariffing obligation. Price cap carriers completed the process of detariffing those services by August 1, 2020. Price cap carriers' lower speed TDM DS1 and DS3 end user channel terminations in counties deemed non-competitive continue to be subject to price cap regulation with pricing flexibility. Pursuant to the Price Cap BDS Order, WCB will review the competitive status of these counties every third year following release of the order, with the next review scheduled for 2026.

STATUS:

In December 2022, the Commission sunset the collection of broadband deployment data through Form 477 and delegated authority to the Bureau and OEA to conduct a rulemaking to determine the best way to implement the competitive market tests using Broadband Data Collection (BDC) data, instead of Form 477 data, beginning with the 2026 triennial update. The next triennial update to the competitive market tests using BDC data will occur in January 2026.

WCB BRIEFING SHEET**SUBJECT: REGULATION OF RATE-OF-RETURN CARRIERS' BUSINESS DATA (SPECIAL ACCESS) SERVICES PRICING (WC DOCKET NO. 17-144)**

SUMMARY: On October 24, 2018, the Commission adopted a new regulatory framework for the treatment of packet- and circuit-based business data services (BDS) provided by rate-of-return local exchange carriers receiving fixed universal service support. The Commission also released the *Rate-of-Return BDS Further Notice* seeking comment on the appropriate regulatory treatment of rate-of-return carriers' lower-speed time division multiplexing (TDM) transport services.

BACKGROUND AND KEY ISSUES:

- **Petition for Rulemaking:** On May 25, 2017, ITTA and USTelecom filed a petition for rulemaking seeking regulatory relief for BDS provided by rate-of-return carriers receiving fixed universal service support, similar to the regulatory relief granted to price cap carriers' BDS offerings in the *Price Cap BDS Order*.
- **Rate-of-Return BDS Report and Order:** On October 24, 2018, the Commission adopted the *Rate-of-Return BDS Order* implementing a new regulatory framework for BDS provided by rate-of-return carriers receiving fixed universal service support. The order provided such carriers the option to voluntarily elect incentive regulation for their lower-capacity (at or below DS3-level speeds of 45 Mbps) TDM BDS offerings. Incentive regulation removes electing carriers' lower-speed TDM BDS offerings from cost-based regulation and instead imposes lighter touch incentive regulation similar to price cap regulation. The order also allows electing carriers pricing flexibility for these services, including allowing them to offer volume and term discounts and contract tariffs.
 - The Commission adopted a competitive market test to measure competitive conditions in study areas served by rate-of-return carriers receiving fixed universal service support that was based in part on the competitive market test for price cap carriers. Study areas in which cable operators offer a minimum of 10/1 Mbps broadband service in 75% of census blocks are deemed sufficiently competitive to warrant the removal of ex ante pricing regulation for rate-of-return carriers' TDM end user channel termination services at or below DS3 speeds.
 - The Commission also removed from ex ante pricing regulation electing carriers' packet-based BDS, TDM BDS that exceeds DS3-level speeds, and TDM end user channel terminations at or below DS3 speeds in study areas deemed competitive. The Commission imposed a six-month price freeze for BDS that are no longer subject to ex ante pricing regulation, provided those rates remain tariffed.
 - The Commission granted electing carriers' BDS offerings, no longer subject to ex ante pricing regulation, forbearance from tariffing requirements under section 203 of the Communications Act of 1934, as amended, and forbearance from cost assignment and jurisdictional separations requirements.
 - Because electing carriers adjust their rates consistent with price cap formulas that include exogenous costs, they may annually file mid-year cost support (tariff review plan worksheets) to reflect exogenous cost adjustments for telecommunications relay services (TRS), North American Numbering Plan Administration (NANPA), and regulatory fees in rates effective October 1.
- **Rate-of-Return BDS Further Notice:** On October 24, 2018, the Commission released the *Rate-of-Return BDS Further Notice* that sought comment on the appropriate regulatory treatment of

WCB BRIEFING SHEET

March 2025

Page 118 of 122

lower capacity (at or below a DS3-level) TDM transport services provided by rate-of-return carriers that elected BDS incentive regulation.

- **First Triennial Update of BDS Competitive Market Test:** On January 31, 2020, pursuant to delegated authority, the Bureau released the results of its first triennial update of both the rate-of-return and price cap BDS competitive market tests. Using the most current Form 477 data available, the Bureau found that an additional seven rate-of-return study areas were deemed competitive, removing ex ante pricing regulation and tariffing obligations from the relevant carriers' DS1 and DS3 TDM-based BDS end user channel termination services.
- **Second Triennial Update of BDS Competitive Market Test:** On January 27, 2023, pursuant to delegated authority, the Bureau released the results of the second triennial update of both the rate-of-return and price cap BDS competitive market tests. Despite sunsetting Form 477 broadband availability data collection in 2022, the Commission instructed the Bureau and Office of Economics and Analytics (OEA) to conduct the 2023 triennial update to the competitive market tests using the most recent Form 477 data available. The update resulted in an additional five rate-of-return study areas receiving fixed universal service support being deemed competitive, and those carriers' DS1 and DS3-level TDM-based BDS end user channel termination services are no longer subject to ex ante pricing regulation and tariffing obligations in those study areas.
- Rate-of-return carriers that receive model-based or other fixed universal service support were able to elect incentive regulation for their BDS effective either July 1, 2019 or July 1, 2020. Electing carriers may detariff their packet-based BDS, TDM-based BDS above DS3 speeds, and TDM-based end user channel termination services at or below DS3 speeds in study areas deemed competitive following the effective date of their election but must detariff these services no later than 36 months following their effective date. Thirty-seven (37) rate-of-return carriers serving 88 study areas in 29 states notified the Bureau of their intention to elect incentive regulation for their BDS effective July 1, 2019. Ninety-nine (99) rate-of-return carriers serving 139 study areas in 37 states and one territory notified the Bureau of their intention to elect incentive regulation for their BDS effective July 1, 2020.
- In the *Rate-of-Return BDS Further Notice*, the Commission sought comment on whether, and under what circumstances, it should eliminate ex ante pricing regulation of lower capacity (at or below a DS3-level) TDM transport services offered by rate-of-return carriers electing BDS incentive regulation. Comments on the *Rate-of-Return BDS Further Notice* were due on January 14, 2019 and reply comments were due on February 12, 2019. The Commission has not revised the regulatory framework for electing carriers' TDM transport since it adopted the *Rate-of-Return BDS Order*, though it did seek comment on the issue in the *Rate-of-Return BDS Further Notice*. To date, the Commission has not adopted a competitive market test for electing carriers' lower-capacity TDM transport, nor has the Commission eliminated ex ante pricing regulation for electing carriers' lower-capacity TDM transport.
- Pursuant to the *Enhanced A-CAM Order* and *Rate-of-Return BDS Order*, legacy rate-of-return carriers electing Enhanced A-CAM support that have not already done so are eligible to elect BDS incentive regulation under section 61.50 of the Commission's rules. NECA carriers accepting Enhanced A-CAM support and electing BDS incentive regulation were required to notify NECA by March 1, 2024 that they will not participate in the NECA traffic-sensitive tariff pool for their BDS offerings effective July 2024. Enhanced A-CAM carriers were required to notify the Bureau by May 1, 2024 that they are electing BDS incentive regulation election. Carriers elected BDS incentive regulation for one hundred and thirty-one (131) study areas. Effective July 2, 2024, these carriers may begin de-tariffing their BDS offerings—packet-based BDS, TDM-based BDS above a DS3 bandwidth, and TDM-based end user channel termination BDS at or below a DS3 bandwidth in study areas deemed competitive—and must de-tariff these services no later than the effective date of the July 2027 annual tariff filings.

STATUS:

Pursuant to the *Rate-of-Return BDS Order*, the Commission directed the Bureau to review the competitive status of rate-of-return study areas not already deemed competitive every three years following release of the order, with the next review scheduled for 2026. The Commission's rules provide that these rate-of-return study areas will be deemed to be newly competitive if 75% of the census blocks within the study area have 10/1 Mbps broadband service offered by a cable operator based, on the most current publicly available Form 477 data. In December 2022, the Commission sunset the collection of broadband deployment data through Form 477 and delegated authority to the Bureau and OEA to conduct a rulemaking to determine the best way to implement the competitive market tests using Broadband Data Collection (BDC) data, instead of Form 477 data, beginning with the 2026 triennial update. The next triennial update to the competitive market tests using BDC data will occur in January 2026.

WCB BRIEFING SHEET**SUBJECT: JURISDICTIONAL SEPARATIONS** (CC DOCKET NO. 80-286)

SUMMARY: The Commission's Part 36 jurisdictional separations rules establish a process for incumbent local exchange carriers (LECs) to apportion their regulated costs between the intrastate and interstate jurisdictions in order to prevent recovery of the same costs in both these jurisdictions. The intrastate regulated costs that result from application of the separations rules form the foundation for determining rate-of-return incumbent LECs' intrastate rate bases, expenses, and taxes. Interstate regulated costs form the cost basis for those incumbent LECs' interstate access tariff rates.

In 1997, the Commission recognized the need to comprehensively reform the separations rules and referred separations reform to the Federal-State Joint Board on Jurisdictional Separations (Separations Joint Board) for a recommended decision. In 2001, the Commission adopted a five-year interim freeze of the Part 36 jurisdictional separations rules in order to simplify and stabilize the separations process pending comprehensive separations reform. The Commission has extended the freeze several times, most recently in the *2018 Separations Freeze Extension Order*. That extension is for up to six years and will continue until the earlier of December 31, 2024, and the completion of comprehensive separations reform.

In the *2018 Separations Freeze Extension Order*, the Commission also granted rate-of-return carriers that had elected to freeze their separations category relationships a one-time opportunity to opt out of that part of the freeze. The Commission declined to alter the scope of the referral to the Joint Board regarding comprehensive separations reform. Instead, the Commission asked the Joint Board to focus in the short term on whether the Commission should amend the separations rules to recognize that they no longer apply to price cap and incentive regulation carriers, and on whether there are particular reporting or recordkeeping requirements that the Commission should modify or eliminate in light of the freeze extension of up to six years.

In the *Part 32 Reform Order*, the Commission referred to the Separations Joint Board the issue of examining the jurisdictional separations rules in light of the accounting reforms adopted in that Order. In October 2017, the Separations Joint Board issued a Recommended Decision recommending specific amendments to harmonize the jurisdictional separations rules with those accounting reforms. In February 2018, the Commission released a Notice of Proposed Rulemaking inviting comment on those recommendations. In October 2018, the Commission issued a Report and Order adopting each of the Joint Board's recommendations and amending Part 36 consistent with those recommendations.

BACKGROUND AND KEY ISSUES:

Separations Freeze and Comprehensive Reform: The initial five-year interim freeze was based upon the Recommended Decision the Separations Joint Board had issued in 2000. In 2001, the State members of the Separations Joint Board filed a glide path policy paper outlining seven options for comprehensive separations reform, including: (i) extending the separations freeze; (ii) separating traffic-sensitive costs with fixed allocators; (iii) having the Commission set rates for interstate services and allowing states to apply "residual" ratemaking methods when setting intrastate rates; (iv) redesigning the separations process to account for packet switching and competition; (v) simplifying the separations process by directly assigning telecommunications equipment to either the federal or state jurisdiction based on network location; (vi) abolishing separations altogether; and (vii) relieving separations regulation for carriers facing effective competition. The State members filed an update to the glide path paper in 2005.

In 2006, the Commission extended the interim separations freeze through June 2009; the freeze was subsequently extended by one year each in 2009, 2010, and 2011, by two years in 2012, by three years in 2014, and by eighteen months in 2017. The 2009 Freeze Extension included a referral of a number of

WCB BRIEFING SHEET

March 2025

Page 121 of 122

issues to the Joint Board and asked the Joint Board to prepare a recommended decision. The Commission asked the Joint Board to consider comprehensive jurisdictional separations reform, as well as an interim adjustment of the current jurisdictional separations freeze, and whether, how, and when the Commission's jurisdictional separations rules should be modified.

On December 12, 2018, the Commission adopted a Report and Order extending the separations freeze by six years and granting a one-time opportunity to opt out of the category relationships freeze, rendering moot the waiver petitions filed by Terral Tel and Pioneer Tel. The Irregulars, a group that describes itself as an independent consortium of senior telecom experts, analysts, forensic auditors, and lawyers, appealed that Report and Order to the D.C. Circuit. On March 13, 2020, the Court dismissed that appeal, finding that the Irregulars and its individual members lacked standing to challenge the Commission's order.

On July 1, 2024, the Commission adopted a Further Notice of Proposed Rulemaking (July 1, 2024 FNPRM) that proposed to extend the separations rules freeze for rate-of-return incumbent local exchange carriers for up to six years or until comprehensive reform of the Part 36 rules is accomplished, whichever occurs earlier. In the accompanying Order, the Commission renewed the pending referrals to the Federal-State Joint Board on Jurisdictional Separations that include both comprehensive and interim reform measures to the separations rules process.

On November 13, 2024 the Commission adopted a Report and Order extending the separations rules freeze for rate-of-return incumbent local exchange carriers up to an additional six years and declined to provide carriers an opportunity to unfreeze their current category relationships. The Commission referred to the Joint Board the following issues for consideration: (1) whether comprehensive reform is needed any longer or if the Commission should allow these rules to become obsolete over time; (2) whether a permanent freeze is warranted, and if so whether carriers still subject to the Separations Rules should be given an opportunity, offered periodically, to unfreeze their category relationships.

Waivers: In 2010, the Commission granted a waiver of certain separations rules to allow Gila River Telecommunications, a tribally-owned LEC, to unfreeze its category relationships and to revise its cost data retroactively to reflect costs based upon unfrozen category relationships for the period 24 months preceding the grant of the waiver. Gila River was one of approximately 45 rate-of-return LECs—and the only tribally-owned LEC—with frozen category relationships. In 2012, the Bureau granted similar relief to Eastex Telephone Cooperative. In the *2018 Separations Freeze Extension Order*, the Commission dismissed as moot similar petitions that Terral Telephone Company (Terral Tel) and Pioneer Telephone Cooperative (Pioneer Tel) had filed.

Federal-State Joint Board: Section 410(c) requires the Separations Joint Board to be composed of three FCC Commissioners, one of whom serves as Chair, and four state Commissioners. In January, 2024, the Commission appointed Commissioners Simington and Gomez to the Joint Board, with Commissioner Starks assuming the role of Chair. On May 2, 2024, the Commission appointed State Members nominated by NARUC to the Joint Board.

STATUS: On February 14, 2025, the Commission on behalf of the Joint Board issued a Public Notice seeking comment on the Commission's November 13, 2024 referrals. The comment cycle will be established once the PN is published in the Federal Register.

WCB BRIEFING SHEET

SUBJECT: ELIMINATING *EX ANTE* PRICING REGULATION AND TARIFFING OF TELEPHONE ACCESS CHARGES (WC DOCKET NO. 20-71)

SUMMARY: On April 1, 2020, the Commission released a Notice of Proposed Rulemaking (Notice) proposing to deregulate and detariff the last handful of interstate end-user charges that remain subject to regulation (called Telephone Access Charges). In the interest of enabling consumers to easily compare voice service offerings by different providers, the Notice also contains a proposal to prohibit all carriers from separately listing Telephone Access Charges on customers' bills.

BACKGROUND AND KEY ISSUES:

- Commission rules currently include five tariffed Telephone Access Charges: the Subscriber Line Charge, the Access Recovery Charge, the Presubscribed Interexchange Carrier Charge, the Line Port Charge, and the Special Access Surcharge.
- Significant marketplace and regulatory changes over the past two-plus decades call into question whether *ex ante* price regulation and tariffing of Telephone Access Charges remain in the public interest. For this reason, the Notice proposes to eliminate *ex ante* pricing regulation of all Telephone Access Charges. In addition, the proposal would require incumbent local exchange carriers and competitive local exchange carriers to detariff all such charges.
- The Notice proposes a nationwide approach based on a review of data demonstrating widespread availability of competitive alternatives for voice services and on other factors that appear to make such regulation and tariffing unnecessary and contrary to the public interest. The Notice also seeks comment on the data used and on the analysis of those data, and invites commenters to offer additional data and their own analyses.
- Consistent with ongoing efforts to simplify consumers' telephone bills, the Notice also proposes to modify the Commission's truth-in-billing rules to explicitly prohibit carriers from assessing any separate Telephone Access Charges, such as Subscriber Line Charges and Access Recovery Charges, on customers' bills after those charges are deregulated and detariffed.
- Given that some Telephone Access Charges are used to calculate contributions to the Universal Service Fund and other federal programs, as well as high-cost support, the Notice also proposes ways to provide certainty in calculating such contributions and support to ensure stability in funding following pricing deregulation and detariffing of Telephone Access Charges

STATUS: Comments on the Notice were filed on July 6, 2020 and reply comments were filed on August 4, 2020.

WIRELESS TELECOMMUNICATIONS BUREAU

BRIEFING SHEETS

March 2025

Table of Contents

SUBJECT	PAGE
2.5 GHz Band	1
3.1–3.55 GHz Band	4
3.5 GHz Band	7
3.7–4.2 GHz Band	11
Upper C-band (3.98–4.2 GHz)	15
3G Sunset Transition	16
4.9 GHz Band	17
12.2 and 12.7 GHz Bands	20
70/80/90 GHz Bands	24
900 MHz Broadband Proceeding	26
Lower 900 MHz/NextNav Petition	27
1675–1680 MHz Reallocation	30
Advanced Air Mobility NPRM	32
Advanced Wireless Services	35
Alaska Connect Fund	38
Alaska Plan	40
Amateur Radio Service	43
Automatic Identification System Devices to Mark Fishing Equipment	45
Aviation Radio Service	46
Broadband Data Collection and Mapping	47
Connected Cars	54
Contraband Phones in Prisons	55
DISH Compliance with 5G Buildout Conditions	59
Enhanced Competition Incentive Program	61
Equipment Carriage Exemptions for Alaskan Fishing Vessels	63
Establishing a 5G Fund for Rural America	64
Hearing Loss Compatible Wireless Handsets	66
Maritime Radio Service	68
Mobile Device Security Project	70
Facilitating Access to Spectrum for Offshore Uses and Operations	71
Open Radio Access Networks	72
OTARD	73
PNT Notice of Inquiry	75
Positive Train Control	76
Private Land Mobile Radio Service	78
Safeguarding and Securing the Open Internet	80
Signal Boosters	81
Single Network Future: Supplemental Coverage from Space	83
Spectrum Frontiers	86
Spectrum Holdings Policies	91
Spectrum Licensing	95
Spectrum Usage Notice of Inquiry	98
T-Mobile/Sprint Transaction Compliance	99

Transactions	100
Unmanned Aircraft Systems	104
Wireless Infrastructure	109
Wireless Text Messaging	113

WIRELESS BRIEFING SHEET

SUBJECT: 2.5 GHz Band (WT Docket No. 18-120)

SUMMARY: Beginning in 2004, the Commission, through a series of rulemaking orders, transformed the rules applicable to the two services in the 2495–2690 MHz (2.5 GHz) Band—the Educational Broadband Service (EBS), and the Broadband Radio Service (BRS). Although these changes made most of the 2.5 GHz band usable for wireless broadband, the Commission permitted a segment of the band to be used for legacy educational video operations and retained the eligibility, leasing, and educational use restrictions on the EBS portion of the band. Then in 2019, the Commission significantly changed EBS by adopting rules that permit existing EBS licensees to transfer or assign their licenses to commercial entities, though licensees are permitted to retain their licenses if they choose to do so, and eliminated the educational use restrictions. The Commission also adopted rules that enabled new entrants in the band by opening a Tribal priority filing window for eligible Tribes, and then by making available the remaining white space through competitive bidding. The rules adopted in 2019 went into effect on April 27, 2020, or 6 months after they were published in the Federal Register. BRS and EBS licensees are subject to the same rules, though their respective license areas differ. BRS is licensed on a Basic Trading Area (BTA) basis, and EBS is licensed on a county-basis, except for incumbent licenses and qualified tribal areas.

BACKGROUND:

EBS (formerly ITFS). The EBS portion of the 2.5 GHz band (channel groups A, B, C, D, and G) consists of 112.5 megahertz of spectrum. Prior to April 27, 2020, EBS licenses were available only to accredited educational institutions or non-profit organizations whose purposes are educational and EBS channels were required to be used to transmit formal educational programming to students. Moreover, these rules restricted transfer or assignment of EBS licensees to other educational institutions that qualify under the Commission’s rules. Although the rules did not permit EBS licensees to transfer or assign their licenses to any entity other than a qualified educational institution, they permitted licensees to lease as much as 95% of their “excess” capacity to commercial entities. Most EBS licensees did so by entering into long-term de facto leases, primarily with T-Mobile. Many, if not most, of these leases contained a right of first refusal clause or an option to buy the license if the Commission eliminated the EBS eligibility rules. EBS licensees used the revenue from these leases to support their educational mission.

BRS. The BRS portion of the band (channel groups E, F, and H, and BRS1 and BRS2), has open eligibility and consists of 73.5 megahertz of spectrum.

- T-Mobile, the major licensee of BRS spectrum and the largest lessee of EBS spectrum, acquired 2.5 GHz spectrum as part of the Sprint merger. T-Mobile uses the 2.5 GHz band as part of its 5G network.
- In 2009, the Commission sold 61 BRS Basic Trading Area (BTA) licenses by competitive bidding. The Commission has 18 BTA licenses in its inventory.
- On July 11, 2019, the Commission released its Report and Order (*2.5 GHz R&O*) that allows more efficient and effective use of this spectrum band by providing greater flexibility to current EBS licensees as well as providing new opportunities for additional entities to obtain

unused 2.5 GHz spectrum, which facilitates improved access to next generation wireless broadband, including 5G.

What the 2.5 GHz R&O Did.

- Modernized and rationalized EBS spectrum to allow more flexible use.
 - Eliminated the eligibility requirements, the then-current restrictions on lease terms, and the educational use requirements.
- Established a Tribal filing window to allow eligible Tribes to apply for available EBS spectrum. To be eligible, applicants must:
 - Be a federally recognized American Indian Tribe or Alaska Native Village or an entity that is owned and controlled by a federally recognized Tribe or a consortium of federally recognized Tribes;
 - Request a license on Tribal land, which includes federally recognized reservations, pueblos, or colonies, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) and Indian Allotments, see §54.400(e), as well as Hawaiian Home Lands, so long as such Tribal land is rural, *i.e.* not part of an urbanized area or urban cluster area with a population equal to or greater than 50,000; and
 - Have a local presence on the Tribal land for which they are applying.
- Made any spectrum remaining after licenses are issued pursuant to the Tribal window available for commercial use through competitive bidding.
 - The Commission auctioned overlay licenses on a county basis.
 - The Commission licensed available EBS spectrum in three blocks:
 - (1) 2502–2551.5 MHz—(channels A1–A3, B1–B3, and C1–C3);
 - (2) 2551.5–2602 MHz—(channels D1–D3, JA1–JA3, JB1–JB3, JC1–JC3, JD1–JD3, A4, B4, C4, D4, and G4); and
 - (3) 2673.5–2690 MHz—(channels G1–G3 and KG1–KG3).

Auction 108.

- On March 21, 2022, the Commission released its Procedures Public Notice (FCC 22-24) announcing the procedures, deadlines, minimum opening bid and inventory for Auction 108; the auction of 2.5 GHz overlay licenses. Approximately 8,000 county-based licenses for 2.5 GHz spectrum were offered in Auction 108, with up to 117.5 megahertz of spectrum available in some counties. Auction 108 licenses must protect pre-existing incumbents, including Tribal Window licensees. Auction 108 was completed on August 29, 2022. 63 bidders won 7,872 licenses, with gross bids totaling \$427,789,670.
- The Commission’s authority to issue licenses pursuant to a system of competitive bidding lapsed on March 9, 2023. On December 19, 2023, Congress passed the 5G SALE Act authorizing the Commission to process any remaining licenses won in Auction 108 within 90 days of enactment. On February 29, 2024, the Wireless Telecommunications Bureau finished granting all licenses won in Auction 108. To help facilitate processing of T-Mobile’s application for 2.5 GHz licenses as part of Auction 108, it committed to divest by sale or swap 20 MHz of “mid-band” spectrum (AWS-1, AWS-3, PCS, and/or 2.5 GHz) in Cellular Market Area 385 (Kauai) and Cellular Market Area (Maui) in Hawaii.

- On February 28, 2025, T-Mobile filed its latest Auction 108 divestiture report regarding divestiture of 20 MHz of spectrum in these two Cellular Market Areas in Hawaii. In its filing, T-Mobile indicated that it has completed negotiations to effectuate divestitures in both markets involving AT&T and Verizon.

Rural Tribal Window.

- The Tribal window opened on February 3, 2020, and closed at 6 pm EDT on September 2, 2020. To date, 363 applications have been granted to Tribal entities.
- On July 8, 2022, the Wireless Telecommunications Bureau, on its own motion, extended the interim and final buildout deadlines for Tribal window licensees (DA 22-730).

STATUS: Six Tribal window applications remain pending because the applications are mutually exclusive.

.

WIRELESS BRIEFING SHEET

SUBJECT: 3.1–3.55 GHz Band (WT Docket No. 19-348)

BACKGROUND: The MOBILE NOW Act, passed by Congress in 2018, requires the Commission and the Department of Commerce to make available new spectrum for mobile and fixed wireless broadband use, and further requires the Commission to work with the National Telecommunications and Information Administration (NTIA) to evaluate whether commercial wireless services and federal incumbents could share use of mid-band spectrum between 3.1 and 3.55 GHz.

In July 2020, NTIA released its report addressing the 3.1–3.55 GHz band, making two principal conclusions. First, NTIA concluded that the 3450–3550 MHz portion of the band is a good candidate for potential spectrum sharing, including at the commercial system power levels sought by the wireless industry. Second, regarding the remainder of the band, NTIA concluded that additional analysis of the entire band should be conducted to assess the various sharing mechanisms and the potential for relocating incumbents from some portion of the remainder of the band for commercial use. The report noted that there are both classified and unclassified federal operations below 3450 MHz, which could be problematic for sharing with a commercial wireless system, and that this portion of the frequency range may become even more congested if some federal operations are shifted down from above 3450 MHz to accommodate sharing at 3450–3550 MHz.

Alongside NTIA's efforts, the Commission worked with the White House and Department of Defense (DoD) as part of the America's Mid-Band Initiative Team (AMBIT) to begin the process of establishing coordination procedures and clearing to prepare the band for auction and commercial use.

SUMMARY:

R&O and FNPRM. On September 30, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*R&O* and *FNPRM*), which paved the way for a March 2021 *Second R&O*. The *R&O* removed the existing secondary, non-federal allocations for radiolocation (weather radar) and amateur use to clear the band for flexible-use licensing. The *FNPRM* proposed to allocate the band for fixed and mobile (except aeronautical mobile) use on a co-primary basis with federal use. It also proposed the technical, licensing, and competitive bidding rules for these licenses, as well as the coordination procedures to enable sharing between remaining federal operations and new flexible use wireless operations. Finally, it sought comment on issues related to clearing the band of secondary incumbent users.

As part of the Consolidated Appropriations Bill, 2021, Congress directed the Commission to begin a system of competitive bidding for the 3.45–3.55 GHz band by December 31, 2021.

Second R&O. On March 17, 2021, the Commission adopted a Second Report and Order (the above-mentioned *Second R&O*) which provides for flexible-use wireless operations in a portion of the 3.1–3.55 GHz band (3.45–3.55 GHz), including for 5G. The *Second R&O* allocates the 3.45–3.55 GHz band for co-primary fixed and mobile (except aeronautical mobile) use and adopts technical, licensing, and competitive bidding rules for such use, based on a mixture of rules previously adopted for other flexible-use bands, including the 3.7 GHz band. These

include technical rules to ensure non-interference with the adjacent 3.5 GHz band and a licensing regime based on 10 megahertz channels licenses on a Partial Economic Area (PEA) basis. The *Second R&O* also adopts a coordination mechanism to ensure commercial users and incumbent DoD operations are able to share the band. Finally, it adopts a process for transitioning incumbent secondary, non-federal users to below 3.0 GHz, including by providing for reimbursement of reasonable relocation expenses incurred by radiolocation operators.

Three entities filed petitions for reconsideration of the *Second R&O*: The Aerospace Industries Association (seeking reconsideration of the Commission's decision not to adopt a coordination framework for experimental contractor test facilities in the band), The Blooston Rural Carriers (seeking reconsideration of PEA licensing); and The Rural Wireless Association, Inc. (seeking reconsideration of PEA licensing and 15-year license terms). Parties filed oppositions to the petitions for reconsideration on June 3, 2021, and replies to oppositions on June 15, 2021. A total of five parties filed in opposition or reply.

Coordination Procedures and Auction 110. On June 2, 2021, WTB and NTIA released a joint public notice to provide (i) information for potential bidders in Auction 110 and (ii) guidance to the ultimate 3.45 GHz Service licensees and the affected federal incumbents regarding coordination procedures for shared use of the band. On June 12, 2012 DoD held a workshop to provide interested parties with additional information about coordination procedures.

On June 9, 2021, OEA and WTB released a Public Notice establishing the procedures governing the auction of the 3.45 GHz band (*Auction 110 Procedures Public Notice*). The public notice provided details regarding the procedures, terms, conditions, dates, and deadlines governing participation in Auction 110 bidding, as well as an overview of the post-auction application and payment processes.

Bidding in Auction 110 commenced on October 5, 2021 and concluded on January 4, 2022. On January 14, 2022, OEA and WTB released a Public Notice announcing winning bidders. On May 4, 2022, WTB granted all 23 long-form applications and issued 4,041 licenses. Secondary, non-federal radiolocation incumbents in the band were required to relocate by October 31, 2022.

On June 9, 2023, WTB and OET granted a limited request for special temporary authority to Lockheed Martin Corporation to operate its Research, Development, Test & Evaluation radar facilities in Cazenovia, NY and Liverpool, NY for 90 days pursuant to part 90 of the Commission's rules in the 3.45–3.525 GHz segment of the 3.45–3.55 GHz band (3.45 GHz band). WTB and OET determined that the grant was warranted to ensure that a critical supply chain of S-band radars was not disrupted and noted that the relief granted was limited temporally, geographically, and technically. WTB has granted multiple extensions of the STA, which now expires on September 1, 2024. In addition, on June 3, 2024, WTB expanded the scope of the STA to permit high-power RDTE operations during daytime hours.

Clearinghouse Selection Process. On November 10, 2022, WTB named NBCUniversal, Nexstar Broadcasting (Nexstar), CTIA, and the Competitive Carriers Association (CCA) as the members of the Selection Committee tasked with selecting the clearinghouse. The clearinghouse will facilitate the reimbursement of the secondary, non-federal incumbents' reasonable relocation costs by new 3.45 GHz Service licensees. The selected clearinghouse must meet the standards laid out in the *Second R&O*, Clearinghouse Order and the Selection Committee's Request for Proposal, including neutrality and independence, appropriate industry expertise, and the adoption

of robust data privacy and security measures. On August 1, 2023, the Selection Committee notified WTB that it had received the required contracts from the tentative selectee and unanimously finalized its selection of Summit Ridge Group as the 3.45 GHz Clearinghouse. On November 2, 2023, WTB released an Order confirming Summit Ridge Group's selection as the 3.45 GHz Reimbursement Clearinghouse. Both incumbents have ceased operating in the band and WTB has granted all incumbent modification applications to allow for their transition out of the band.

STATUS: On February 25, 2025 the Clearinghouse confirmed it is in the process of winding down operations as envisioned. On March 10, 2025, it submitted to the Commission its final progress report and final audited financial statement.

Staff is reviewing the oppositions and replies to the petition for reconsideration of the *Second R&O*.

WIRELESS BRIEFING SHEET

SUBJECT: 3550–3700 MHz (3.5 GHz band) (GN Docket Nos. 17-258; 15-319; 12-354)

BACKGROUND: The Commission adopted rules for commercial use of 150 megahertz in the 3.5 GHz Band in a 2015 Report and Order (*2015 R&O*, GN Docket No. 12-354). It created a three-tiered framework to coordinate shared federal and non-federal use of the band.

Incumbents—including federal radiolocation users, Fixed Satellite Service (FSS) earth stations, and, for a finite period, certain grandfathered terrestrial wireless licensees in the 3650–3700 MHz band—comprise the highest tier and receive protection from all other users, followed by Priority Access Licenses (PALs), the second tier, and General Authorized Access (GAA), the third tier. PALs receive protection from GAA operations and must accept interference from incumbent tier users. GAA is licensed-by-rule and must accept interference from all other users (including other GAA users). Automated frequency coordinators, known as Spectrum Access Systems (SASs) Administrators, coordinate operations between and among users in different access tiers. Environmental Sensing Capability (ESC) operators manage a sensor system designed to detect the presence of federal incumbent radar transmissions and communicate that information to one or more SAS. The service and technical rules governing the 3.5 GHz Band were adopted as the new Part 96 of the Commission’s rules.

While the Commission adopted a complete set of rules and policies for the 3.5 GHz band in the *2015 R&O*, it also determined that a few focused issues required further record development, and released a Further Notice of Proposed Rulemaking (*FNPRM*). The Commission resolved these issues in a subsequent *2016 R&O*. The Commission also addressed multiple petitions for reconsideration of the *2015 R&O* in a simultaneously released *Order on Reconsideration*, which primarily upheld the framework established in 2015 but made some technical changes, including increased power limits for certain devices and the method for measuring power.

In October 2017, the Commission adopted and released a Notice of Proposed Rulemaking (*NPRM*) and Termination Order (*Termination Order*). The *NPRM* sought comment on several changes to PALs. The *Termination Order* denied T-Mobile’s requests to revisit the base station power limits and the band plan adopted in the Commission’s 2015 and 2016 orders (i.e., the apportionment of PAL and GAA spectrum). The *Termination Order* also terminated the rulemaking dockets that the Commission opened to address the CTIA and T-Mobile June 2017 petitions for rulemaking, as well as the docket used in the 3.5 GHz rulemaking initiated in 2012.

On October 23, 2018, the Commission adopted another Report and Order (*2018 R&O*) making targeted changes to PALs to help promote investment in next-generation wireless services, including 5G. Specifically, the Commission adopted rules (1) increasing the size of the PAL geographic license area to counties; (2) extending the PAL license term to 10 years and allowing license renewal; (3) requiring Priority Access Licensees to meet end-of-term performance requirements; (4) eliminating the “N-1” approach for offering PALs at auction; (5) allowing bidding credits for small and rural entities; and (6) allowing PALs to be partitioned and disaggregated on the secondary market. The *2018 R&O* also safeguarded sensitive device registration information and ensured that the emissions mask for End User Devices supports operations over wider bandwidths.

In August 2024, the Commission issued a Notice of Proposed Rulemaking (*2024 NPRM*), which was adopted August 5 and released August 16. The *2024 NPRM* proposed to modify the part 96 rules to reflect the mechanisms currently used to protect federal users in the 3.5 GHz band and sought comment on whether the Commission should consider rule changes to align 3.5 GHz protection methodologies with those in adjacent bands, revisit the Commission's ESC approval procedures, and facilitate the continued introduction of Citizens Broadband Radio Service in areas outside of CONUS. The *2024 NPRM* also sought comment on whether changes to the part 96 technical and service rules are necessary to clarify our information disclosure requirements, align out-of-band emissions limits with those in adjacent bands, permit higher power levels, relax SAS connectivity requirements, impose Time Division Duplex (TDD) coordination procedures, update protection measures for certain FSS earth stations, or sunset rules related to the grandfathered wireless broadband license transition. We also sought comment on whether to address issues surrounding professional installation, accommodate additional deployment of private networks and low power indoor facilities, or adopt rules to facilitate GAA user coexistence.

Bureau-Level Releases. WTB/OET have released multiple public notices addressing the following issues: (1) criteria for determining the protection contours for grandfathered 3650–3700 MHz band wireless broadband licensees and describing the process for licensees to submit such contours to the Commission; (2) conditional approval of “first wave” SAS administrator applications; (3) a “second wave” filing deadline for additional SAS and ESC proposals; (4) procedures for registration of FSS earth stations entitled to protection; (5) conditional approval of four ESC operators; (6) proposals for short-term, limited geographic commercial deployments (Initial Commercial Deployment or ICD) by conditionally approved SASs; (7) ESC sensor registrations and procedures; (8) approval of the ESC sensor deployment and coverage plans (ESC sensor registrations) for four ESC operators; (9) approval of six SAS administrators to begin ICD; (10) certification of six SAS administrators to begin full commercial deployment; (11) conditional approval of “second wave” SAS administrator applications and proposals for ICD; (12) approval and expansion of approval of two SAS administrators in American Samoa; (13) approval of a new portal-based system for protecting certain federal facilities; (14) approval of SAS administrators to begin offering spectrum manager leasing services in the band; (15) announcing that SAS administrators can implement a longer reauthorization period in areas without federal operations; (16) permitting PAL and GAA users to operate in Hawaii in advance of ECS sensor deployment; (17) permitting SASs to utilize a modified aggregate interference methodology to improve coexistence with federal systems and reduce the size of DPA neighborhoods; (18) multiple emergency waivers to address ESC sensor outages due to weather emergencies; (19) certification renewal procedures for SAS administrators; (20) approval of one operator's new and modified ESC sensor deployment and coverage plans in Hawaii; and (21) four SAS administrators' certification renewals.

In March 2020, WTB adopted an Order extending the deadline for 3650–3700 MHz band licensees to transition their part 90 operations to part 96 until October 17, 2020. In October 2020, WTB adopted an Order further extending this deadline for certain licensees to either December 16, 2020, or February 14, 2021. In December 2022, WTB released a Public Notice reminding part 90, subpart Z wireless broadband licensees in the 3650–3700 MHz band that January 8, 2023, was the latest possible transition deadline for such licensees to either complete their transition to the Citizens Broadband Radio Service or discontinue operations in the band. The pending *2024 NPRM* proposes to sunset these rules because the transition is complete.

WTB/OET also adopted an Order granting waiver of several Part 96 rules to permit SASs to implement a protection methodology developed by NTIA that is based on Dynamic Protection Areas. WTB/OET also announced a modified CBSD reauthorization procedure, allowing SAS administrators to adopt longer CBSD reauthorization procedures where doing so does not adversely affect federal operations in the 3.5 GHz band.

SAS/ESC Certification. In July 2019, the Commission approved the ESC sensor registrations of three ESC operators. In January 2020, the Commission certified four SAS administrators to begin full commercial deployment. The Commission also has certified equipment for use in the 3.5 GHz band. In April 2020, WTB and OET approved another SAS administrator to begin full commercial deployment and approved Federated Wireless to operate as a SAS Administrator in the 3650–3700 MHz band in American Samoa. In July 2020, WTB and OET approved the final “first wave” SAS to begin ICD. Also in July 2020, WTB and OET approved Key Bridge as an ESC operator, subject to ongoing compliance obligations. In March 2021, WTB and OET approved Key Bridge SAS for full commercial deployment. In May 2021, WTB and OET approved additional ESC sensor deployment and coverage plans of four ESC operators. Also in May 2021, WTB and OET expanded Federated Wireless’ SAS certification in American Samoa and approved Google’s SAS in American Samoa. In August 2021, WTB and OET authorized Sony to utilize Key Bridge’s approved ESC in conjunction with the Sony SAS. In September 2021, WTB and OET authorized Amdocs to utilize Key Bridge’s approved ESC in conjunction with the Amdocs SAS. In February 2022, WTB and OET granted final approval of Key Bridge’s ESC following successful resubmission and lab testing of its ESC software. In January 2023, WTB/OET approved prospective second wave SAS administrator, RED Technologies, to begin ICD. In September 2023, WTB/OET approved RED Technologies for full commercial deployment in the 3.5 GHz band. In February 2025, WTB and OET renewed the certifications of four SAS administrators.

Auction 105. In February 2020, the Commission adopted a Public Notice that established application and bidding procedures for the auction of PALs in the Citizens Broadband Radio Service in the 3550–3650 MHz portion of the 3.5 GHz band. In March 2020, the Commission announced the postponement of certain dates and deadlines for participation in the auction so that parties have additional time to prepare to participate in the auction given the COVID-19 pandemic. Bidding in this auction commenced on July 23, 2020 and concluded August 25, 2020. Auction 105 raised a total of \$4,543,232,339 in net bids (\$4,585,663,345 in gross bids), with 228 bidders winning a total of 20,625 licenses. On September 17, 2020, winning bidders made down payments and filed FCC Forms 601 and 602 long-form applications. Auction 105 received 255 long-form applications. On October 1, 2020, winning bidders remitted final payments. WTB announced that long-form applications for Auction 105 were accepted for filing in December 2020, January 2021, March 2021, and June 2021.

In March 2021, WTB granted 222 long-form applications and issued 17,450 PALs. In April 2021, WTB granted thirteen long-form applications and issued 125 PALs. In July 2021, WTB granted two long-form applications and issued 26 PALs. In December 2021, WTB granted four long-form applications and issued 102 PALs. In July 2022, WTB granted six long-form applications and issued 2,431 PALs. In October 2022, WTB granted one additional long-form application and issued 41 PALs. FCC staff are reviewing the remaining winning bidders’ FCC

Forms 601 and 602 long-form applications to determine eligibility for license grant and any claimed bidding credit.

On July 15, 2022, the WTB and OEA entered into Consent Decrees with five applicants resolving investigations into whether each of them had applied for licenses that, if granted, would violate certain Commission rules, including the four-PAL aggregation limit under section 96.31. Pursuant to each Consent Decree, the applicant amended its long-form application to remove PALs in the affected markets to avoid exceeding the four-PAL aggregation limit and agreed to implement a Compliance Plan designed to ensure future compliance with section 96.31 and all other terms and conditions of the Consent Decree.

STATUS: Comments on the *2024 NPRM* were due on November 6, 2024. Reply comments were due on December 5, 2024.

WIRELESS BRIEFING SHEET

SUBJECT: Expanding Flexible Use of the 3.7–4.2 GHz Band (GN Docket No.18-122)

BACKGROUND:

Notice of Inquiry and NPRM. On August 3, 2017, the Commission released a Notice of Inquiry (*NOI*) that sought to evaluate whether spectrum between 3.7 GHz and 24 GHz can be made available for wireless broadband. Specifically, the *NOI* sought comment on three mid-range bands for expanded flexible use (3.7–4.2 GHz, 5.925–6.425 GHz, and 6.425–7.125 GHz), and it asked commenters to identify other non-federal, mid-range frequencies that may be suitable for expanded flexible use. On July 13, 2018, the Commission released an Order and Notice of Proposed Rulemaking (*NPRM*) to identify new opportunities for flexible use in up to 500 megahertz of mid-band spectrum between 3.7 and 4.2 GHz. The *NPRM* proposed to add a mobile (except aeronautical mobile) allocation to all 500 megahertz in the band and sought comment on various proposals for transitioning part or all of the band for flexible use, including market-based, auction, and alternative mechanisms. The Order required FSS earth stations operators in the 3.7–4.2 GHz band to certify the accuracy of their existing registration and license information. In addition, the Order required space station and temporary fixed/transportable earth-station operators in the band to provide additional information regarding their current use of the band.

Freeze on Applications in the 3.7–4.2 GHz band. On April 19, 2018, IB, PSHSB, and WTB (Bureaus) issued a Public Notice (DA 18-398) announcing a temporary freeze on the filing of new or modification applications for fixed-satellite service (FSS) earth station licenses, receive-only earth station registrations, and fixed microwave licenses in the 3.7–4.2 GHz band in order to preserve the existing landscape of authorized operations in the band. As a limited exception to the freeze, IB concurrently opened a 90-day window during which entities that own or operate existing FSS earth stations in the 3.7–4.2 GHz band could file an application to register or license the earth station if it was currently not registered or licensed or could file an application to modify a current registration or license, in the International Bureau Filing System (IBFS). On June 21, 2018, IB announced a temporary filing freeze on new fixed-satellite service space station applications in the 3.7–4.2 GHz band. On the same day, IB announced a 90-day extension of the filing window to October 17, 2018 (later extended to October 31, 2018, due to IBFS technical issues).

Report and Order and Order of Proposed Modification. On February 28, 2020, the Commission adopted a Report and Order (*3.7 GHz Report and Order*) and Order of Proposed Modification to add a mobile, except aeronautical mobile, allocation to the 3.7–4.0 GHz band. The Commission also adopted a process to transition a 280-megahertz block of C-band spectrum, plus a 20-megahertz guard band, from incumbent use to new flexible-use no later than December 5, 2025 in the contiguous United States. The item makes accelerated relocation payments of up to \$9.7 billion, paid by flexible-use licensees, available to space station operators serving earth stations in the contiguous United States that commit to accelerate the transition from FSS to flexible-use. Specifically, eligible space station operators will have the option to clear according to the following accelerated clearing timeline: (1) clearing 120 megahertz (3.7–3.82 GHz) by December 5, 2021; and (2) clearing the remaining 180 megahertz (3.82–4.0 GHz) by December 5, 2023.

The *3.7 GHz Report and Order* provides both incumbent FSS and FS licensees, as well as incumbent earth station operators, with reimbursement of reasonable relocation costs paid by flexible-use licensees as a condition on their license.

The item creates a Relocation Payment Clearinghouse to manage the intake, payout, and auditing of relocation funds, serve in an administrative role to mediate disputes related to such costs, and provide progress reports to the Commission. The *3.7 GHz Report and Order* also establishes a Relocation Coordinator to establish a timeline and take actions necessary to migrate and filter incumbent earth stations to ensure continued, uninterrupted service during and following the transition. The Relocation Coordinator will be required to review the Transition Plans filed by all eligible space station operators and recommend any changes to those plans to the Commission to the extent needed to ensure a timely transition.

The item requires incumbent FS licensees to relocate their point-to-point links to other bands, by December 5, 2023. Finally, the item adopts service and technical rules for flexible-use licensees in the 280 megahertz of spectrum designated for transition to flexible-use.

Pursuant to the *3.7 GHz Report and Order*, the Commission will no longer accept applications or registrations for new FSS earth stations or space stations in the 3.7–4.0 GHz band in the contiguous United States. That item permits registered incumbent earth stations that are transitioned to the 4.0–4.2 GHz band to be renewed and/or modified to maintain their operations in the 4.0–4.2 GHz band, but it prohibits new applications for earth stations or space stations in the 4.0–4.2 GHz band until the transition is complete.

The item lifts the application and registration freeze for earth stations operating outside of CONUS, effective upon publication of it in the Federal Register. The Order also prohibits new applications for point-to-point Fixed Service applications in the 3.7–4.2 GHz band within the contiguous United States, and it lifts the freeze for these services outside of the contiguous United States upon publication of the Report and Order in the Federal Register.

The Order of Proposed Modification: (1) limits the operations of all 3.7–4.2 GHz band FSS licensees and market access holders held within the contiguous United States to the 4.0–4.2 GHz band no later than December 5, 2025, and (2) sunsets the operations of 3.7–4.2 GHz FS licensees in the 3.7–4.2 GHz band within the contiguous United States by December 5, 2023.

Implementation. On June 1, 2020, the Wireless Telecommunications Bureau released a public notice (DA 20-578) announcing that all eligible space station operators filed Accelerated Relocation Elections committing to clear the 3.7–4.0 GHz band on the accelerated timeline described in the *3.7 GHz Report and Order*. As directed by the Order, on July 30, 2020, the Bureau released the 3.7 GHz Transition Final Cost Category Schedule of Potential Expenses and Estimated Costs (DA 20-802), which provided estimated reasonable costs associated with the transition, announced the optional lump sum payment amounts for which incumbent Fixed Satellite Service earth station operators are eligible, and detailed the process and deadline for electing to receive lump sum payments. On August 3, 2020, the Bureau sought comment on the Relocation Coordinator and Relocation Payment Clearinghouse chosen by stakeholder selection committees to manage the transition and reimbursement processes (DA 20-827 and 20-828). On September 25, 2020, the Bureau announced that RSM US LLP, the entity chosen by the

Relocation Coordinator selection committee, satisfies the selection criteria established by the Commission in the *3.7 GHz Report and Order* and will serve as the Relocation Coordinator for the 3.7–4.2 GHz transition process. On October 22, 2020, the Bureau announced that CohnReznik and its subcontractors Squire Patton Boggs and Intellicom Technologies satisfy the selection criteria established by the Commission in the *3.7 GHz Report and Order* and will serve as the Relocation Payment Clearinghouse for the 3.7–4.2 GHz transition process. In August 2021, the Relocation Payment Clearinghouse started accepting claims for both lump sum payments and other transition cost reimbursements.

Auction 107. On August 7, 2020, the Commission released a Public Notice that established the procedures to be used for Auction 107, the auction of new flexible-use overlay licenses in the 3.7–3.98 GHz band. The bidding for new licenses in Auction 107 commenced on December 8, 2020; clock phase bidding concluded on January 15, 2021, and assignment phase bidding concluded on February 17, 2021. Auction 107 raised a total of \$81,114,481,921 in net bids and \$81,168,677,645 in gross bids, with 21 bidders winning a total of 5,684 licenses. On July 23, 2021, the Commission granted 5,676 licenses in the 3.7 GHz service. The final eight licenses in this service were granted on April 6, 2022.

Altimeters. The 4.2–4.4 GHz band is allocated to Aeronautical Radionavigation and aeronautical mobile (route) services, and it is used by radio altimeters and Wireless Avionics Intra-Communications systems used on aircraft and helicopters. Preliminary test results submitted by the Aerospace Vehicle Systems Institution (AVSI), after the comment and reply period in the rulemaking, concluded that a subset of altimeters had insufficient rejection of signals from wireless broadband equipment. Some of the parties in the proceeding criticized the assumptions and engineering methodologies in the RTCA study. In the *3.7 GHz Report and Order*, the Commission concluded that the limits it set for C-band flexible use operations are sufficient to protect aeronautical services in the 4.2–4.4 GHz band. The Commission emphasized the 220-megahertz guard band between the two services (3.98–4.2 GHz) and the power and emissions limits it placed on flexible-use operations.

The Commission nonetheless found that further analysis of these co-existence issues was warranted, given that concerns had been expressed by the aviation community. The Commission encouraged industry to convene a group of interested stakeholders to examine issues relating to co-existence between C-band wireless deployments and altimeters, among others. AVSI and other aeronautical stakeholders filed a petition for reconsideration of the Commission's decision, arguing that it had not adequately addressed issues of harmful interference to radio altimeters. That petition is pending before the Commission.

After the adoption of the *3.7 GHz Report and Order*, stakeholders reported that various industry members formed a multi-stakeholder group, which was divided into four technical working groups, one of which—technical working group #3 (TWG-3)—was tasked with studying co-existence between mobile wireless systems and radio altimeters. Stakeholders also reported that TWG-3 was able to facilitate an information exchange between the wireless and altimeter industries but did not reach consensus because of disagreements on co-existence between the two industries.

Some countries around the world have deployed wireless networks in the 3300–4200 MHz range, and there have been no confirmed reports of harmful interference to altimeters due to

wireless broadband deployments. Some countries have implemented temporary mitigations on wireless broadband networks operating in this spectrum range.

Following discussions in late 2021 and early 2022 among regulators, aviation interests, and the wireless licensees that hold Phase I C-band licenses, temporary, voluntary mitigation measures were adopted by those licensees enabling them to deploy in a subset of market areas (46 of the top 50 Partial Economic Areas) in the bottom 100 MHz of the band (3.7–3.8 GHz) on January 19, 2022, with minimal disruptions to commercial aviation. In spring 2023, FAA conducted a rulemaking to require minimum performance requirements for radio altimeters as part of a two-phase process starting July 1, 2023 and culminating on February 1, 2024. Additional work is being done under the auspices of the Radio Technical Commission for Aeronautics to develop new standards for radio altimeters over the long term. On March 31, 2023, Phase II C-band licensees AT&T, T-Mobile, Verizon and US Cellular filed a letter with the Commission reflecting updated voluntary mitigation measures with respect to operations from 3.7 to 3.98 GHz. All the remaining C-band licensees have also made the same voluntarily mitigation commitments as applicable to their Phase II operations.

LEGISLATIVE INTEREST: The FY 2018 omnibus spending bill included the MOBILE NOW Act under Title VI of RAY BAUM’S Act. The MOBILE NOW Act ensures spectrum is made available for new technologies and helps secure America’s leadership in the future of communications technology. Section 605(b) of the MOBILE NOW Act required the Commission in consultation with the Secretary of Commerce, working through the NTIA, and the heads of affected federal agencies to submit a report to appropriate committees of Congress and to the Secretary of Commerce no later than September 23, 2019, “evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz,” after providing notice and comment. On May 1, 2018, we sought comment on this requirement, and in mid-September 2019, the Commission transmitted its required report to Congress.

Section 603(a)(1) of the MOBILE NOW Act requires NTIA and the FCC, no later than December 31, 2022, to identify at least 255 megahertz of Federal and non-Federal spectrum for mobile and fixed wireless broadband use with at least (i) 100 megahertz below 6 GHz identified for use on an exclusive, licensed basis for commercial mobile (flexible) use; (ii) 100 megahertz below 8 GHz identified for unlicensed use; and (iii) 55 megahertz below 8 GHz identified for any combination of licensed or unlicensed. Making the 3.7–3.98 GHz band available nationwide for mobile services meets the mandate for 155 megahertz of this spectrum.

STATUS: The Phase I Accelerated Relocation Certifications made by all five eligible space station operators were validated by the Wireless Telecommunications Bureau in the October–November 2021 timeframe. The Phase II Accelerated Relocation Certifications made by all five eligible space station operators were validated by the Wireless Telecommunications Bureau or pursuant to section 27.1412(g)(2) of the Commission’s rules in the June–August 2023 timeframe. As of August 12, 2023, pursuant to the *3.7 GHz Report and Order*, wireless operations are permitted from 3.7–3.98 GHz throughout CONUS. The Wireless Telecommunications Bureau issued a public notice on December 5, 2023, adopting two final claims submission deadlines (February 5, 2024 and July 1, 2024) for parties seeking transition-related reimbursements from the Relocation Payment Clearinghouse.

WIRELESS BRIEFING SHEET

SUBJECT: Upper C-band (3.98 to 4.2 GHz) (GN Docket No. 25-59)

BACKGROUND:

Notice of Inquiry. On February 28, 2025, the Commission released a Notice of Inquiry (*NOI*) (FCC 25-13) that seeks to evaluate whether the Commission should make some or all of the 3.98–4.2 GHz portion of the band (Upper C-band) available for more intensive use. Specifically, the *NOI* seeks comment on whether, and if so how, the Commission could free up additional spectrum for new services in the Upper C-band. It further asks questions regarding the current and future needs of incumbent operators and the impact that more intensive use of the spectrum may have on in-band and adjacent operations, explores the types of authorization and transition mechanisms that could be used to make additional spectrum available, and invites general comment on the costs and benefits associated with authorizing new services in the Upper C-band.

STATUS: Comments are due on April 29, 2025, and reply comments are due on May 29, 2025.

WIRELESS BRIEFING SHEET

SUBJECT: 3G Sunset Transition

BACKGROUND: The three nationwide providers each previously announced that they would sunset their 3G networks in 2022 and implemented the following 3G retirement dates:

- AT&T: February 22, 2022
- T-Mobile: March 31, 2022 for CDMA (Sprint's legacy 3G network) and July 1, 2022 for UMTS (T-Mobile's 3G network)
- Verizon: December 31, 2022

Alarm Industry Communications Committee (AICC) 3G Sunset Petition (GN Docket No. 21-304). On May 10, 2021, the AICC petitioned the Commission for emergency relief requesting an extension of AT&T's 3G sunset date. On July 30, 2021, the Commission's Consumer and Governmental Affairs Bureau released a Public Notice seeking comment.

- Transportation interests, including the Alliance for Automotive Innovation, National Association for Pupil Transportation, and Rand McNally, expressed concern over vehicles' reliance on 3G networks for safety and other support to drivers and passengers for emergency response services, vehicle diagnostics, traffic information, and federally mandated electronic logging devices. The microchip shortage that arose during the pandemic has impeded their upgrades.
- RWA filed an *ex parte* letter regarding the 3G sunset's impact on rural customers and the need for providers to implement VoLTE roaming before the 3G shutdown. RWA requested that the Commission mandate a 3G sunset date for all three nationwide providers of December 31, 2022.

On April 19, 2021, 13 U.S. Senators sent a letter to AT&T, Verizon, and T-Mobile stating that shutting down 2G and 3G services in rural areas risks leaving millions of Americans completely disconnected. The Senators asked them to answer questions by May 3, 2021 regarding the future retirement of the providers' 2G and 3G networks.

The announced 3G sunset dates listed above remained the same and therefore the 3G networks of each of the three nationwide providers have been retired.

WTB BRIEFING SHEET

SUBJECT: 4.9 GHz Band (WP Docket No. 07-100)

SUMMARY: In 2002, the Commission allocated 50 megahertz of spectrum in the 4940–4990 MHz band (4.9 GHz band) for fixed and mobile services (except aeronautical mobile service) and designated this band for use in support of public safety. Non-traditional public safety entities, such as non-profit organizations, utilities, and even commercial entities could obtain licenses or enter into sharing arrangements with eligible public safety entities to use the 4.9 GHz band, but their use was restricted to being in support of public safety services, i.e., communications that relate to the safety of life, health, or property that are not made commercially available to the public by the provider.

The Commission has reexamined the rules governing the 4.9 GHz band multiple times. On September 8, 2020, a freeze of the 4.9 GHz band was issued whereby applications for new or modified licenses are not being accepted. On September 30, 2020, the Commission adopted a Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking (*Sixth R&O* and *Seventh FNPRM*) which adopted new rules allowing one statewide 4.9 GHz band licensee per state to lease some or all of its spectrum rights to third parties—including commercial and public safety users—in those states that the FCC has not identified as a diverter of 911 fees. The *Seventh FNPRM* proposed a new state-based licensing regime for public safety operations in the band, which would complement the new leasing regime.

Order on Reconsideration. In response to petitions for reconsideration filed by public safety groups, the Commission issued an Order vacating the *Sixth R&O* and deleting the state-based leasing framework from its rules. In the *Seventh FNPRM*, the Commission proposed the adoption of a nationwide framework emphasizing public safety uses. It sought comment on promoting greater public safety use of the band, including protection from interference, the collection of more licensing data, adoption of interoperability standards, and the use of formal coordination. It also sought comment on non-public safety use within the context of public safety priority, including through shared access models and leasing.

Partial Thaw. On October 21, 2021, the Public Safety and Homeland Security and Wireless Telecommunications Bureaus (PSHSB/WTB), acting on direction of the Commission in the *Order on Reconsideration*, issued a “partial thaw” of the freeze on applications for licenses in the 4.9 GHz band. Incumbents were permitted to apply to modify their licenses or to apply for new site-based licenses in their jurisdictions; other licenses will remain frozen and will not be processed, absent grant of a waiver.

Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking. On January 18, 2023, the Commission adopted a Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking (*Seventh R&O* and *Ninth FNPRM*). In the *Seventh R&O*, the Commission adopted a new framework for the 4.9 GHz band, under which a Band Manager would be responsible both for overseeing public safety operations in the band and for authorizing secondary non-public safety operations. The *Seventh R&O* also adopted new requirements for 4.9 GHz band licensees to provide granular data as to their existing operations in order to enable the Band Manager to ensure the band is being used efficiently and to identify unused spectrum which could be leased for non-public safety use. The *Ninth FNPRM* sought comment on a

number of implementation issues related to the Band Manager framework, including the selection of the Band Manager, the nature of potential non-public safety operations in the band, and the Band Manager's role in coordinating public safety operations. Comments in response to the *Ninth FNPRM* were filed April 13, 2023, and replies were filed May 15, 2023.

Petition for Reconsideration. On March 30, 2023, the American Association of State Highway and Transportation Officials filed a petition for reconsideration of the *Seventh R&O*, arguing that the Commission erred in establishing a Band Manager framework for the band and permitting non-public safety operations. Comments on the petition for reconsideration were filed May 16, 2023 and replies were filed May 26, 2023.

Eighth Report and Order. On October 18, 2024, the Commission adopted an *Eighth Report and Order (Eighth R&O)*. The *Eighth R&O* determined that the 4.9 GHz Band Manager, once selected, will be eligible to apply for a nationwide overlay license and authorized to enter into a sharing agreement with the First Responder Network Authority (FirstNet). Pursuant to this sharing agreement, FirstNet may be permitted to use unassigned spectrum in the 4.9 GHz band as part of its nationwide public safety broadband network in a manner that protects incumbent operations. In addition, the *Eighth R&O* reaffirmed a commitment to the nationwide Band Manager framework and clarified the Band Manager's responsibilities to address the new rules adopted in the item. Finally, the *Eighth R&O* modified the current freeze in the band and directed PSHSB/WTB to release a PN reinstating the freeze that was partially lifted in the *Order on Reconsideration*.

STATUS: On November 15, 2024, PSHSB/WTB released the *Second Modified Freeze PN* (DA 24-1136), which reinstated the freeze on applications for new or modified licenses, including both geographic area licenses and individual fixed-site licenses, as it applies to incumbent licensees, which had been lifted pursuant to the *Order on Reconsideration*. PSHSB/WTB also added two new exceptions to the freeze for applications with radio service codes PB and PF filed by incumbent licensees as part of the granular data collection adopted in the *Seventh R&O* in accordance with section 90.1207(e)–(g) of the Commission's rules, and any necessary filings associated with issuance of the Band Manager's nationwide overlay license.

On December 9, 2024, the Bureaus announced in the *Granular Licensing Data PN* (DA 24-1137) that incumbent licensees holding an active license must submit granular licensing data into ULS on or before June 9, 2025. The Bureaus will subsequently issue new licenses (radio codes PB and PF) incorporating the granular licensing data, and the current licenses (radio code PA) will be cancelled after June 9th.

Petitions for Review and Judicial Stay with the D.C. Circuit.

- There are four petitions for review currently pending in the D. C. Circuit with respect to the *Eighth R&O* filed by: (1) the Public Safety Spectrum Alliance (PSSA) (filed November 26, 2024); (2) the Coalition for Emergency Response and Critical Infrastructure (CERCI) (filed November 27, 2024); (3) the National Sheriffs' Association (NSA) and California State Sheriffs' Association (CSSA) (filed January 17, 2025); and (4) the San Francisco Bay Area Rapid Transit District (BART) (filed January 17, 2025, also seeking review of the *Granular Licensing Data PN*).
- There are also two petitions for judicial stay currently pending in the D.C. Circuit filed by: (1) NSA (filed February 18, 2025, seeking stay of the *Eighth R&O*, the *Granular Licensing Data PN*, and the *Second Modified Freeze PN*); and (2) BART (filed February

18, 2025, seeking stay of the *Eighth R&O* and the *Granular Licensing Data PN*, and if not, requesting that the court expedite BART's petition for review). The FCC filed its consolidated response to both judicial stay requests on February 28, 2025. NSA and BART each filed a reply on March 7, 2025.

Petitions for Stay with the Commission.

- There are three petitions for administrative stay currently pending before the Commission filed by: (1) the Government Wireless Technology & Communications Association, the State of Washington DOT, and the State of Utah DOT (filed December 20, 2024, seeking partial stay of section 90.1207(g) and the *Granular Licensing Data PN*); (2) NSA and CSSA (filed January 23, 2025, seeking stay of the *Eighth R&O*, *Granular Licensing Data PN*, and *2024 Freeze Modification PN*); and (3) BART (filed January 28, 2025, seeking stay of the *Eighth R&O* and the *Granular Licensing Data PN*).

WIRELESS BRIEFING SHEET

SUBJECT: Expanding Flexible Use of the 12.2–12.7 GHz Band, Report and Order and Further Notice of Proposed Rulemaking (WT Docket No. 20-443); Expanding Use of the 12.7–13.25 GHz Band for Mobile Broadband or Other Expanded Use, Notice of Proposed Rulemaking and Order (GN Docket No. 22-352)

SUMMARY: On May 19, 2023, the Commission released a combined item (FCC 23-36) that included a Report and Order (*R&O*), Further Notice of Proposed Rulemaking (*FNPRM*), Notice of Proposed Rulemaking (*NPRM*), and Order (*Order*) relating to the spectrum in the 12.2–13.25 GHz frequency range. The *R&O* in WT Docket No. 20-443 preserved and protected the current and future satellite services relied upon by millions of people across the country in the 12.2–12.7 GHz band (12.2 GHz band) by declining to authorize two-way, high-powered terrestrial mobile service in the 12.2 GHz band (because authorizing such use would impose a significant risk of harmful interference to existing and emergent services in the band). In the *FNPRM* (Docket No. 20-443), the Commission continued to investigate the potential to expand terrestrial fixed use or to permit unlicensed use in the 12.2 GHz band. In the *NPRM* (GN Docket No. 22-352) the Commission stated that it is developing a pipeline of mid-band spectrum in the 12.7–13.25 GHz band (12.7 GHz band) by proposing to repurpose some or all of this 550 megahertz for mobile broadband or other expanded use. Finally, the *Order* in GN Docket No. 22-352 supported the *NPRM* by directing fixed and mobile Broadcast Auxiliary Service (BAS) and Cable Television Relay Services (CARS) licensees in the 12.7 GHz band to certify the accuracy of their on-file license information, including whether the facilities are operating as authorized.

BACKGROUND & KEY ISSUES:

12.2 GHz Band. The 12.2 GHz band is currently allocated on a primary basis for non-federal use for the Broadcasting Satellite Service (BSS) (referred to domestically as Direct Broadcast Satellite (DBS)); the Fixed Satellite Service (FSS) (space-to-Earth) limited to non-geostationary orbit systems (NGSO FSS); and the Fixed Service (FS). While the three services are co-primary, NGSO FSS and FS are allocated on a non-harmful interference basis to DBS. DBS providers, NGSO FSS licensees, and Multi-Channel Video and Data Distribution Service (MVDDS) licensees currently operate in the band.

In April 2016, the MVDDS 5G Coalition (which included 11 of the 12 MVDDS licensees at that time) requested reforms to the 12.2 GHz band rules, including permitting MVDDS licensees to use the band for two-way mobile 5G broadband services. In January 2021, the Commission released a *NPRM* seeking comment on whether it could add a mobile allocation and make other changes to expand terrestrial use of the 12.2 GHz band without causing harmful interference to incumbents. While several MVDDS licensees and one DBS provider contended that 5G terrestrial and incumbent services could coexist in the band, others contended such coexistence is not yet technically feasible. Based on analysis of the extensive record in response to the January 2021 *NPRM*, the *R&O* declined to authorize two-way, high-powered terrestrial mobile use in the 12.2 GHz band, finding that doing so would impose a significant risk of harmful interference to existing and emergent services in the band, including satellite services. However, to further investigate ways to expand terrestrial fixed use or permit unlicensed use in the 12.2 GHz band, the associated *FNPRM* sought comment on permitting one-way, point-to-point, or point-to-multipoint fixed links or two-way, point-to-point fixed links at a higher power than the current rules allow and the possibility of allowing two-way point-to-multipoint links. Alternatively, the

FNPRM sought comment on adding indoor-only underlay use of the band and on whether/how to permit unlicensed use of the 12.2 GHz band. Lastly, the FNPRM also sought comment on whether there may be other opportunities to accommodate expanded terrestrial capabilities in the 12.2 GHz band, such as dynamic, database-driven coordination capabilities like those implemented for 6 GHz unlicensed use or for the Citizens Broadband Radio Service.

12.7 GHz Band. In the United States, the 12.7 GHz band is allocated on a primary basis for non-Federal use to the Fixed Service (FS), FSS (Earth-to-space), and the Mobile Service (MS). The band is shared among Fixed Microwave Services (FS—part 101), fixed and mobile BAS (part 74), fixed and mobile CARS (part 78), and Fixed Satellite Services (FSS—part 25). The 12.75–13.25 GHz band has only limited Federal use. Specifically, the National Aeronautics and Space Administration (NASA) operates a receive-only earth station for its Deep Space Network (DSN) at Goldstone, California, that is authorized to receive transmissions across the entire 12.75–13.25 GHz band.

In September 2022, the Wireless, (then) International, Public Safety & Homeland Security, and Media Bureaus issued a filing freeze on new or modification applications for licenses and other authorizations in the 12.7 GHz band – to preserve the current landscape of authorized operations in the band. Subsequently, in October 2022, the Commission adopted a Notice of Inquiry (*NOI*) seeking information on the current use of the 12.7 GHz band, and on how the Commission could encourage more efficient and intensive use of the band for mobile broadband or other expanded use (the *NOI* also extended the filing freeze). Based on analysis of the record in response to the *NOI*, the Commission’s above-mentioned *NPRM* (May 2023) proposed to repurpose some or all of the 550 megahertz of the 12.7 GHz band for mobile broadband or other expanded use. The *NPRM* proposed to relocate or repack incumbent terrestrial licensees and to introduce new services using the Emerging Technology framework. Specifically, the *NPRM* has proposed to make all incumbent point-to-point operations in the band secondary to new mobile broadband/expanded use operations after a transition period. The *NPRM* also proposed to repack incumbent mobile BAS/CARS licensees into a segment of the 12.7 GHz band. Further, the *NPRM* proposed to permit incumbent earth station that operate in accordance with the U.S. and ITU’s band allocation for Region 2 by operating earth-to-space to remain in the band, but with no additional earth stations authorized in the 12.7 GHz band.

The *NPRM* also proposed to issue new licenses in the 12.7 GHz band in 100 megahertz blocks on a Partial Economic Area basis, with 10-year license terms and with 5 and 10 year performance deadlines under the part 27 flexible-use rules. It also sought comment on applying part 30 technical rules for power limits, OOB limits, field strength, and antenna height limits. The *NPRM* also sought comment on whether to include the 12.7 GHz band in the total spectrum screen or in a separate spectrum screen, and on how to address spectrum aggregation issues in the initial licensing of this band.

Finally, to improve the data on which to base Commission decisions regarding the future structure of the 12.7 GHz band, the Order associated with the *NPRM* directed fixed and mobile BAS and CARS licensees that use the 12.7 GHz band to certify the accuracy of the information reflected on their licenses. The Commission also proposed to permanently extend the filing freeze on applications in the 12.7 GHz band.

STATUS: The Commission released the *R&O*, *FNPRM*, *NPRM*, and *Order* (FCC 23-36) on May 19, 2023. Comments were due August 9, 2023, and the reply comment filing window closed on September 8, 2023.

On August 31, 2023, WTB, in coordination with the Media Bureau, released a Public Notice (DA 23-794) that provided detailed instructions for 12.7 GHz band CARS and BAS licensees to file certifications regarding existing licensing information in the Bureaus' respective licensing systems, and established a window for the filings. The filing deadline was November 29, 2023.

Federal Coordination.

The *NPRM* sought comment on means to protect in-band federal operations at Goldstone, CA, and asked how best to protect both military and scientific federal operations in adjacent bands. In response, NTIA submitted comments and a working paper asserting that, in addition to Goldstone and adjacent band federal operations, NSF operated approximately 24 Radio Astronomy (RAS) sites in the band for which it had no pre-existing allocation. NTIA requested the creation of a coordination framework whereby the federal scientific operations at these sites would be protected while commercial use of the band could be expanded, and it commenced a technical interchange group (TIG) with the relevant federal users to recommend how to accomplish these ends.

In October 2024, NTIA submitted a letter in the *NPRM* docket providing additional information about the coordination process that it proposes be developed to protect allocated and opportunistic Federal operations in the 12.75 to 13.25 GHz band.

RELATED PROCEEDINGS:

NGSO Applications and Authorizations. NGSO applications and authorizations pending or granted subject to modification to conform to future rules/policies adopted in proceedings. SpaceX and OneWeb have modified their initial authorizations in the 12.2 GHz band since those were first granted. In particular, SpaceX received modified authority for its first generation system, and OneWeb also received modified authority for its constellation in the band. IB also authorized SpaceX and Kepler to serve ESIMs in the 12.2 GHz band on an unprotected, nonharmful interference basis. In December 2022 SpaceX received a partial grant to begin deploying its second generation constellation including up to 7,500 satellites (space-to-Earth in 12.2 GHz and Earth-to-space in 12.75–13.25 GHz) subject to a freeze on earth stations in 12.7 GHz band and subject to modification to bring it into conformance with any rules/policies adopted by the Commission in the future.

MVDDS Licensing. In the *R&O*, the Commission noted that all of the existing MVDDS licensees filed required build-out showings for their licenses in 2019 and that WTB staff's preliminary view was that these 191 pending filings likely meet the safe harbor standard that the Commission established for MVDDS in 2002. Accordingly, the Commission directed the Bureau to finalize the determination of whether the filings meet the safe harbor and if so to accept each filing subject to the condition that the Commission reserves the right to adopt additional buildout requirements for MVDDS if appropriate based on any revisions to the MVDDS rules adopted in response to the *FNPRM*. The Commission also directed WTB to reconsider its denial of requests filed in 2016 to extend the MVDDS buildout deadlines for 22 MVDDS licenses and to extend the buildout deadlines for these licenses for 18 months, subject to the same condition above.

3GPP. While not an FCC proceeding, at the 3GPP plenary in Taipei in June 2023, the satellite industry (led by Intelsat) proposed to initiate study for standards regarding non-terrestrial networks in parts of the Ku band where GSOs and NGSOs are authorized, including use of 10.7–12.2 GHz for downlink, and 12.75–13.25 GHz and 13.75–14.5 GHz for uplink.

WIRELESS BRIEFING SHEET

SUBJECT: Modernizing and Expanding Access to the 70/80/90 GHz Bands (WT Docket No. 20-133)

SUMMARY: This briefing sheet describes Commission efforts to enable innovative commercial uses of the 70/80/90 GHz bands, including provision of wireless terrestrial backhaul, delivery of broadband connectivity to ships and aircraft, and streamlining the process for FSS earth station authorizations.

BACKGROUND: The 71–76 GHz, 81–86 GHz, 92–94 GHz, and 94.1–95 GHz bands, collectively known as the 70/80/90 GHz bands, are allocated for co-primary Federal and non-Federal use, for (variously among different band segments) terrestrial Fixed and Mobile; Fixed, Mobile and Broadcast Satellite Service; Radio Astronomy and Radiolocation. All of the 71–76 GHz and 81–86 GHz bands are allocated co-primary for terrestrial fixed (FS) and FSS. FS licensees presently use this spectrum for fixed point-to-point links, but the bands remain unused or underused in large parts of the United States. Given recent technological developments, this underuse makes the 70/80/90 GHz bands a potential resource for innovative service offerings. Although the Commission decided not to allow mobile service in the 70/80/90 GHz bands in the *2017 Spectrum Frontiers Order*, it also reserved the right to revisit this issue as mobile deployments increased in other millimeter-wave bands, as technology developed, and as frameworks for mobile and fixed services to coexist in the bands come to light. More recently, Fixed Satellite Service (FSS) interest in the band has developed. SpaceX now has 46 final authorizations for NGSO FSS gateway earth-stations in the band.

PROCEEDING: The Commission commenced a proceeding on June 9, 2020, to consider several potential changes to the rules governing the 70/80/90 GHz bands. In its *Notice of Proposed Rulemaking (NPRM) and Order*, the Commission: (1) proposed updates to its antenna rules (specifically to maximum EIRP, minimum antenna gain, co- and cross-polarization discrimination, and slant polarization) that would allow use of smaller antennas to make high-band spectrum more usable for 5G wireless backhaul in the 70 GHz and 80 GHz bands and sought comment on whether similar changes are necessary for the 90 GHz band; (2) proposed to authorize point-to-point links to endpoints in motion in the 70 GHz and 80 GHz bands and to classify those links as a “mobile” service in order to allow delivery of broadband Internet access service to ships and aircraft in motion; (3) sought comment on whether it should change its current link regulation rules for the 70/80/90 GHz bands to eliminate never-constructed links from the database; (4) sought comment on technical and operational rules necessary to permit new services in the 70 GHz and 80 GHz bands and to mitigate interference to incumbents and other proposed users therein; (5) sought comment on whether the Commission should adopt a channelization plan in the 70 GHz and 80 GHz bands; and (6) denied two requests for waiver of existing antenna standards for the 71–76 GHz and 81–86 GHz bands.

On October 8, 2021, the Bureau released a Public Notice (PN) seeking comment on the potential for use of the 70/80/90 GHz bands to provide broadband Internet access to consumers and communities that may otherwise lack robust, consistent connectivity using High Altitude Platform Stations (HAPS) or other stratospheric-based platform services. On October 18, 2023, the Bureau released another PN seeking both to refresh the record on the rulemaking proceeding generally, and specifically soliciting comment on an October 17, 2023, filing submitted by

NTIA. NTIA's filing proposed technical rules and interference mitigation measures, including operating parameters for links to endpoints in motion in 71–76 GHz and 81–86 GHz, to protect current or planned Federal operations in these frequencies and in adjacent bands.

On January 24, 2024, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking (R&O and FNPRM, respectively)*. The *R&O* authorized certain types of point-to-point links to endpoints in motion in the 71–76 GHz (70 GHz) and 81–86 GHz (80 GHz) bands, to facilitate the bands' use for access to broadband on aircraft and ships; updated the Commission's rules to permit smaller and lower-cost antennas in the 70 GHz and 80 GHz bands to facilitate the provision of backhaul services; mandated a channelization plan in the 70 GHz and 80 GHz bands, consistent with international standards; and adopted changes to the link registration process for the 70/80/90 GHz bands (requiring certification of construction to promote efficient spectrum usage and improve database accuracy). The *FNPRM* seeks comment on the potential inclusion of ship-to-aerostat transmissions as part of maritime operations otherwise authorized in the *R&O*, and of FSS earth stations (ESs) in the Commission's third-party database registration regime for the 70 GHz and 80 GHz bands. The *FNPRM* also seeks comment on interference protection criteria necessary to protect such ESs and proposes to require registrations for new FS links submitted on or after the Jan. 26, 2024, release date of the *FNPRM* to demonstrate protection of FSS earth stations with a final authorization prior to the submission date of the new FS registration.

RELATED PROCEEDINGS: On March 8, 2024 (DA 24-222), SB, WTB, and OET granted SpaceX authority to conduct communications in the 71–76 GHz (space-to-Earth) and 81–86 GHz (Earth-to-space) bands with 7,500 Gen2 Starlink satellites that the Commission previously authorized. In December 2024, SB granted SpaceX final authorizations for the first 46 individually licensed ESs operating in the 70 and 80 GHz bands; SpaceX has another 72 applications pending for final authorizations and it is operating some ESs in the bands under STAs.

STATUS: The *R&O* and *FNPRM* were both published in the Federal Register on April 29, 2024. The comment period closed on June 28, 2024.

WIRELESS BRIEFING SHEET

SUBJECT: 896–901 MHz and 935–940 MHz spectrum (900 MHz band) (WT Docket No. Docket 24-99)

BACKGROUND: On May 14, 2020, the Commission realigned the 900 MHz band to make available six megahertz of low-band spectrum for the development of critical wireless broadband technologies and services, while reserving the remaining four megahertz of spectrum for continued narrowband operations. The *900 MHz R&O* created a 3/3 megahertz broadband segment and adopted a transition mechanism based primarily on negotiations between prospective broadband licensees and existing narrowband incumbent licensees. The Commission considered allowing the deployment of broadband on the entire ten megahertz (a 5/5 megahertz broadband segment), but did not adopt it at that time, recognizing the need for continued narrowband operations and to observe the interference environment in adjacent bands after broadband deployment.

On February 28, 2024, ten entities filed a petition for rulemaking asking the Commission to now provide an option for 5/5 megahertz broadband networks in the 900 MHz band to support the growing demand for wide-area, private, and secure wireless broadband networks for utilities, critical infrastructure, and business enterprise entities, among other benefits. They suggest that the Commission adopt a framework to authorize these networks by an initial application for a 5/5 megahertz license or by expanding an existing 3/3 megahertz license upon a showing that all covered incumbents are voluntarily cleared from the band. Petitioners assert narrowband incumbents would remain protected under the same framework as in the rules today and would only vacate to allow 5/5 megahertz broadband operations if the relevant parties made a private agreement to do so. Petitioners suggest that no changes are necessary to the incumbent interference, technical, or performance requirement rules to implement 5/5 megahertz broadband operations.

STATUS: On April 2, 2024, the Commission released a public notice seeking comment on the Petition. The comment period closed on May 20, 2024. On January 16, 2025, the Commission released a *Notice of Proposed Rulemaking* seeking comment on a proposed voluntary, negotiation-based process to transition the entire ten megahertz in the 900 MHz band for broadband operations. Additionally, pursuant to the accompanying *Order*, the Commission delegates to the Wireless Telecommunications Bureau the authority to modify or terminate the current freeze on certain applications in the 900 MHz band.

WIRELESS BRIEFING SHEET

SUBJECT: NextNav Petition for Rulemaking (WT Docket No. 24-240, RM-11989)

BUREAUS/OFFICES: WTB, OET

SUMMARY: On April 16, 2024, NextNav filed a Petition for Rulemaking (Petition) requesting that the Commission initiate a proceeding to reconfigure the 902–928 MHz band (Lower 900 MHz Band) and adopt new rules to enable the deployment of its 5G Terrestrial Positioning, Navigation, and Timing (TPNT) network to complement the U.S. Global Positioning System (GPS). Specifically, the new band plan would consist of a 5-megahertz uplink in the 902–907 MHz band paired with a 10-megahertz downlink in the 918–928 MHz band, shifting the non-M-LMS licensees to the 907–918 MHz portion of the band. NextNav proposes a spectrum “swap” to trade in its current M-LMS holdings for a single, nationwide 15-megahertz flexible use license pursuant to the new band plan.

NextNav describes the main public benefit as a way to complement and backup GPS with its proposed TNPT system, and to provide positioning accuracy that would provide a better experience and meet the Commission’s indoor location accuracy requirements. NextNav also indicates that its TPNT solution would only use a small amount of the 10-megahertz capacity, and it would partner with mobile network operator(s) (MNO(s)) for them to use the excess capacity for broadband. NextNav claims that it will work with all the incumbents in the band.

BACKGROUND: In 1995, the Commission established the Location and Monitoring Service (LMS) in the 902–928 MHz band, defining two types of LMS systems—multilateration LMS (M-LMS) and non-multilateration LMS (non-M-LMS)—that share the band with a variety of other users under a hierarchy of spectrum usage rights. The Lower 900 MHz Band is divided into sub-bands: two for use by M-LMS, two for non-M-LMS, and one for both types of LMS systems shared on a co-equal basis. The band is used for a diverse range of operations, both federal and non-federal, and is allocated on a primary basis to both federal radiolocation systems and industrial, scientific, and medical (ISM) equipment. Federal fixed and mobile services are allocated on a secondary basis to federal radiolocation systems and ISM equipment. LMS licenses are allocated on a secondary basis to federal users and ISM devices.

Amateur radio operations are allocated on a secondary basis to LMS. Part 15 unlicensed devices also operate in the band, are not typically afforded interference protection, and may not cause harmful interference to LMS licensees, amateur operations, or other licensed systems. However, Commission rules intended to ensure coexistence between services require M-LMS licensees to demonstrate through field tests that their systems do not cause unacceptable levels of interference to part 15 devices.

According to the Commission’s Universal Licensing System (ULS), Progeny LMS, LLC (Progeny), an operating subsidiary of NextNav, is one of two M-LMS licensees. Progeny won its M-LMS licenses at auction in 2000 and has been granted multiple extensions of its construction deadlines, ultimately conditioned on assisting wireless carriers in meeting their required wireless E911 location accuracy deadlines. There are approximately 1,500 active non-M-LMS licenses in the band.

STATUS: On August 6, 2024, WTB and OET released a joint Public Notice (PN) seeking comment on the Petition, including NextNav’s claims that it is the only viable solution for a nationwide TPNT system to complement GPS; that its proposed network would enhance indoor

location accuracy; and that it will work with and protect incumbents in the band. The PN also asks questions regarding the proposed spectrum swap, including NextNav's proposed rules for its new nationwide license, and on the windfall that NextNav might receive, including the acquisition of accompanying rights as a licensee and lessor, the application of flexible use and less restrictive technical rules to the band, and how the Commission should address such a windfall.

The comment period on the Petition closed on September 5, 2024, and the reply comment period closed on September 20, 2024. During that period, the Commission received over 1,800 comments, approximately 1,500 of which are express filings largely from amateur radio users and individuals concerned with the impact of the proposal on amateur and unlicensed operations in the band.

Support for the Petition. Commenters mostly oppose the Petition, with the exception of: (1) a handful of fire departments that offer support for the idea of improved availability and accuracy of indoor location; and (2) the other active M-LMS licensee in the band (Telesaurus) and a former M-LMS licensee (PCS Partners). Specifically, the court-appointed receiver for Telesaurus, Susan Uecker, urges the Commission to adopt an NPRM to consider updating the band. PCS Partners, while generally supporting certain aspects of the petition, recommends that before adopting an NPRM, the Commission should first act on relevant pending licensing matters, including the reinstatement of the terminated PCS Partners' M-LMS licenses.

Opposition to the Petition. Many commenters contend that NextNav's proposal is counter to sound spectrum policy and is essentially a request for an indirect subsidy (and massive windfall). They argue that the band currently is an established balance between licensed and unlicensed users and is working well, furthering innovation and experimentation. Many commenters also argue that NextNav is not the only viable option for a complement to GPS, and that other bands would work without disrupting incumbent operations. An array of incumbents in the band, ranging from telecommunications and technology companies, to aviation, tolling and trucking, utility, security, and railroad sectors, to standards organizations and public interest groups, strongly oppose the proposal. Many of these groups contend that the proposal would be disastrous to incumbents, and that relocation or retuning would not work.

- Non-M-LMS incumbents, in particular, electronic tolling interests that include equipment manufacturers, transportation, bridge, and turnpike authorities from many states and regions, and safety coalitions, oppose the petition and generally claim that the certain interference risks from the proposal cannot be mitigated by relocation or retuning in-band. NTIA, on behalf of the Department of Transportation, recommends that before moving forward with the Petition, the Commission should require NextNav to engage in field testing to demonstrate that its system will not cause harmful interference to, or operationally degrade, transportation incumbents (including tolling, railroad, freight and trucking, bridge, highway, and pipeline). NTIA states that testing should result in mitigation strategies tailored to each transportation mode, or analyses that show there is no harmful interference, and would set standards for co-existence with both licensed and unlicensed incumbents. Some commenters, however, claim that testing is not required to show that harmful interference will result.
- Unlicensed part 15 incumbents explain that unlicensed operations are thriving and essential for safety and innovation, it is not realistic to relocate, and coexistence is unworkable. Many groups oppose the elimination of the testing requirement of no unacceptable interference to part 15 devices. This huge, diverse incumbent group

includes UHF RAIN RFID groups expressing supply chain concerns affecting, e.g., agriculture, retail, manufacturing, healthcare, and government. This group also includes IoT/Wi-Fi/Meshtastic/smart systems interests claiming disruption to, e.g., security systems, electrical, energy, and water systems.

- Amateur incumbents. ARRL opposes the petition, arguing that the proposal would result in massive interference and that there are no alternative bands. Hundreds of amateurs filed comments in opposition, noting the growth in amateur uses and how the proposal would be crippling and negatively impact innovation.

The Commission continues to review the record.

RELATED PROCEEDINGS: There was a petition filed by ten entities that involved a 900 MHz spectrum band in close proximity to the spectrum involved in the NextNav Petition, but the filings are independent, and neither directly rely on nor affect each other. This petition involved potentially expanding broadband options in paired spectrum bands, 896–901 MHz and 935–940 MHz, whereas the NextNav Petition requests a reconfiguration of the 902–928 MHz band and the expansion of permitted uses to enable flexible use services pursuant to new rules and allocations. On January 16, 2025, the Commission released a *Notice of Proposed Rulemaking* granting the petition and seeking comment on expanding broadband in the paired spectrum bands, 896–901 MHz and 935–940 MHz.

WIRELESS BRIEFING SHEET

SUBJECT: 1675–1680 MHz Reallocation (WT Docket No. 19-116)

SUMMARY: As part of continuing efforts to make additional spectrum available for commercial use and to facilitate sharing with federal government users, the FCC is exploring making the 1675–1680 MHz band available for new, non-federal users on a shared basis with incumbent federal operations.

BACKGROUND: Currently, the National Oceanographic and Atmospheric Administration (NOAA) uses the 1675–1680 MHz band for satellite downlinks and, for several more years, radiosondes (weather balloons). These satellites provide detailed weather information that is used extensively in weather forecasting by NOAA and many other users.

On May 13, 2019, the Commission released a Notice of Proposed Rulemaking (*NPRM*) that proposed to reallocate the 1675–1680 MHz band for shared use between incumbent federal operations and non-federal fixed or mobile (except aeronautical mobile) operations on a co-primary basis and sought comment on an appropriate sharing mechanism that would allow both federal and non-federal users to operate successfully in the band. The *NPRM* proposed to license the 1675–1680 MHz band as an unpaired 5 megahertz block on a geographic basis using Partial Economic Areas. The *Notice* proposed 15-year license terms and construction benchmarks that require a license to provide reliable signal coverage and offer service to at least 45% of the population within 6 years of initial grant and at least 80% of the population within 12 years of initial grant. Additionally, the *NPRM* proposed to apply the general licensing and operating rules applicable to other Part 27 services.

The Commission received numerous comments on the *Notice*, largely reiterating concerns initially raised in response to a 2016 Commission Public Notice¹ regarding the potential impact of sharing the band with terrestrial mobile operations. In sum, many commenters continued to object to any commercial use of the band, citing the potential for interference to non-federal earth stations receiving transmissions from weather satellites. These commenters also expressed skepticism that the alternative distribution methods will be sufficiently robust to avoid latency or delivery disruptions that could jeopardize accurate weather forecasting, particularly in severe weather scenarios. Other commenters supported the allocation of the 1675–1680 MHz band for shared commercial use, noting that freeing up more federal spectrum for mobile broadband use serves the public interest by addressing consumer demand and facilitating innovation and competition.

On May 24, 2024, Ligado Networks LLC filed an *ex parte* recommending that the Commission move forward with a new proposal to open the band for shared commercial use, limited to uplink only operations, in order to protect federal incumbent users in the band.

On January 8, 2025, the Wireless Telecommunications Bureau (WTB) released a Public Notice seeking to supplement the record on the Commission's proposal to re-allocate the 1675–1680

¹ The Public Notice was issued to refresh the record regarding a November 2, 2012 petition for rulemaking filed by LightSquared Subsidiary LLC (now Ligado Networks LLC) requesting that the Commission add a primary allocation permitting non-federal terrestrial mobile use of the 1675–1680 MHz band on a shared basis with federal users.

MHz band for shared use between incumbent federal operations and non-federal fixed or mobile operations on a co-primary basis.² The Public Notice sought additional comment in light of a recent filing in the proceeding by the National Telecommunications and Information Administration (NTIA) providing a follow-on report from NOAA regarding the potential for sharing of spectrum at the 1675–1680 MHz band between incumbent federal and new non-federal operations.

STATUS: Comments on the WTB Public Notice were due February 28, 2025 and Reply Comments are due March 17, 2025.

² *Wireless Telecommunications Bureau Seeks to Supplement the Record on Proposed Rules to Re-allocate 1675–1680 MHz Band*, WT Docket No. 19-116, Public Notice, DA 25-15 (WTB 2025).

WIRELESS BRIEFING SHEET

SUBJECT: Advanced Air Mobility Notice of Proposed Rulemaking (WT Docket No. 24-629)

SUMMARY: On January 13, 2025, the Commission adopted a Notice of Proposed Rulemaking (*NPRM*) to facilitate opportunities for Advanced Air Mobility (AAM) and Uncrewed Aircraft Systems (UAS). AAM is a rapidly evolving new sector of the aviation industry that typically uses electric or hybrid-electric propulsion with vertical or short takeoff and landing capability, and it is intended to provide new levels of accessibility, convenience, and connectivity for people and cargo. AAM systems may be either crewed or uncrewed, with personnel either piloting the aircraft on board or through remotely piloted or automated techniques. The *NPRM* proposes and seeks comments on changes to the rules, including aspects of the Commission's part 1, 2, 22, and 90 rules, that govern the operations of three distinct bands of spectrum.

BACKGROUND: Underlying the *NPRM* are three separate petitions for rulemaking filed by AURA Network Systems OpCo, LLC (AURA), Echodyne Corporation (Echodyne), and Gogo Business Aviation LLC (Gogo).

450 MHz Band: The 454.6625–454.9875 MHz and 459.6625–459.9875 MHz band (450 MHz band) is primarily used for Air-Ground Radiotelephone Service (AGRAS) to provide communications capabilities to aviation subscribers. The Commission's rules assign 12 pairs of 25 kilohertz wide communication channels in the 454.700–454.975 MHz and 459.700–459.975 MHz bands for general aviation air-ground use. AURA is the only incumbent licensee and operator in the 450 MHz band. In 2010, the Mobility Division (Division) of the Wireless Telecommunications Bureau (Bureau) granted a waiver of various part 22 rules, enabling licensees in the band to upgrade their AGRAS-based facilities and to build out their existing networks. In 2021, the Division granted a waiver of relevant part 22 rules to AURA, allowing it to provide additional ancillary services, including services to UAS, to meet the needs of a broader base of aviation subscribers. As a condition of the grant, AURA filed a petition for rulemaking seeking updates to the Commission's rules to allow for UAS control and non-payload communications (CNPC) operations in the 450 MHz band, and the Consumer and Governmental Affairs Bureau released a Public Notice seeking comment on this petition on August 21, 2021, RM-11912. In response to the Public Notice, the Commission received 18 comments and one reply comment, and the record overwhelmingly supports the rule changes that AURA requests.

24.45–24.65 GHz Band: On October 24, 2018, Echodyne filed a petition for rulemaking proposing to permit secondary use for radiolocation of the 24.45–24.65 GHz band, which is allocated for radionavigation. The Consumer and Governmental Affairs Bureau placed this petition on Public Notice on October 30, 2018, RM-11819. In response, Black Sage Technologies and In-Q-Tel filed comments in support. A related request for a waiver to permit the requested use pending and subject to the outcome of the rulemaking was approved on June 12, 2019 and extended on June 4, 2024. The Bureau also granted MatrixSpace a similar limited waiver to conduct ground-based radiolocation operations in the 24.45–24.65 GHz band, on a site-specific basis. These grants provide for a five-year term with the possibility of extension, and they are subject to several conditions.

Commercial Aviation Air Ground Systems Band: On June 21, 2022, the Division granted Gogo's request for waiver of section 22.867, which regulates how effective radiated power is measured for Commercial Aviation Air-Ground Systems. As a condition of the grant, on July 21, 2022, Gogo filed a petition for rulemaking to modernize the legacy power rules for the 849–851 MHz and 894–896 MHz band. On June 20, 2024, the Bureau placed Gogo's petition for rulemaking on public notice, RM-11985. In response, the Commission received one comment and one reply comment, and both commenters support proceeding with an NPRM. On July 22, 2022, APCO filed a petition for reconsideration of Gogo's waiver grant. On August 1, 2022, Gogo responded in opposition, and, on August 5, 2022, APCO responded to Gogo's opposition. The Bureau has not acted on APCO's petition.

PROCEEDING: The *NPRM* explores several areas of the Commission's service rules that are well suited for modernizing amendments to facilitate the deployment of various manifestations of AAM and UAS.

450 MHz Band: First, the *NPRM* proposes and seeks comment on a proposal to amend the allocation in the 450 MHz band to add a primary Aeronautical Mobile (Route) Service allocation to permit CNPC of UAS operations in the band, in addition to the existing air-ground radiotelephone service. The *NPRM* also proposes and seeks comment on plans to transition the 450 MHz band to a geographic licensing structure with a single, nationwide license made available through a voluntary transition process and plans to adopt flexible licensing, operating, and technical rules that will facilitate robust use of the band at a range of altitudes in the public interest while minimizing interference to neighboring operations.

24.45–24.65 GHz Band: Next, the *NPRM* proposes to expand the 24.45–24.65 GHz band to include radiolocation operations for the detection of UAS and AAM operations. The item proposes and seeks comment on a proposal to add a federal and non-federal secondary allocation for radiolocation in the 24.45–24.65 GHz band, along with certain proposed updates to the Commission's part 90 rules to address these operations. These operations would be secondary in the band to the existing primary aeronautical radionavigation systems used for detect and avoid systems onboard aircraft or on the ground. The Commission seeks comment on how best to carry out this expansion, how to do so without causing harmful interference to co-channel and adjacent-channel operations, and whether the changes proposed will achieve these objectives, or if alternative approaches should be considered.

Commercial Aviation Air Ground Systems Band: Finally, the *NPRM* proposes to modernize the Commission's legacy power rules for Commercial Aviation Air-Ground Systems in the 849–851 and 894–896 MHz band, which is used for in-flight connectivity. Specifically, the item proposes and seeks comment on updates to part 22 rules tailored to regulate the power of these operations on an average basis, rather than according to peak values. It also proposes and seeks comment on adopting a peak-to-average ratio as well as implementing a power spectral density model.

RELATED PROCEEDINGS: On January 17, 2025, the Bureau announced and implemented a temporary filing freeze on applications in the 450 MHz band. The purpose of this freeze is to maintain the existing licensing landscape in the band and to permit the incumbent licensee, AURA, to submit necessary filings while the Commission considers amendments to its rules that would permit these new operations as proposed in the *NPRM*. This Public Notice is filed in WT Docket No. 24-629.

STATUS: The *NPRM* has not yet been published in the Federal Register.

RELATED ACTION: In October 2022, the “Advanced Air Mobility Coordination and Leadership Act” (Public Law 107-203) became law requiring the Department of Transportation to form an interagency working group to develop a national AAM strategy by 2025 and submit the strategy in a report to Congress. A wide range of Federal agencies are participating in the effort and are broken into working groups covering Automation, Air Traffic Management, Community Roles, Infrastructure Development, and Security. The purpose of the strategy is to ensure the Federal government, in partnership with State, local, and Tribal entities, will be ready to work with and oversee the industry to develop new transportation options, amplify economic activity and jobs, advance environmental sustainability and new technologies, and support emergency preparedness and American competitiveness so that the United States continues to lead the world in aviation into the 21st century.

In 2024, the FCC designated three staff members to participate in the AAM Interagency Work Group to work with Federal partners to develop a report on AAM to Congress. One staff member is serving as a Co-Chair to the Infrastructure Working Group, while also working with other working groups to address spectrum issues.

WIRELESS BRIEFING SHEET

SUBJECT: Advanced Wireless Services (AWS)—ongoing and upcoming matters

SUMMARY: Advanced Wireless Services are a total of 205 megahertz of spectrum as follows:

Name	First Grant	Total (megahertz)	Bands (MHz)	Interim Buildout	Final Buildout	Term (Yrs.)	Notes
AWS-1	2006–	90 paired 45 uplink 45 downlink	1710–1755 2110–2155	N/A	2021–	15	The buildout standard for AWS-1 is “substantial service.” Most AWS-1 licensees have met their buildout requirement.
AWS H Block	4/29/2014	10 paired 5 uplink 5 downlink	1915–1920 1995–2000	4/29/18 (failed)	- offer 5G to 75% of pops. in each EA by 6/14/25 as part of approval of T-Mo-Sprint merger, extended from 4/29/22 to 6/14/23; further auto extended to 6/14/25 based on WTB finding (rel. 9/29/23) that DISH offered 5G on H Block to 50% or more of U.S. pops. by 6/14/23	10	DISH holds all the H Block licenses nationwide, except for PR/USVI, which it assigned to Liberty Mobile in 2024. <i>NTCH v. FCC</i> , (D.C. Cir., Feb. 21, 2020) affirmed FCC’s dismissal of NTCH’s app. for rev. of the Auction 96 procedures based on NTCH’s failure to comply with the agency’s procedural rules (rehearing en banc denied Apr. 28, 2020).
AWS-3	2015–	65 mixed <u>15 unpaired</u> 5 uplink 10 uplink <u>50 paired</u> 25 uplink 25 downlink	1695–1700 1700–1710 1755–1780 2155–2180	2021–	2027–	12	<i>Ongoing:</i> WTB continues to work with NTIA on matters related to coordination. In the December 2024 Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 Act (Pub. L. No. 118-159, Div. E, Title LIV, §§ 5401-5405, § 5403 (2024)), Congress mandated that the Commission initiate a system of competitive

Name	First Grant	Total (megahertz)	Bands (MHz)	Interim Buildout	Final Buildout	Term (Yrs.)	Notes
							bidding for unassigned AWS-3 licenses within 18 months of Dec. 23, 2024. On February 28, 2025, the Commission released and NPRM seeking comment on harmonizing bidding credit rules for the AWS-3 auction and whether to include a Tribal Licensing Window in the auction. <i>See Enhancing National Security Through the Auction of AWS-3 Spectrum Licenses; Applying New Average Annual Gross Revenue Benchmarks for Small Business Bidding Credits; Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz Bands</i>, Notice of Proposed Rulemaking, GN Docket No. 25-70, GN Docket No. 25-71, GN Docket No. 13-185, FCC 25-12 (rel. Feb. 28, 2025). On March 11, 2025, the Office of Economics and Analytics and the Wireless Telecommunications Bureau released the AWS-3 Comment PN to seek comment on the competitive bidding procedures and auction design for the AWS-3 licenses in inventory. <i>See FCC Seeks Comment on Auction of AWS-3</i>

Name	First Grant	Total (megahertz)	Bands (MHz)	Interim Buildout	Final Buildout	Term (Yrs.)	Notes
							<i>Licenses</i> , Public Notice, DA-25-193 (OEA Mar. 11, 2025).
AWS-4	3/7/2013	40 Unpaired per waiver to DISH 20 downlink 20 downlink Two DISH entities hold all AWS-4 licenses, except for PR/USVI, which they assigned to Liberty Mobile in 2024, and the two co-band MSS authorizations.	2000–2020 2180–2200	3/7/17 (failed)	- offer 5G to 70% of pops. in each EA by 6/14/25 as part of approval of T-Mo-Sprint merger, extended from 3/7/20 to 6/14/23; further auto extended to 6/14/25 based on WTB finding (rel. 9/29/23) that DISH offered 5G on AWS-4 to 50% or more of U.S. pops. by 6/14/23	10	<i>NTCH v. FCC</i> , (D.C. Cir., Feb. 21, 2020) affirmed AWS-4 rules and licenses to DISH but vacated FCC dismissal of NTCH app. for rev. of WTB's 2013 waiver to DISH. The court rejected FCC's claim that NTCH lacked standing to challenge the waiver. Because the FCC did not reach merits, the court remanded the app. for rev. of waiver grant to provide the FCC an opportunity to respond to NTCH's arguments on the merits (rehearing en banc denied Apr. 28, 2020).

WIRELESS BRIEFING SHEET

SUBJECT: Alaska Connect Fund (WC Docket No. 23-328)

BACKGROUND: In 2016, the Commission adopted the Alaska Plan, which was a ten-year plan to support fixed and mobile broadband in remote Alaska. The Alaska Plan ends December 31, 2026, and Alaska Plan support recipients have advocated for support beyond that date, especially to account for other federal broadband programs, such as NTIA's Broadband Equity Access and Deployment (BEAD) program.

SUMMARY: On November 1, 2024, the Commission adopted the Alaska Connect Fund Report and Order and Further Notice of Proposed Rulemaking. In the Report and Order, the Commission established the next high-cost plan to serve remote Alaska: the Alaska Connect Fund, which will begin on January 1, 2027 for mobile-provider participants, after the Alaska Plan ends on December 31, 2026. For mobile service, the Report and Order increases support by 30% to mobile providers for the last two years of the Alaska Plan, calendar years 2025 and 2026. For years 2025 and 2026, while the Alaska Plan is still operative, the Alaska Connect Fund will begin preparing for support to be based on Broadband Data Collection mobile coverage data. This transition process requires the Wireless Telecommunications Bureau (WTB), in coordination with Office of Economics and Analytics (OEA), to create an Eligible-Areas Map that identifies: (1) single-support areas, where one Alaska Plan provider is receiving support to provide mobile service; (2) duplicate-support areas, where more than one Alaska Plan mobile provider is receiving support to provide service; (3) other areas that are eligible but where no Alaska Plan mobile provider provides service; and (4) ineligible areas. WTB and OEA will publish the initial Eligible-Areas Map for comment no later than October 1, 2025. Providers may not use support to provide service in ineligible areas of Alaska. An "ineligible area" is an area: (A) that was ineligible under the Alaska Plan, such as a nonremote area; (B) with an unsubsidized provider covering that area with 5G-NR service of at least 7/1 Mbps in an outdoor stationary environment as of December 31, 2024; (C) with three or more mobile providers—with at least one of those providers being unsubsidized—covering the area with 4G LTE service of at least 5/1 Mbps in an outdoor stationary environment as of December 31, 2024; or (D) that is unable to be tested with at least an uncrewed aircraft system.

The eight mobile providers of the Alaska Plan can opt into the Alaska Connect Fund by submitting their performance plans on or before September 1, 2026. Single-support areas have interim commitments due by December 31, 2031 and final commitments due by December 31, 2034; providers in these areas must also provide progress reports by December 31, 2029. Performance plan commitments for duplicate-support areas must be met by December 31, 2029.

Mobile providers of the Alaska Connect Fund must implement operational cybersecurity and supply chain risk management plans by December 31, 2029.

In the Further Notice of Proposed Rulemaking, the Commission seeks comment on how to determine which provider should receive support in duplicate-support areas after December 31, 2029. The Further Notice also seeks comment regarding other issues such how to determine support mechanisms, customer retention, and Tribal consent.

STATUS: Comments in response to the Further Notice were due February 3, 2025; replies, March 4, 2025. On January 30, 2025, GCI filed a Petition for Clarification and Reconsideration of the Alaska Connect Fund Report and Order challenging the Commission's decision on 18 discrete issues.

RELATED PROCEEDINGS: Alaska Plan Order (WC Docket No. 16-271)

WIRELESS BRIEFING SHEET

SUBJECT: Alaska Plan (WC Docket No. 16-271)

SUMMARY: On August 31, 2016, the Commission adopted the *Alaska Plan Order and FNPRM*. The *Alaska Plan Order* established a 10-year plan for high cost support of fixed and mobile services in Alaska. High cost support to mobile providers in Alaska will be available only under the terms of the *Alaska Plan Order*, and carriers in Alaska were not going to be eligible for funding under MF-II. Under the plan, participating mobile providers in remote Alaska receive high cost support frozen at December 2014 levels for a period of 10 years. Providers must submit individual performance plans, with specific population-based coverage commitments at the end of year 5 (Dec. 31, 2021) and year 10 (Dec. 31, 2026) to upgrade their networks to LTE, except that the performance plans can be based on lower levels of technology where justified by middle mile cost or availability. WTB must approve these plans as a precondition of funding. To address the potential for duplicative LTE networks, the Commission established that after four years, ending on December 31, 2020, it would assess the extent of such duplication. While relying on the frozen support to upgrade existing networks, the Commission also established a separate fund of \$162 million to support extending mobile service to remote areas of Alaska that currently lack any mobile coverage.

In the *Alaska Plan FNPRM* the Commission sought comment on how best to eliminate duplicative funding consistent with the agency's universal service goals if more than one carrier receives support for the provision of 4G LTE service in an area in years six through 10 of the Plan.

SUBSEQUENT ACTIONS: On December 21, 2016, WTB released a Public Notice approving the submitted performance plans of all participating mobile providers, and established January 1, 2017 as the commencement date for frozen support under the plan.

On February 28, 2018, WCB and WTB adopted a joint Order on Reconsideration denying an ATA petition for reconsideration regarding the middle mile/backhaul data collection. The Order reaffirmed that Alaska Plan participants were required to file information regarding fiber and microwave links (owned and leased) connecting the Alaska Plan participants' outdoor cell sites with community anchor institutions (e.g., schools and libraries).

On March 1, 2019, WTB and WCB adopted a joint Order denying a waiver petition from ATA that sought—on behalf of all of its members participating in the Alaska Plan—relief from the requirement that aerial and buried fiber links must be certified to within 7.6 meters of accuracy for the middle mile/backhaul data collection. On April 1, 2019, GCI filed an Application for Review of the Bureaus' Order, which the Commission denied on March 18, 2020. The Commission found that GCI had not made a credible showing that complying with the 7.6-meter accuracy standard would impose an undue hardship or be inequitable for Alaska Plan participants, or that eliminating or modifying the accuracy standard would lead to more effective implementation of the Alaska Plan.

On December 12, 2019, WTB approved updated commitments from two wireless providers, ASTAC and GCI. These carriers were required to update their commitments, as their initial commitments relied on satellite backhaul in areas where terrestrial backhaul subsequently

became commercially available. On September 8, 2020, WTB again approved further revised commitments from GCI, which had added microwave backhaul in an additional area. On September 16, 2020, WTB released an Order adopting the Alaska Population-Distribution Model. Each mobile wireless provider receiving frozen support under the Alaska Plan was required to submit a performance plan setting forth its obligations to provide broadband service in remote areas of Alaska, including how many people it will cover. The Model identifies how many people have coverage when a census block only is partially covered by a mobile provider; the Model will be used to determine if providers have met their performance commitments at the 5-year (Dec. 31, 2021) and 10-year (Dec. 31, 2026) marks of the Alaska Plan.

On May 5, 2022, WTB released the Order and Request for Comment (*Alaska Drive-Test Order and Request for Comment*) adopting drive-test parameters and a model for the drive tests required of the two mobile providers that receive more than \$5 million annually in Alaska Plan support: GCI and Copper Valley Wireless. The *Alaska Drive-Test Request for Comment* sought comment on submission of new drive test data when the providers are found to have a compliance gap. While the drive-test data were initially due March 1, 2022, which would have required drive testing during the Alaskan winter months, WTB extended the deadline until September 30, 2022.

On July 13, 2022, to address concerns of testing burden that GCI raised, WTB granted a waiver that allowed mobile providers subject to the Alaska Plan's drive-test requirement to test certain specified roadless grid cells, using nearby proxy grid cells chosen by WTB.

On September 1, 2022, WTB granted a waiver allowing GCI to use Unmanned Aircraft Systems (UAS) to drive test particular grid cells.

On March 27, 2023, due to replacing FCC Form 477 mobile coverage data with the Broadband Data Collection (BDC), WTB and OEA issued a public notice seeking comment about continued filing of mobile coverage data pursuant to FCC Form 477 rules, allowing for continued like comparisons of mobile coverage data from the beginning of the Alaska Plan to the end in December 2026.

On June 2, 2023, WTB's Competition and Infrastructure Policy Division sent GCI a letter indicating that it conducted its drive testing at speeds too slow to meet the drive testing requirements in many of its grid cells. GCI was given the option of retesting these grid cells at 15 mph or higher speeds, having these tests be recorded as a "fail," or seeking a waiver where testing at 15 mph or more was unsafe or illegal.

On July 31, 2023, WTB partially granted a waiver of the 15-mph threshold for GCI's in-motion drive tests of particular grid cells, accepted initial drive test data, and extended the drive test deadline to October 2, 2023, for submission of all retested data.

On August 15, 2023, WTB and OEA issued an order requiring the eight mobile participants in the Alaska Plan to file mobile wireless coverage data consistent with the FCC Form 477 reporting requirements annually until March 1, 2028.

On September 29, 2023, WTB adopted an order partially granting GCI's Second and Third Supplemental Waiver Petitions regarding GCI's drive testing. The order accepted GCI's original drive test results in 25 grid cells and allowed retesting with a proxy grid cell on Adak Island.

On November 1, 2024, the Commission adopted the Alaska Connect Fund Report and Order and Further Notice of Proposed Rulemaking. In the Report and Order, the Commission established the next high-cost plan to serve remote Alaska: the Alaska Connect Fund, which will begin on January 1, 2027 for mobile-provider participants, after the Alaska Plan ends on December 31, 2026. For mobile service, the Report and Order increases support by 30% to mobile providers for the last two years of the Alaska Plan, calendar years 2025 and 2026.

STATUS: Carriers had to meet their first term commitments by December 31, 2021, and certify that they had met their commitments by March 1, 2022. Noncompliant carriers had to submit quarterly reports to the Commission until WTB found the provider had come into compliance.

Middle mile data from the providers are updated on March 1 of every year, and the data are entered into the Commission's Alaska middle mile map (nonpublic map).

Mobile-provider participants of the plan had to demonstrate that they have one voice and one data offering that have similar service and comparable rates of an offering in Anchorage, Alaska, by July 1, 2022.

WIRELESS BRIEFING SHEET

SUBJECT: Amateur Radio Service; various petitions/NPRMs (RM-11708; RM-11759; RM-11767; RM-11769; RM-11775; RM-11785; RM-11828; RM-11829; RM-11831; WT Docket Nos. 15-81, 16-239 and 21-2)

SUMMARY: The Amateur Radio Service provides an opportunity for individuals who are interested in radio techniques solely with a personal aim to communicate and to carry out technical investigations. Today, there are more than 845,000 amateur service licensees.

PETITIONS FOR RULEMAKING AND NPRMS: In March 2015, the Commission released a Notice of Proposed Rulemaking (NPRM) (WT Docket No. 15-81) proposing that historical amateur radio licensee address information no longer be routinely available for public inspection, which would enable amateur licensees to control what address information is shown in the Universal Licensing System (ULS). The NPRM also sought comment on whether such an approach should be extended to individual licensees in any other Wireless Radio Services. Approximately 30 comments were filed, most in favor of the proposals.

In January 2016, the American Radio Relay League (ARRL) filed a petition for rulemaking (RM-11759) proposing to make additional high frequency (HF) spectrum available for data communications. Over 650 comments have been received. In May 2016, James Whedbee filed a petition for rulemaking (RM-11769) proposing to open additional spectrum for data communications. Over 400 comments have been received. In October 2018, Ron Kolarik filed a petition for rulemaking (RM-11831) regarding digital codes and automatically controlled digital stations. Over 750 comments have been received. In April 2021, Kolarik was joined by other petitioners seeking a declaratory ruling to adopt ARRL's proposed HF band plan.

In April 2016, Expert Linears America, LLC filed a petition for rulemaking (RM-11767) seeking to eliminate the power limit for external amplifiers. Over 75 comments were filed.

In October 2016, Christopher LaRue filed a petition for rulemaking (RM-11775) proposing to prohibit frequent changes in vanity call signs. Over 150 comments have been received.

In January 2017, the ARRL filed a Petition for Rulemaking (RM-11785), Amendment of Parts 2 and 97 of the Commission's Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva 2015) to Allocate the Band 5351.5–5366.5 kHz to the Amateur Radio Service. The ARRL Petition urges the Commission to permit operations at higher power than the WRC action recommended, and 125 comments were received. In April 2023, the FCC adopted a Notice of Proposed Rulemaking in ET Docket 23-120 proposing to implement the WRC-15 5351.5 kHz amateur allocation and seeking comment on how to treat other amateur channels in that range and the appropriate power that should be permitted. Over 3,400 comments were received. Most comments ask that the new allocation be implemented and also ask for the existing channels to be maintained, both at higher power levels.

In August 2017, Gary A. Hampton filed a petition for rulemaking (RM-11829) proposing to create a new entry-level class license that would be awarded after passing an online examination about amateur radio etiquette and usage (with no technical questions) and would afford limited operating privileges. Over 150 comments have been received. In February 2018, ARRL filed a

petition for rulemaking (RM-11828) proposing to afford Technician Class licensees additional HF operating privileges. Over 1,300 comments have been received.

In October 2019, Theodore Rappaport filed a Petition asking the Commission to declare that its rules do not allow transmission on amateur frequencies of “effectively encrypted or encoded messages,” in response to issues raised in the Amateur Baud Rate proceeding (WT Docket No. 16-239) about data transmissions using newer technologies. The Commission put the Petition on Public Notice, and over 300 comments have been received.

In January 2021, WTB released a Public Notice (WT Docket No. 21-2) seeking comment on whether the existing fourteen volunteer examiner coordinators (VECs) are sufficient to coordinate the efforts of volunteer examiners in preparing and administering examinations for amateur radio operator licenses. The existing 14 VECs facilitate regular amateur radio exams by volunteer exam monitors nationwide including online testing options, but WTB sought comment to consider whether they serve the evolving needs of the amateur community or whether there are unmet needs that warrant expanding the number of VECs. 40 comments have been received.

In July 2016, the Commission released a Notice of Proposed Rulemaking (WT Docket No. 16-239) proposing to remove the baud rate limitations applicable to data emissions in certain amateur bands, but tentatively concluding that a bandwidth limitation was not necessary. The NPRM was in response to a petition for rulemaking filed by ARRL in 2013 (RM-11708). Nearly 2,500 comments were received in response to the NPRM. In November 2023, the Commission adopted a Report and Order and Further Notice of Proposed rulemaking (WT Docket No. 16-239). The Report and Order removed the baud rate limitation—the rate at which the carrier waveform amplitude, frequency, and/or phase is varied to transmit information—in certain amateur radio bands and instead set a 2.8 GHz bandwidth limitation in those bands. The Further Notice of Proposed Rulemaking proposes to remove the baud rate limitation in the 2200 meter band, the 630 meter band, the very high frequency (VHF) bands, and the ultra-high frequency (UHF) bands in the amateur radio service. Additionally, it proposes to maintain the existing bandwidth limitations in the Commission’s rules for the VHF/UHF bands and seeks comment on the appropriate bandwidth limitation for the 2200 meter and 630 meter bands. 31 comments have been filed in the response to the FNPRM. Commission staff is reviewing the comments.

WIRELESS BRIEFING SHEET

SUBJECT: Automatic Identification System (AIS) Devices to Mark Fishing Equipment (WT Docket No. 21-230)

SUMMARY: On June 16, 2021, the Commission released a Notice of Proposed Rulemaking (*NPRM*), exploring whether to authorize devices that can be used to mark fishing equipment for use on maritime AIS channels without undermining the core purpose of AIS (to prevent maritime accidents).

BACKGROUND: AIS is an internationally-standardized technology that provides vessel information (e.g., a vessel's identity, type, position, course, speed, navigational status, and other safety information). AIS equipment allows a vessel to view information—on an electronic chart/map, for example—about other vessels within about 20 nautical miles. In United States waters, the FCC established channels exclusively for AIS that may not be used to track fishing equipment.

Section 8416 of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 states that by June 30, 2021, “the Commission, in coordination with the Assistant Secretary [of Commerce for Communications and Information], and in consultation with the Commandant [of the Coast Guard] and the Secretary of State, shall initiate a rulemaking proceeding to consider whether to authorize [devices used to mark fishing equipment] to operate in radio frequencies assigned for Automatic Identification System stations.”

The Commission's *NPRM* fulfilled this statutory requirement. The *NPRM* sought comment on the following, in pertinent part: (1) current usage of (non-AIS) spectrum to operate devices that mark fishing equipment; and (2) whether devices marking fishing equipment can be safely used on dedicated AIS spectrum.

In a related Coast Guard matter, section 11320 of the NDAA for FY 2023 directed the Secretary of the U.S. Department of Homeland Security to suspend enforcement related to AIS used to mark fishing equipment in Coast Guard Districts adjacent to the Pacific Ocean. Notably, this NDAA does not appear to have any effect on FCC enforcement of the Communications Act or FCC rules.

STATUS: Comments in response to the *NPRM* were due on August 6, 2021, and reply comments were due on September 7, 2021.

WIRELESS BRIEFING SHEET

SUBJECT: Aviation Radio Service (WT Docket 19-140)

SUMMARY: The Aviation Radio Service rules regulate radio transmitters on aircraft, satellite, and ground stations operating on aeronautical frequencies. Several pending rulemaking proceedings relate to the Aviation Radio Service.

BACKGROUND AND KEY ISSUES:

Aviation Safety NPRM. On June 7, 2019, the Commission released a Notice of Proposed Rulemaking (*NPRM*) in WT Docket No. 19-140 to support the deployment of more advanced avionics technology, increase the efficient use of limited spectrum resources, and generally improve aviation safety. Among the matters addressed in the *NPRM* are these petitions for rulemaking:

Aeronautical Mobile Airport Communications System (AeroMACS). On March 31, 2017, the WiMAX Forum filed a petition for rulemaking proposing service rules for AeroMACS, RM-11793. AeroMACS refers to a collection of high data rate wireless networks that are used in accordance with international aeronautical standards for airport surface communications between aircraft and other vehicles, as well as between critical fixed assets. It operates in the 5000–5030 MHz and 5091–5150 MHz bands, and will be utilized by Federal and non-Federal users.

Enhanced Flight Vision Systems (EFVS). On February 16, 2018, Sierra Nevada Corp. filed a petition for rulemaking proposing to amend parts 2 and 87 to permit use of the 92–92.5 MHz band for EFVS, RM-11799. An EFVS is an airborne system which provides an image of the scene and displays it to the pilot so that objects in it can be better detected. An EFVS includes imaging sensors such as a color camera, infrared camera, or radar, and a display for the pilot.

136–137 MHz band. On October 16, 2018, Aviation Spectrum Resources, Inc., filed a petition for rulemaking proposing to permit aircraft operational control communications in the 136–136.475 MHz band, which is designated for air traffic control communications, RM-11818. Ten comments were filed.

Vehicle Squatters. On January 30, 2019, the Airports Council International-North America filed a petition for rulemaking proposing to permit aeronautical utility mobile stations on frequency 978 MHz.

STATUS: The *NPRM* in WT Docket No. 19-140 was published in the Federal Register July 2, 2019. Comments were due September 3, 2019 and reply comments were due September 30, 2019.

WIRELESS BRIEFING SHEET

SUBJECT: Broadband Data Collection and Mapping (WC Docket No. 19-195; WC Docket No. 11-10)

SUMMARY:

On August 6, 2019, the Commission adopted a new data collection of precise, granular broadband availability data from fixed broadband providers, including a mechanism for incorporating public feedback into the data. On March 23, 2020, the Broadband Deployment Accuracy and Technology Availability Act (BDA) was enacted, which largely incorporated the policies adopted in the 2019 Order, and established requirements for the Commission to adopt rules and carry out other steps for the collection and publication of granular data on the quality and availability of broadband internet service. Since the passage of the BDA, the Commission has worked to implement the requirements of the law and to establish the iterative data collection and challenge processes envisioned by the Act through the creation of its Broadband Data Collection (BDC) program. The Commission adopted rules and created a complex data platform and system to collect and map availability data collected from over 2,500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers, and other stakeholders.

The Commission released a pre-production draft of the FCC National Broadband Map in November 2022 based on data as of June 30, 2022, and opened the fixed and mobile availability challenge processes, as well as the Fabric location challenge process. On November 14, 2024 the Commission released the fifth iteration of the National Broadband Map based on data as of June 30, 2024. Additionally, the Commission updates the maps on a bi-weekly basis to reflect the results of the availability challenge process and filer corrections and biannually to reflect availability for the new as-of date (June 30 or December 31) and updates to the Fabric, which incorporate the results of the location challenge process. Stakeholders have submitted millions of challenges to both provider-reported availability data and the location data on the map (the Fabric). FCC staff have conducted over a thousand inquiries to date to verify provider availability data, which have resulted in significant updates to submissions from providers and a clearer picture of broadband availability in every state and territory. The first mobile availability audits were initiated in August 2023, and several are currently ongoing.

BACKGROUND AND SIGNIFICANT MILESTONES: Since 2000, the FCC has collected data on broadband and mobile and fixed telephony through its Form 477, which collected data at the census block level. In March 2020, Congress passed the Broadband DATA Act, which reformed the Commission's data collection practices away from the Form 477 collection and required the Commission to establish: (1) a biannual collection of geographically granular broadband coverage data for use in creating broadband availability maps, (2) processes for challenges to the coverage data and for accepting crowdsourced information, (3) a comprehensive database of all broadband serviceable locations (the "Fabric"); and (4) maps depicting the availability of fixed and mobile broadband internet access service in the United States. Filing BDC data is mandatory for all facilities-based providers of mass-market broadband and mobile voice services, and for all providers of fixed voice and interconnected VoIP services. BDC data must be filed twice a year: by March 1 (reflecting data as of the preceding December 31), and by September 1 (reflecting data as of the preceding June 30). The

Commission made the first version of the Fabric available to service providers and governmental entities in June 2022, and opened a process on September 12, 2022, for governmental entities, internet service providers, and other entities to begin submitting challenges for multiple broadband-serviceable locations (i.e., “bulk” Fabric challenges). The Commission publishes a new round of availability data on the National Broadband Map approximately 2.5 months after the close of each biannual filing period and also releases biweekly updates to the Map based on the results of resolved challenges, verification efforts, and filer corrections.

Key Rulemakings and Other Releases

- August 2019 Report and Order: (1) made targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and modified the collection to incorporate new technologies; (2) established the Broadband Data Collection (formerly known as the Digital Opportunity Data Collection) in order to collect geospatial broadband coverage maps from fixed broadband providers, specifically aimed at advancing the Commission’s universal service goals and providing more precise and granular depictions of deployment than are collected under the Form 477; and (3) adopted a process to collect public input, commonly known as “crowdsourcing,” on the accuracy of fixed providers’ broadband maps. The August 2019 Second Further Notice sought comment on certain aspects of the new collection to improve the accuracy and usefulness of fixed broadband deployment reporting, along with improvements to standardize predictive propagation maps for mobile broadband deployment modeling and mechanisms to verify and validate mobile deployment data.
- July 2020 Second Report and Order: adopted rules for (1) collecting fixed broadband availability and quality of service data; (2) collecting mobile broadband deployment data, including the submission of standardized propagation maps, and propagation model details; (3) establishing the Fabric; (4) verifying the accuracy of broadband availability data; (5) collecting crowdsourced data; (6) enforcing the requirements of the Broadband DATA Act; (7) creating coverage maps from the data submitted; and (8) ensuring the privacy, confidentiality, and security of information submitted by broadband providers. The Third Further Notice adopted with the Second Report and Order sought comment on a range of additional measures to implement requirements of the Broadband DATA Act, including additional processes for verifying broadband availability data submitted by providers, the development of a challenge process, collecting mobile service infrastructure data, and FCC Form 477 reforms.
- January 2021 Third Report and Order: specified which fixed and mobile broadband Internet access service providers are required to report broadband availability data and expanded the reporting and certification requirements for certain fixed and mobile broadband filers in order to ensure that Commission staff have the necessary tools to assess the quality and accuracy of the Commission’s broadband coverage maps. The Third Report and Order also adopted standards for verifying mobile data and collecting verified broadband data from State, local, and Tribal entities and certain third parties and adopted processes for submitting challenges to fixed and mobile coverage map data and data in the location Fabric, along with processes for providers to respond to such challenges. In addition, the Third Report and Order established standards for identifying locations that will be included in the Fabric and for enforcement of the requirements associated with the Broadband Data Collection.

- February 17, 2021: The Broadband Data Task Force was established to coordinate the Commission's broadband mapping and data collection efforts across the various expert agency teams, including OEA, WTB, WCB, CGB, OIA, OET, and OMD.
- March 9, 2022: Order adopting technical requirements implementing the mobile challenge, verification, and crowdsourcing processes. The Order adopted processes and methodologies for collecting mobile challenge data and determining when a mobile availability challenge is "cognizable," as well as processes for mobile providers to respond to challenges. The Order also adopted processes for when the FCC would initiate a verification inquiry for a service provider's reported data and requirements for governmental entities and other third parties submitting verified mobile broadband availability data.
- April 14, 2022: Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system. The Public Notice (1) explains the system and process the FCC will use to authenticate entities purporting to file on behalf of a state, local or Tribal governmental entity and (2) sets forth procedures for identifying governmental entities with primary responsibility for mapping or tracking broadband coverage within their jurisdiction.
- April 14, 2022: Public Notice announcing procedures for third-party mobile speed test applications seeking approval for use in the BDC. The Public Notice stated that it would endeavor to complete its review of all proposals received on or before June 9, 2022, in advance of the FCC's publication of the initial version of the broadband availability maps required under the BDA.
- July 8, 2022: Declaratory Ruling and Limited Waiver released in response to the Competitive Carriers Association (CCA) Petition waiving the requirement that providers have their filings certified by a professional engineer for the first three filing periods, and would instead allow filings to be certified by an engineer with either (a) a bachelor's or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance, or (b) specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten years of relevant experience in broadband network engineering, design, and/or performance. The release also clarified that a corporate engineering officer as set forth in the rules means a corporate officer with at least a Bachelor of Science in engineering (BSE) degree and has direct knowledge of, and responsibility for, the carrier's network design and construction. The Waiver was subsequently extended an additional three filing windows in November 2023.
- December 9, 2022: Commission announced sunset of the Form 477 broadband availability data collection (ISPs are still required to submit subscription data under the Form 477 rules, which will be filed in the BDC system).
- July 12, 2024: Commission adopted a Fourth Order, Declaratory Ruling, and FNPRM that clarifies and strengthens agency audit procedures to ensure that the Commission can better validate service providers' availability data; creates a process that better accounts for changes in network deployments over time while protecting the integrity of the availability data and results of challenges; and proposes modifications to data collection requirements based upon lessons learned, as well as enhancements to agency data

validation processes in order to continue to improve the precision of the underlying Fabric and broadband availability data.

- September 17, 2024: OET and BDTF released a Public Notice seeking comment on a mobile speed test app designed by GA Tech to be approved for use by individuals in the BDC mobile challenge process.

National Broadband Map and BDC Collections

- November 18, 2022: released a pre-production draft National Broadband Map based on the first round of availability data submitted by providers as of June 30, 2022. The new map has been updated to reflect new provider data following each biannual filing period and is the most comprehensive, granular and standardized data the FCC has ever made available on broadband availability.
- November 18, 2022: announced the beginning of the fixed and mobile availability challenge processes, and the individual Fabric challenge process. This began an ongoing, iterative process that will improve the data submitted by providers by incorporating challenges from individuals and other stakeholders.
- Every 6 months: Commission collects and publishes a new round of availability data, using an updated version of the Fabric.
 - Availability data as of June 30 is due the following September 1 and is published on the Map the following November.
 - Data as of December 31 is due the following March 1 and published on the Map the following May. Data as of June 30, 2024, was published on the Map on November 14, 2024.
 - Updated versions of the Fabric are made available to providers and other licensees in advance of the opening of each biannual filing window in June and December.

Data Validations, Verifications, Audits, and Enforcement

- The Commission takes several steps to ensure that provider reporting is as accurate as possible.
 - Automated BDC system validations
 - Close and continued engagement with filers
 - Data verifications and agency-initiated audits. The Commission has published detailed data specifications for the data submitted with each component of the BDC, including biannual filings, bulk Fabric and availability challenges and crowdsource submissions, and responds to challenges, audits, and verifications.
- Enforcement referrals have been made where it appears a provider “willfully, and knowingly, or recklessly” submitted “materially inaccurate or incomplete” availability information and for non-filers.
 - On March 15, 2024, the FCC entered into a Consent Decree with Jefferson County Cable TV Inc. for violating the BDC rules for accurate broadband reporting in which the company agreed to pay a \$10,000 civil penalty.

- On September 10, 2024, the FCC Enforcement Bureau adopted two Notices of Apparent Liability for National Telecom (d/b/a Metro Wireless) and BySky, Inc. for failure to submit timely BDC data.

Contracting

- **Data Architect and Design:** In February 2021, the Commission awarded a Data Architect and Design Services contract to Emprata, LLC to support the design and framework of the complex, interrelated systems associated with the BDC.
- **Broadband Serviceable Location Fabric RFI:** On March 8, 2021, the Commission released a Request for Information (RFI) on the commercial availability of the technical and data resources available to build a first-of-its-kind Broadband Serviceable Location Fabric.
- **Broadband Serviceable Location Fabric RFP:** On November 9, 2021, the Commission awarded the contract for Fabric development to CostQuest Associates. Following a post-award protest GAO affirmed the FCC's selection of CostQuest on February 24, 2022.
- **BDC System Development, Maintenance, and Enhancements:** In January 2024, the FCC awarded a new contract to Emprata to work on BDC and the Broadband Funding Map (BFM) system development, maintenance, and enhancements, as well as data analytics.
- **FCC Speed Test App:** In 2021, the FCC modified its existing contract with SamKnows to develop the additional functionality for the FCC Speed Test app to be used for the mobile challenge and crowdsourcing processes. In February 2023, the Commission issued a contract solicitation re-compete for the FCC Speed Test app, and on March 3, 2023, the Commission awarded a contract to Mozark PTE. The Commission launched an updated version of the App, as developed by Mozark in August 2024.
- **Technical Assistance Help Desk Support:** In early 2022, the Commission awarded two contracts to Spatial Front, Inc., an SBA 8(a) certified vendor with GIS expertise, to provide technical assistance for the BDC consisting of support services to resolve basic questions on the broadband availability data collection, the challenge process and crowdsourcing efforts, and other common Help Desk tasks, as required pursuant to sections 804(d) - (e) of the BDA. The contractor develops self-help resources (such as help articles and templates) for the BDC systems and provides technically advanced guidance (such as support for GIS data creation, manipulation and analysis) and call center support services to resolve more basic questions on the broadband availability data collection, including questions related to the challenge processes and crowdsourcing efforts.
- **Wireless Propagation Modeling and Engineering Software:** To help verify the accuracy of mobile and fixed wireless providers' broadband availability maps and data submitted in the challenge and verification processes, the Commission has awarded two contracts: one to Forsk for propagation modeling software and automation services in July 2022,

and a second to eSimplicity for wireless engineering analysis and support services in January 2023.

- Drive Testing: In August 2023 the Commission awarded a contract to Global Wireless Solutions for drive test services and began working on the first in a series of task orders to conduct targeted drive testing to audit certain mobile providers availability data.

Technical Assistance and Outreach

- The FCC's BDC webpage – www.fcc.gov/BroadbandData – serves as a central location for information about the BDC.
- The online help center (<http://help.bdc.fcc.gov>) and other new resources assist Internet service providers and other filers of verified broadband availability data prepare their submissions for the inaugural BDC filing window. Resources include information on filing Fabric and availability challenges, including tutorial videos and technical assistance workshops to provide an overview of the fixed bulk availability challenge process and walk filers through the process of submitting challenge data; webinar and technical assistance workshops to provide an overview of the mobile bulk availability challenge process; video tutorials to assist providers of fixed broadband service with responding to challenges; and video tutorials to assist providers of mobile broadband service with responding to challenges. The online help center continues to be updated regularly with additional resources, including information for challengers, consumers, and other stakeholders.
- The Task Force has held over 700 individual and group briefing sessions and meetings, online tutorials, webinars, and filing workshops to assist state, local, and Tribal governmental entities, consumers and consumer organizations, ISPs, industry organizations, and other stakeholders interested in participating in the BDC processes. Additionally, the Task Force released guidance to the public on many aspects of the BDC for interested stakeholders both to seek input on and be able to address their concerns and interests, and to keep them informed of the Commission's plans and progress. All of these resources have been posted in the BDC Help Center and on the Commission's BDC webpage.
- The Task Force has hosted in-person and online technical assistance workshops for Tribal Governments seeking to provide verified broadband availability data to the FCC through the BDC. Such technical assistance is required pursuant to section 804(c) of the BDA. In-person Technical Assistance meetings have included meetings with representatives of Tribal Nations and entities in ten states/nine BIA Regions: Alaska (Alaska Region), Arizona (Western Region), California (Pacific Region), Minnesota (Midwest Region), New Mexico (Southwest Region), Oklahoma (Eastern Oklahoma Region), Oregon and Washington (Northwest Region), South Dakota (Great Plains Region), and Maine (Eastern Region).

Inter-Agency Coordination

- The FCC continues to engage with federal, state, local and Tribal government entities, consumers, and service providers concerning the National Broadband Map. Ongoing engagement remains critical to ensuring the map is as accurate as possible. State, local, and Tribal governmental entities are encouraged to participate in the bulk challenge and crowdsource processes where the location or availability data on the map appears

imprecise. Additionally, the FCC provides resources for governmental and other entities to raise awareness about the map and encourage consumers to contribute data directly by viewing the map and filing challenges where their on-the-ground knowledge of their communities is not reflected. Staff work closely with ISPs to ensure that they were equipped with the technical information and training to participate in the BDC's data collection and challenge processes by effectively and accurately reporting where they do, and do not, offer internet services and how to respond to challenges. The FCC is also in regular contact with our federal agency partners, including the NTIA, USDA, Treasury, and others, to ensure ongoing federal coordination among the various programs which may utilize the data on the National Broadband Map.

WIRELESS BRIEFING SHEET

SUBJECT: *Supporting Survivors of Domestic and Sexual Violence*, WC Docket No. 23-238, Further Notice of Proposed Rulemaking (Connected Cars)

SUMMARY: In April 2024, the Commission adopted a Further Notice of Proposed Rulemaking (Further Notice) seeking comment on additional action the Commission can take to help domestic violence survivors safely access connectivity, particularly in the context of connected car services.

The Further Notice sought comment on the types and frequency of use of connected car services that are available in the marketplace today, asks whether changes to the Commission's rules implementing the Safe Connections Act (SCA) are needed to address the impact of connected car services on domestic violence survivors, and asks what steps connected car service providers can proactively take to protect survivors from the misuse of connected car services.

BACKGROUND: While connected car services in modern vehicles offer connectivity services that enhance convenience, usability, and safety, these services may also present challenges to survivors of domestic violence when a survivor shares car ownership with an abuser. In January 2024, in response to this public policy concern, Chairwoman Rosenworcel sent letters to automobile manufacturers and wireless service providers seeking information about connected car services and requesting their assistance in protecting domestic violence survivors. Responses from the auto manufacturers and wireless service providers were placed in the docket.

STATUS: Building on the responses, the Further Notice sought comment on the ways that connected car services operate and explores steps the Commission can take to help protect survivors of domestic violence from their misuse.

Specifically, the Further Notice: (1) described and sought comment on Commission understanding of connected car service offerings from wireless service providers and auto manufacturers and sought additional information on any other connected car services that are available; (2) sought comment on whether changes to the Commission's rules implementing the SCA are necessary to address the impact of connected car services on domestic violence survivors; and (3) sought comment on other actions the Commission can take to help protect survivors using connected car services, including other potential sources of authority for Commission action, and how to encourage connected car service providers to take steps proactively to protect survivors against misuse of these services.

The comment period closed on June 24, 2024.

WIRELESS BRIEFING SHEET

SUBJECT: Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities (GN Docket No. 13-111) (Contraband Phones in Prisons)

BUREAUS/OFFICES: WTB (lead), PSHSB, OET, EB, OGC

SUMMARY: Despite security efforts, incarcerated persons in correctional facilities are frequently able to obtain contraband wireless devices, which can be used to pursue illegal and sometimes life-threatening activities. In response, corrections authorities have looked for technological solutions that would enable them to detect, block, or intercept illicit communications from contraband wireless devices. On July 13, 2021, the Commission released a Second Report and Order (*Second R&O*) and Second Further Notice of Proposed Rulemaking (*Second FNPRM*), that established a rule-based framework requiring wireless providers to disable contraband wireless devices identified by authorized Contraband Interdiction Systems (CISs) upon receiving a qualifying request from a designated correctional facility official and seeks comment on additional technological solutions to combat contraband phone use and steps to maintain the effectiveness of newer generations of CIS.

BACKGROUND: The use of contraband wireless devices in correctional facilities to engage in criminal activity poses a serious security challenge to correctional facility administrators, law enforcement authorities, and the general public. As a general matter, there are two primary categories of technological solutions currently deployed in the United States to address the problem: managed access system (MAS) and detection.

- *MAS:* MAS are micro-cellular, private networks that typically operate on spectrum already licensed to wireless providers offering commercial subscriber services in geographic areas that include a correctional facility. These systems analyze transmissions to and from wireless devices to determine whether a device is authorized or unauthorized by the facility for purposes of accessing wireless carrier networks. A correctional facility or third party at a correctional facility may operate a MAS if authorized by the Commission. This authorization has, to date, involved agreements with the wireless providers serving the area within which the facility is located, as well as spectrum leasing applications approved by the Commission.
- *Detection:* These systems are used to detect devices by locating, tracking, and identifying radio signals originating from a device. Traditionally, detection systems use passive, receive-only technologies that do not transmit radio signals and do not require separate Commission authorization. However, detection systems have evolved with the capability of transmitting signals not only to locate a device, but also to obtain device-identifying information. These types of advanced detection systems require separate Commission authorization, typically through the filing of spectrum leasing applications reflecting wireless provider agreement.

R&O and FNPRM. On March 24, 2017, the Commission released a *Report and Order (R&O)* that streamlined the process of deploying contraband wireless device interdiction systems in correctional facilities, using the term CIS to refer to any system that transmits radio communication signals comprised of one or more stations used only in a correctional facility exclusively to prevent transmissions to or from contraband wireless devices within the boundaries of the facility and/or to obtain identifying information from such devices. In

particular, the Commission eliminated certain filing requirements and provided for immediate approval of the lease applications needed to operate these systems. The Commission also adopted a rule requiring that lessees notify the community in which the correctional facility is located prior to deploying a CIS. To assist stakeholders in complying with their regulatory obligations, the Commission also designated an ombudsperson to serve as the point of contact at the Commission on contraband wireless device issues.

In the *Further Notice of Proposed Rulemaking (FNPRM)* the Commission sought comment on a process for wireless providers to disable contraband wireless devices once they have been identified. To the extent commenters continue to support a court-ordered approach to disabling, the Commission sought specific comment on that process. The Commission also sought comment on the scope of a requirement that CMRS licensees notify CIS operators of technical changes to their networks, and on additional methods and technologies that might prove successful in combating contraband device use, and various other proposals related to the authorization process for CISs and their deployment.

CTIA Contraband Task Force. In April 2018, CTIA launched a Contraband Task Force to identify and test solutions. Participants in the Contraband Task Force have included the Association of State Correctional Administrators, representatives of various prison systems, and the FBI. Since 2018, the Task Force has sponsored tests of various technologies, including tests of “micro” jamming equipment in Maryland and South Carolina, and testing of MAS technologies in South Carolina and Texas. On April 26, 2019, CTIA and the Association of State Correctional Administrators, submitted a status report on the Contraband Task Force to the Commission providing a summary of activities to date, an analysis of several technical approaches and solutions to the contraband problem, and best practice recommendations.

On April 27, 2020, the Commission provided the House and Senate Committees on Appropriations with a report on coordination among the Contraband Task Force, MAS vendors, and wireless providers on “MAS Evolved” (next generation MAS solutions) developments to comply with the Senate Financial Services and General Government Subcommittee’s report accompanying the Fiscal Year 2020 Consolidated Appropriations Act. The FCC report included an update on advancements on the use of small cells for managed access, deployment costs, and a timeline on any testing in state correctional facilities. This report followed up on a June 2019 report, which: (1) detailed recent industry developments to prevent contraband cell phone use in our nation’s correctional facilities, (2) summarized the 2019 Task Force Report, and (3) provided an update on ongoing Commission efforts in this area.

2020 Public Notice. On July 28, 2020, WTB released a Public Notice, DA 20-791, seeking to refresh the record on the proposals and questions raised in the 2017 *FNPRM* and inviting additional comment on the successes and ongoing challenges of currently employed solutions and those under further review and development.

Second R&O and Second FNPRM. On July 13, 2021, the Commission released the *Second R&O* and *Second FNPRM* (FCC 21-82). In the *Second R&O*, the Commission adopted a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria, and addressed issues involving oversight, wireless provider liability, and treatment of 911 calls. The Commission adopted rules enabling designated correctional facility officials (DCFOs) relying on an authorized CIS to submit qualifying

requests to wireless providers to disable contraband wireless devices in qualifying facilities. The framework includes a two-phase authorization process. In phase one, a CIS applicant(s) submits an application to WTB describing the legal and technical qualifications of the system(s). In phase two, a CIS applicant(s) performs on-site testing of approved CISs at individual correctional facilities and files a self-certification with the Commission. After both phases are complete, DCFOs are authorized to submit qualifying requests to wireless providers to disable contraband devices using approved CISs at each correctional facility. The Commission also established qualifications for DCFOs and clear requirements for the submission and processing of qualifying requests. In addition, the Commission adopted rules requiring wireless providers to notify certain types of CIS operators of major technical changes to ensure that CIS effectiveness is maintained.

In the *Second FNPRM*, the Commission sought further comment on the relative effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in correctional facilities previously identified in the record, including the use of “quiet zones,” geofencing, network-based solutions, and beacon systems. The Commission also sought comment specifically on whether there have been technological, economic, policy, and/or legal developments sufficient to overcome the variety of challenges presented to the widespread deployment of these technologies and whether and how the Commission can further facilitate these technologies through regulatory next steps.

The rule amendments adopted in the *Second R&O* became effective on September 13, 2021, and the revisions to section 20.23 which contained new information collection requirements that required review by the Office of Management and Budget under the Paperwork Reduction Act became effective on May 3, 2022. *See* DA 22-474. On May 12, 2022, WTB released an updated Small Entity Compliance Guide, DA 22-488, to help individuals and small businesses understand the requirements and other procedures established in the *Second R&O*.

The *Second FNPRM* was published in the Federal Register on August 13, 2021. Comments were due September 13, 2021, and reply comments were due October 12, 2021.

CTIA Petition for Reconsideration. On December 13, 2021, the Commission released a Public Notice seeking comment on CTIA’s petition for reconsideration (CTIA Petition) of part of the *Second R&O* in which CTIA asks the Commission to reconsider the requirement that wireless providers act on termination requests within two business days. CTIA requested instead that the Commission require disabling as soon as practicable but not later than five business days after receipt of a request. On December 22, 2021, the Public Notice was published in the Federal Register, noting that oppositions to the CTIA Petition were due January 6, 2022, and replies were due January 18, 2022. Two comments were filed by T-Mobile and OmniProphis in support of the CTIA Petition. CTIA filed reply comments.

Implementation of Second R&O. In December 2021, WTB released a Public Notice, DA 21-1572, providing guidance to stakeholders and additional details regarding the process for obtaining approval of a CIS for use in the submission of qualifying requests for the disabling of contraband devices. In May 2022, WTB released a Public Notice, DA 22-475, announcing that it would immediately begin accepting CIS applications and requests to become a DCFO.

STATUS:

DCFO Approvals. WTB has approved DCFO applications from the following correctional departments in six states: South Carolina Dept. of Corrections; Oklahoma Dept. of Corrections; Florida Dept. of Corrections; Texas Dept. of Criminal Justice; Georgia Dept. of Corrections; and Indiana Dept. of Corrections.

CIS Phase One Authorizations. WTB has approved seven CIS certification applications under phase one of the authorization process. This action allows those entities to begin marketing and selling their certified CIS systems to corrections officials and begin phase two on-site testing at correctional facilities. After successfully completing phase two on-site testing and self-certification, these CISs may be used for the submission of qualifying requests for contraband wireless device disabling at a specific facility.

- In June 2023, WTB released a Public Notice, DA 23-547, approving five CIS certification applications under phase one of the authorization process filed by CellBlox Acquisitions, LLC; ShawnTech Communications, Inc.; Tecore Networks; SOC, LLC; and OmniProphis Corporation.
- In March 2024, WTB released a Public Notice, DA 24-242, approving Trace-Tek, LLC's CIS certification application under phase one of the authorization process.
- In October 2024, WTB released a Public Notice, DA 24-668, approving SDF, Inc.'s CIS certification application under phase one of the authorization process.

In February 2025, WTB released a Public Notice, DA 25-114, seeking comment on Hawks Ear Communications LLC's CIS certification application under phase one of the authorization process. Comments are due March 13, 2025.

Also in February 2025, CellBlox Acquisitions, LLC, filed a second CIS certification application under phase one of the authorization process for its portable CIS system, and WTB is actively reviewing that application.

CIS Phase Two Self-Certifications. WTB has approved sixteen phase two self-certifications submitted by:

- Tecore Networks for Lee Correctional Institution in Bishopville, SC;
- CellBlox Acquisitions for William G. McConnell Unit in Beeville, TX; Mark W. Stiles Unit in Beaumont, TX; and Oklahoma State Penitentiary, McAlester, OK;
- SOC, LLC for McCormick Correctional Institution in McCormick, SC; and Perry Correctional Institution in Pelzer, SC;
- Trace-Tek, LLC for the Avon Park Correctional Institute in Avon Park, FL; Broad River Correctional Institution in Columbia, SC; Hardee Correctional Institution in Bowling Green, FL; Martin Correctional Institution in Indiantown, FL; Liberty Correctional Institution in Bristol, FL; Okeechobee Correctional Institution in Okeechobee, FL; and Special Management Unit in Jackson, GA; and
- SDF, Inc. for McRae Correctional Facility in McRae-Helena, GA; Special Management Unit in Jackson, GA; and Georgia Diagnostic and Classification Prison in Jackson, GA.

WIRELESS BRIEFING SHEET

SUBJECT: DISH Compliance with 5G Buildout Conditions Pursuant to the 2019 T-Mobile-Sprint Order (FCC 19-103) and the 2020 WTB DISH Order (DA 20-1072), WT Docket Nos. 22-212 and 18-197. *See also* Letter from Joel Taubenblatt, Chief, WTB, to Jeffrey Blum, Executive VP, DISH Network Corp., WT Docket No. 22-212 (Sept. 29, 2023) (September 2023 WTB Letter).

BACKGROUND: On July 26, 2019, DISH filed applications seeking more time to satisfy the construction requirements for its AWS-4, Lower 700 MHz E Block, and AWS H Block licenses. With those requests, DISH made a number of commitments set forth in a letter (DISH Commitments Letter) related to deploying a 5G Broadband Service with verification measures to enforce its commitments, including periodic status reports and potential penalties that would entail significant financial payments to the U.S. Treasury and automatic license terminations if it failed to satisfy certain of those commitments. The commitments also included an accelerated schedule for meeting the Commission's final construction requirements for its 600 MHz licenses. DISH also requested modifications of the expiration dates for the AWS-4, Lower 700 MHz E Block, and AWS H Block licenses, as well as modification of the buildout deadlines for the 600 MHz licenses. In addition, DISH agreed to certain restrictions on its right to use all of these licenses under the Commission's flexible-use policies as well as certain restrictions on its ability to sell or lease its 600 MHz and AWS-4 licenses or network capacity.

On November 5, 2019, the Commission released the T-Mobile-Sprint Order approving applications for the transfer of control of licenses, authorizations, and spectrum leases from Sprint to T-Mobile. As part of that action, the Commission also concluded that significant public interest benefits would flow from DISH's deployment of 5G broadband service over its spectrum holdings and that DISH's acquisition of Sprint's Boost Mobile would help DISH achieve that deployment. The Commission thus found in the T-Mobile-Sprint Order that, contingent on DISH's consummation of the Boost Mobile divestiture, it would be in the public interest to grant DISH's requested extensions, with significant conditions to ensure DISH's fulfillment of its commitments, and also proposed in the Order to grant certain modifications concerning the DISH licenses. The construction requirements included nationwide 5G network deployment and separate buildout benchmarks for each license band by specified deadlines, as well as verification (including through drive testing) and enforcement, subject to financial penalties and/or potential loss of licenses in the event of DISH's failure to satisfy the requirements. Further, in that Order, the Commission directed WTB, upon DISH's consummation of its agreements with T-Mobile and Sprint, to extend the construction dates for the DISH AWS-4, Lower 700 MHz E Block, and AWS H Block licenses consistent with the Commission's conclusions and conditions, and to modify the DISH 600 MHz, AWS-4, Lower 700 MHz E Block, and AWS H Block licenses consistent with the Commission's proposals and the requirements of section 316 of the Communications Act of 1934, as amended (Act) and section 1.87 of the Commission's rules. In addition, the Commission directed WTB to add a special condition to the DISH 600 MHz, AWS-4, Lower 700 MHz E Block, and AWS H Block licenses obligating DISH to provide 5G broadband service using those licenses. The Commission attached the DISH Commitments Letter to the Order (Appendix H).

Pursuant to the T-Mobile-Sprint Order and section 316 of the Act, on September 11, 2020, WTB released the 2020 DISH Order, modifying the DISH licenses in all four bands and extending the

buildout deadlines for the DISH AWS-4, Lower 700 MHz E Block, and AWS H Block licenses. The buildout extensions were granted subject to the conditions and restrictions imposed in the T-Mobile-Sprint Order and the commitments made by DISH, as modified by the Commission. Specifically, DISH's construction and related requirements are as follows:

- By June 14, 2022, offer 5G broadband service on its AWS-4, Lower 700 MHz E block and AWS H Block licenses to at least 20% of the U.S. population (measured for each band separately), and deployment of a core network.
- By June 14, 2023, offer 5G broadband service on its AWS-4, Lower 700 MHz E Block, AWS H Block, and 600 MHz licenses to at least 70% of the U.S. population covered by those licenses (measured for each band separately); provide download speeds of at least 35 Mbps to at least 70% of the U.S. population (as verified by a drive test); deploy at least 15,000 5G sites nationwide; and deploy at least 30 megahertz of downlink 5G spectrum averaged over all DISH 5G sites.
- By June 14, 2025, offer 5G Broadband Service on its 600 MHz licenses to at least 75% of the population in each license area.
- Contingent extensions of final buildout requirements for each license area (see 47 CFR § 27.14(g), (q), and (r)) – to June 14, 2025 – apply to DISH's AWS-4, Lower 700 MHz E Block, and AWS H Block licenses if certain buildout benchmarks are met by June 14, 2023.
- DISH is subject to all conditions, commitments, and restrictions specified in the T-Mobile-Sprint Order and WTB DISH Order, including (except as modified by the Commission) those set forth in the DISH Commitments Letter.

STATUS: DISH filed a status report in July 2022, supplemented in October 2022, for its June 14, 2022 commitments. On July 14, 2023, DISH timely submitted a status report and accompanying coverage data (shapefiles, infrastructure data) to demonstrate its progress as of June 14, 2023. On September 29, 2023, WTB released the September 2023 WTB Letter finding that DISH met its band-specific 5G commitments for June 14, 2023, on its AWS-4, Lower 700 MHz E Block, AWS H Block, and 600 MHz licenses, and two of its three nationwide 5G commitments, and accepting DISH's proposed drive test methodology for verifying compliance with the remaining nationwide 5G commitment. DISH had six months from the release of the September 2023 WTB Letter to complete its drive testing and submit the report to the FCC. On March 13, 2024, DISH timely submitted its drive test results and certification.

On September 20, 2024, WTB granted DISH a waiver and extension of time to meet its final construction milestones for a subset of its licenses in certain markets, which is contingent upon DISH meeting accelerated milestones in other markets and a number of other public interest commitments. VTEL Wireless filed a petition for reconsideration on October 21, 2024, asking WTB to reconsider the waiver and extension grant. On December 19-26, 2024, DISH filed Notifications of Construction/Coverage (NTs) in ULS for each of its AWS-4, Lower 700 MHz E Block, AWS H Block, and 600 MHz licenses with accelerated milestones. On January 10, 2025, DISH filed a 5G Buildout Status Report in ECFS (WT Docket No. 22-212).

WIRELESS BRIEFING SHEET

SUBJECT: Enhanced Competition Incentive Program (Partitioning, Disaggregation, and Leasing of Spectrum, WT Docket No. 19-38, FCC 19-22)

SUMMARY: On March 15, 2019, as directed by Congress in the MOBILE NOW Act, the Commission adopted a Notice of Proposed Rulemaking (*NPRM*) to explore how potential changes to our partitioning, disaggregation, and leasing rules might better serve the Commission's goals of closing the digital divide and increasing spectrum access by small and rural carriers. On November 18, 2021, the Commission adopted a Further Notice of Proposed Rulemaking (*FNPRM*). The *FNPRM* builds on the *NPRM* and proposes to expand the Commission's existing secondary markets policies to provide incentives for small carriers and Tribal Nations to obtain access to spectrum and/or for transactions involving rural areas with commitments from entities to provide rural service. On July 14, 2022, the Commission adopted a *Report & Order and Second Further Notice of Proposed Rulemaking (R&O and Second FNPRM)*.

BACKGROUND: The *Notice* sought comment on whether to establish a program, or modify existing programs, for partitioning, disaggregation, and spectrum leasing as potential means to increase the availability of advanced telecommunications services in rural areas and spectrum access by small carriers. The *Notice* asked commenters to address: (1) whether reduced performance requirements applicable to partitioned or disaggregated licenses would promote the availability of advanced telecommunications services in rural areas or spectrum availability for small covered carriers; (2) what conditions may be needed to eliminate impediments to transfers of spectrum to small carriers to allow them to build out in a reasonable time; and (3) what incentives may encourage licensees to lease or sell spectrum to small carriers or unaffiliated carriers that will serve rural areas. Finally, the *NPRM* sought comment on whether to allow "reaggregation" for spectrum that has been partitioned or disaggregated on the secondary market—up to the size of the original market area.

After review of the record developed through the *NPRM*, the *FNPRM* proposed rules for an enhanced competition incentive program (ECIP) for qualifying transactions involving partition, disaggregation, and/or long-term leasing of covered geographic spectrum between unaffiliated entities. The *R&O* adopted rules to establish ECIP. The *R&O* adopted two types of ECIP qualifying transactions: those that focus on small carriers and Tribal Nations gaining spectrum access to increase competition, regardless of geographic location; and those that could involve an array of interested parties as long as they commit to operating in, or providing service to, rural areas.

To qualify for benefits under ECIP, the transaction must designate a minimum of 50% of the licensed spectrum from a license to an assignee through either small carrier or Tribal transactions or through rural-focused transactions. Qualifying small carrier or Tribal transactions must designate a minimum amount of the licensed market area to a covered small carrier or to a federally recognized Tribe; the minimum amount is scaled based on license size to ensure equitable treatment. Qualifying rural-focused transactions must include a minimum amount of qualifying geography in the transaction (300 square miles for transactions involving licenses that are 30,000 square miles and smaller), with upwards scaling to account for larger licenses participating in a transaction and receiving ECIP benefits

ECIP offers three primary benefits: (1) an extension of the license terms for all parties to a qualifying transaction by five years; (2) an extension of construction deadlines by one year, where applicable; and (3) substitution of coverage of the ECIP qualifying geography in lieu of current construction requirements, for assignees entering into rural-focused transactions.

The *R&O* adopted the following waste, fraud, and abuse protections as part of the ECIP: (1) a requirement for applicants seeking to participate in ECIP to select either the small carrier/Tribal Nation prong or the rural-focused transaction prong, but not both, for each ECIP transaction, without the option of changing prongs once selected; (2) a five-year holding period on licenses assigned through partitioning and/or disaggregation from an ECIP transaction, and a five-year minimum term for leasing arrangements; (3) an operational requirement of 100% coverage of the qualifying geography for three consecutive years for rural-focused transactions; (4) when appropriate, automatic termination of the relevant ECIP license and bar from future program participation for a licensee's failure to comply with the five-year holding period or failure to meet the applicable buildout and operational requirements required for the rural-focused transaction prong; and (5) a one-time cap on ECIP benefits for each license subject to a qualifying transaction.

Independent of the ECIP, the *R&O* reduces regulatory burdens by permitting reaggregation of geographic licenses. Specifically, the Report and Order permits flexible use licenses to be reaggregated up to a maximum of the original market/channel block size, provided regulatory requirements have been fulfilled, including license renewal and compliance with performance requirements.

The *Second FNPRM* asks questions about whether the Commission should expand the small carriers and Tribal Nation prong of ECIP to provide eligibility for non-common carriers. Independent of ECIP, the *Second FNPRM* also seeks comment on whether the Commission should adopt alternative construction requirements in wireless radio services with metrics less suited to licensees that deploy networks for private internal business needs, including seeking comment on a "use or offer to share" safe harbor.

LEGISLATIVE INTEREST: On March 23, 2018, Congress adopted the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act (MOBILE NOW Act), which includes provisions requiring that the Commission take various actions concerning licensing, infrastructure, and deployment of wireless broadband services. Among the provisions is a requirement that the Commission initiate a rulemaking to consider specific questions related to the partitioning or disaggregation of spectrum licenses and spectrum leasing as a potential means to increase availability of advanced telecommunications services in rural areas and spectrum access by small carriers.

STATUS: The *FNPRM* was adopted by the Commission at the November 18, 2021 open meeting and published in the Federal Register on December 29, 2021. Comments were due February 28, 2022 and reply comments were due March 29, 2022. On July 14, 2022, the Commission adopted a *R&O* establishing ECIP and also adopted a *Second FNPRM*. The comment filing window closed on November 21, 2022. ULS upgrades were required to enable implementation of the program, which are complete. The ECIP rules went into effect on February 15, 2024.

WIRELESS BRIEFING SHEET

SUBJECT: Equipment Carriage Exemption for Alaskan Fishing Vessels

SUMMARY: The Commission is in the process of implementing a statutory mandate to exempt Alaskan fishing vessels from certain radio carriage requirements.

BACKGROUND: FCC rules require cargo vessels over 300 gross tons (including fishing vessels) operating in the open sea far from land to carry radio communications safety equipment known as the Global Maritime Distress and Safety System (GMDSS). GMDSS provides multiple communications and alerting methods including short-range radios (VHF-DSC), long-range radios (MF and HF-DSC), satellite terminals, and water-activated distress beacons. The “digital selective calling (DSC)” radios are special in that they provide for automatic calling, monitoring, and alerting (whereas standard, non-DSC radios do not).

Section 8336 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (2021 NDAA) directs the Commission to “exempt fishing vessels that primarily operate in the Alaskan Region, including fishing vessels that transit from States in the Pacific Northwest to conduct fishing operations in the Alaskan Region, from the requirements relating to carriage of VHF-DSC and MF-DSC equipment.” The exemption is conditioned on carriage of a suite of alternate radio equipment, which differs from what would be required under FCC rules in two respects: standard VHF (not DSC), standard MF (not DSC). The 2021 NDAA did not exempt these vessels from any other requirements, including carrying a satellite terminal or FCC-licensed radio operators. The 2021 NDAA also directed the Coast Guard to define “Alaskan Region” for these purposes.

A small number of Alaskan fishing vessels have obtained GMDSS exemptions in the past. In 2017, FCC and Coast Guard staff indicated that the exemptions would end in 2021. In 2020, the FCC extended the exemptions until 2022 (in light of pending legislation). Finally, in August 2021, FCC staff extended these exemptions to January 31, 2023, or one year from when the Commission implements section 8336 of the 2021 NDAA, whichever is later.

STATUS: Alaskan fishing vessels with long-standing GMDSS exemptions remain exempt for now, consistent with the statute. FCC staff is developing options for implementing the 2021 NDAA and await Coast Guard action to define the Alaskan Region for purposes of the 2021 NDAA.

LEGISLATIVE INTEREST: On August 26, 2021, the then-Acting Chairwoman responded to an inquiry from Senator Sullivan, confirming that the staff was extending existing GMDSS exemptions (see above) and committing to working with the Coast Guard to implement a permanent solution. On March 14, 2023, WTB updated Senator Sullivan’s staff.

WIRELESS BRIEFING SHEET

SUBJECT: Establishing a 5G Fund for Rural America (GN Docket No. 20-32)

BACKGROUND: In October 2020, the Commission established the 5G Fund for Rural America (5G Fund) and determined that it would use multi-round reverse auctions to distribute up to \$9 billion, in two phases, to retarget mobile universal service in the high-cost program to bring voice and 5G mobile broadband service to rural areas of the country unlikely to otherwise see unsubsidized deployment of 5G-capable networks. The Commission decided that it would use new, more precise, verified mobile coverage data gathered through the Broadband Data Collection to determine the areas eligible for support in a 5G Fund auction. In August 2024, the Commission took steps to implement the framework for the 5G Fund to support the build out of advanced, 5G mobile wireless broadband networks for those who live, work, and travel in rural areas.

SUMMARY: *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking.* On August 14, 2024 the Commission adopted a Second Report, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking (*Second R&O and Second FNPRM*). In this *Second R&O* the Commission determined to: (1) modify the definition of the areas that will be eligible for support in the 5G Fund Phase I auction and include areas in Puerto Rico and the U.S. Virgin Islands that meet this eligible area definition in the 5G Fund Phase I auction; (2) increase the budget for Phase I of the 5G Fund and the Tribal reserve budget; (3) modify the metric for accepting and identifying winning bids and adopt a service-based weighting factor for bidding in the 5G Fund Phase I auction; (4) explain how it will aggregate areas eligible for 5G Fund support to minimum geographic areas for bidding; (5) explain its approach to generally align the methodologies for demonstrating compliance with the 5G Fund public interest obligations and performance requirements with those used in the BDC; (6) modify the schedule for transitioning from mobile legacy high-cost support to 5G Fund support consistent with recent legislative amendments; (7) require each 5G Fund Phase I auction applicant to certify, under penalty of perjury, that it has read the public notice adopting procedures for the auction, and that it has familiarized itself with those procedures and any requirements related to the support made available for bidding in the auction; (8) require 5G Fund support recipients to implement cybersecurity and supply chain risk management plans as a condition of receiving support; and (9) encourage 5G Fund support recipients to incorporate Open Radio Access Network (Open RAN) technologies in networks funded through the 5G Fund through the use of incentive funding and an opportunity to seek additional time to meet their 5G Fund public interest obligations and performance requirements by the established service deployment milestones.

In the *Second FNPRM*, the Commission sought comment on whether to require a winning bidder in the 5G Fund Phase I auction to demonstrate during the long-form application process, and prior to being authorized to receive support, that it has obtained the consent of the relevant Tribal government(s) for any necessary access to deploy network facilities using its 5G Fund support on Tribal lands within the area(s) of its winning bid(s). The Commission sought comment on whether including a Tribal consent requirement would advance the goals of the 5G Fund and would be administratively efficient for all parties and the Commission. The Commission also sought comment on how to structure any such Tribal consent requirement it may adopt for the 5G Fund.

STATUS: Petitions for Reconsideration have been filed in this proceeding by a Coalition of Rural Wireless Carriers (filed January 13, 2025) and the Rural Wireless Association (filed January 10, 2025). OEA/WTB released a Public Notice seeking comment on the Petitions for Reconsideration on February 26, 2025. Additionally, on February 10, 2025, the Competitive Carrier Association (CCA) filed an appeal of the *5G Fund Second Report and Order* in the U.S. Court of Appeals for the D.C. Circuit.

WIRELESS BRIEFING SHEET

SUBJECT: Hearing Loss Compatible Wireless Handsets

Summary: On October 18, 2024, the Commission released a Report and Order that adopted a 100% hearing aid compatibility requirement that applies to all future wireless handset models offered for sale or use in the United States. The Report and Order determined that requiring 100% of all handset models to be certified as hearing aid-compatible is an achievable objective and, as part of this determination, adopted a more forward-looking definition of hearing aid compatibility that allowed the Commission to adopt a Bluetooth coupling requirement. The Report and Order requires handset manufacturers to transition to a 100% hearing aid compatibility requirement within a 24-month transition period and nationwide service providers to do so within a 30-month transition period. The Report and Order allows non-nationwide service providers to transition to the 100% hearing aid compatibility requirement over a 42-month transition period. These robust transition periods will ensure that consumers with hearing loss promptly receive the benefits of the 100% hearing aid compatibility requirement.

After the applicable 100% hearing aid compatibility transition period ends, all handset models offered for sale or use in the United States will have to be hearing aid-compatible and handset manufacturers and service providers will have to remove all non-hearing aid-compatible handset models from their handset model portfolios without exceptions. Further, after the relevant transition period elapses, handset manufacturers and service providers will have to ensure that each handset model in their handset model portfolios have at least two ways to pair with hearing aids. Specifically, after the relevant transition period is completed, 100% of all handset models in a portfolio will have to meet acoustic coupling standards and 85% of these same handset models will also have to meet telecoil coupling standards. The remaining 15% of these handset models will have to meet a new Bluetooth coupling requirement, along with acoustic standards; these handsets may also contain telecoils, but they will not be required to include them.

The Report and Order adopted a 48-month transition period to a non-proprietary Bluetooth coupling requirement. During this 48-month transition period, handset manufacturers and service providers can meet the 15% Bluetooth coupling requirement using either proprietary or non-proprietary Bluetooth coupling technology. Once the 48-month transition period expires, only non-proprietary Bluetooth coupling technology that meets the new definition of hearing aid compatibility and certain functionality requirements will be able to satisfy the 15% Bluetooth coupling requirement. This approach will benefit consumers by ensuring more universal connectivity between handset models and hearing aids, including over-the-counter hearing aids, and will help to address the issue of certain handset models only being able to pair with certain hearing aids.

After the relevant 100% hearing aid compatibility transition period ends, any new handset model that handset manufacturers and service providers add to their handset model portfolios will have to meet applicable volume control requirements. Imposing a 100% volume control benchmark on new handset models added to handset model portfolios will allow handset manufacturers and service providers to continue to offer handset models certified as hearing aid-compatible under older certification standards. Handset manufacturers and service providers will be able to count as hearing aid-compatible those handset models certified under older standards for handset model deployment purposes as long as those handset models were being offered for sale or use in the United States prior to the expiration of the relevant 100% hearing aid compatibility transition period. Rather than requiring handset models certified under older standards to be removed from

handset model portfolios, these handset models would be gradually replaced with new handset models that meet the latest certification requirements, including volume control requirements, through the typical handset model product cycle. This approach will ensure that older hearing aid compatible handset models, which tend to be lower priced, continue to be available for consumers to consider for purchase during the remaining product cycle.

In addition to the above handset model requirements, the Report and Order adopted other updates and revisions to the Commission's wireless hearing aid compatibility rules that are consistent with the decision to adopt a 100% hearing aid compatibility requirement and the related handset model deployment benchmarks and transition periods. One of these changes included changing the heading of the rule section from "Hearing Aid-Compatible Mobile Handsets" to "Hearing Loss Compatible Wireless Handsets." This new heading more accurately reflects the contents of the rule section.

The current volume control technical certification standard is based on a waiver standard that handset manufacturers requested the Commission adopt while industry develops a new volume control certification standard. This waiver standard will expire on September 29, 2025.

WIRELESS BRIEFING SHEET

SUBJECT: Maritime Radio Service (RM-11726, RM-11765, RM-11813, DA 22-641, DA 24-682, DA 24-1111)

SUMMARY: The Maritime Radio Service rules regulate radio transmitters on ship, satellite, and coast stations operating on maritime frequencies. There are a number of pending rulemaking matters relating to the Maritime Radio Service.

BACKGROUND:

Maritime Modernization Petitions for Rulemaking. On June 16, 2014, the National Global Maritime Distress and Safety System Implementation Task Force (GMDSS Task Force) filed a petition for rulemaking (Petition) (RM-11726) proposing that the Commission update the carriage requirements for radio safety equipment on small passenger vessels to enhance their safety and conform to the latest standards. No relevant comments were filed.

On February 16, 2016, the Radio Technical Commission for Maritime Services (RTCM) filed a separate Petition (RM-11765), proposing to update and streamline the maritime radio service rules to enhance maritime safety, promote efficient use of maritime spectrum, and remove unnecessary regulatory burdens. Ten comments were filed.

On August 20, 2018, RTCM filed another Petition (RM-11813), proposing that the Commission incorporate by reference the latest RTCM standards for Personal Locator Beacons and Maritime Survivor Locating Devices. Four comments were filed.

Other Recommendations.

SS EL FARO. On February 7, 2018, in response to the sinking of US Cargo Vessel SS El Faro, the National Transportation Safety Board (NTSB) recommended relocating application-specific messages (ASMs) out of two maritime automatic identification system channels, which are used to provide safety-related vessel identification, position, and navigation status. The NTSB further recommended reserving designated frequencies for ASMs, as proposed by the International Telecommunication Union. The NTSB also recommended that the Commission require all U.S. vessels that are required to carry Emergency Position-Indicating Radiobeacons (EPIRBs) to discontinue EPIRBs that are not global positioning system (GPS)-enabled.

SCANDIES ROSE. On November 1, 2023, in response to the sinking of a commercial fishing vessel, Scandies Rose, the NTSB and the United States Coast Guard (USCG) issued an Administrative Recommendation to the FCC. That recommendation advised the Commission to revise Public Notice DA-16-63 by requiring “any commercial vessel” to carry Very High Frequency-Digital Select Calling equipment that is ready for immediate use with an interconnected GPS and Maritime Mobile Service Identity programmed.

STATUS:

Maritime Modernization Petitions for Rulemaking. The GMDSS Task Force and RTCM Petitions are under consideration. On June 16, 2022, in response to NTSB’s February 2018 recommendation, the Wireless Telecommunications Bureau (WTB) sought comment (DA 22-641) on the reliability of the safety information provided on AIS 1 and 2 due to potential congestion on these frequencies, whether the Commission should assign specific frequencies for

ASMs, and the effect of potentially moving ASMs to frequencies that may be used by incumbents. Three comments and one reply comment were filed.

For RM-11765, WTB issued a Public Notice on September 5, 2024, refreshing the record on performance standards for maritime radiocommunications equipment in Part 80. Two comments and one reply comments were filed. Post reply comment period, two comments were received.

Paperwork Reduction Act. On June 18, 2024, the Office of Management and Budget (OMB) approved an extension of an Information Collection (IC) titled, “Section 80.302. Notice of Discontinuance, Reduction, or Impairment of Service Involving a Distress Watch.” This reporting requirement is necessary to ensure that the USCG is notified when a coast station discontinues, reduces, or impairs its communication services.

On July 15, 2024, WTB issued a Public Notice on recent updates to performance standards and amendments to the International Convention for Safety of Life at Sea, 1974, as amended (SOLAS), pertaining to (1) GMDSS radiocommunications equipment under SOLAS, and (2) the FCC’s ship safety certificates for SOLAS compliance. On September 20, 2024, the Commission issued a Federal Register notice that OMB had approved revisions to an IC titled, “Section 80.59, Compulsory Ship Inspections and Ship Inspection Certificates, FCC Forms 806, 824, 827, and 829.” The agency revised the IC to reflect recent amendments to SOLAS by way of Resolution Marine Safety Committee 496(105) that was adopted in April 2022: FCC Forms 806 and 829 were revised in accordance with SOLAS revisions of its Passenger Ship Safety Certificate and Cargo Ship Radio Certificate; FCC Forms 824 and 827 underwent technical amendments. On October 28, 2024, the FCC issued a Public Notice announcing OMB’s approval of the FCC Ship Safety Certificates, which are now publicly available for use.

WIRELESS BRIEFING SHEET

SUBJECT: Mobile Device Security Project

SUMMARY: In May 2016, the FCC and FTC launched a coordinated inquiry into mobile device security updates. The inquiry was in part in response to recent growth in the number of vulnerabilities associated with mobile operating systems that threaten security and integrity of a user's device—e.g., the “Stagefright” vulnerability that affected almost one billion Android devices globally in 2015.

The agencies entered into a Letter of Agreement in which they agreed that the FCC would issue letters to mobile carriers (AT&T, Verizon, T-Mobile, Sprint, US Cellular, Tracfone, Ting) asking questions about their processes for reviewing and releasing security updates for mobile devices and the FTC would simultaneously issue letters to mobile device manufacturers (Apple, Google, Microsoft, Samsung, Motorola, LG, HTC, Blackberry) requesting information about how they issued updates to address vulnerabilities in smartphones, tablets, and other mobile devices. The agencies agreed to share all information obtained through responses to the letters.

WTB issued letters on May 9, 2016 requesting information on each carrier's general security procedures, practices for development and release of security updates, communications with customers regarding security updates and vulnerabilities, and specific questions about the carrier's experience with Stagefright.

In August 2016, WTB staff sent follow-up inquiries to AT&T, Verizon, T-Mobile, Sprint, Tracfone, and US Cellular requesting data on recent Android vulnerabilities, specifically the date the carrier learned of the vulnerability and the date the carrier put out a patch to resolve the vulnerability, for the carrier's five most popular and five least popular devices.

STATUS: This remains pending. The FTC issued its report in February 2018: <https://www.ftc.gov/news-events/press-releases/2018/02/ftc-recommends-steps-improve-mobile-device-security-update>.

WIRELESS BRIEFING SHEET

SUBJECT: Facilitating Access to Spectrum for Offshore Uses and Operations

SUMMARY: Industrial, scientific, recreational, and other endeavors may benefit from greater access to spectrum offshore. The Commission released a Notice of Inquiry (*NOI*) that seeks comment on whether changes in the Commission's rules and policies are needed to facilitate the development of commercial and private wireless networks offshore.

BACKGROUND: On June 9, 2022, the Commission released an Notice of Inquiry with the goal of developing a record about offshore spectrum use cases and their potential. It provides background on how the Commission has licensed spectrum beyond the coast in the Gulf of Mexico and other areas in the past, and seeks to gather information on the demand for offshore spectrum access and how extensive the need is for additional offshore spectrum access. Among other things, the *NOI* seeks comment on:

- Different spectrum rights models that could facilitate offshore spectrum operations—including shared spectrum rights, authorizations for secondary operations, and authorizations with primary rights—and which model would best serve spectrum needs offshore while protecting incumbent operations as necessary;
- Potential assignment mechanisms for initial licensing of offshore operations, such as licensing by rule or geographic area licensing, to support the needs of offshore spectrum bands, and on whether unlicensed use or spectrum leasing could support those needs; and
- Which individual spectrum bands, or a combination thereof, could best support the various needs of offshore spectrum operations.

The *NOI* also notes that other countries authorize the use of offshore spectrum and seeks comment on whether approaches taken by other countries in making offshore spectrum available can inform the Commission's policy.

STATUS: The *NOI* was published in the Federal Register on June 27, 2022. Comments and reply comments were due July 27, 2022 and August 26, 2022, respectively.

WIRELESS BRIEFING SHEET

SUBJECT: Promoting the Deployment of 5G Open Radio Access Networks (Open RAN) (GN Docket No. 21-63)

SUMMARY: On March 17, 2021, the Commission adopted a Notice of Inquiry (*NOI*), seeking comment on the potential of open and virtualized Radio Access Networks (Open RANs) in securing America's wireless networks and communications supply chain, and in driving 5G innovation. The NOI seeks comment on the current status of Open RAN development and deployment; the role of established manufacturers and of new entrants in setting standards for this new network architecture; challenges or other considerations related to the testing, deployment, and integration of Open RAN systems; the costs and benefits associated with Open RAN development and deployment; and what steps, if any, the Commission should take to accelerate the development and deployment of Open RAN.

BACKGROUND: The Commission has a duty to protect the safety of life and property and promote the national defense through wire and radio communication, as well as to encourage new technologies and services. Over the last decade, actions by Congress, the Executive Branch, and the Commission have emphasized and prioritized supply chain risk management and the deployment of secure and reliable networks in the United States. As early as 2012, Congress warned of counterintelligence and national security threats posed by some of the world's largest vendors of traditional, vertically integrated telecommunications networking equipment. Since then, Congress and the Commission have taken a number of targeted steps to safeguard America's critical communications infrastructure from potential security threats.

Open RANs have the potential to address national security and other concerns that the Commission and other federal stakeholders have raised in recent years about network integrity and supply chain reliability as well as to accelerate 5G innovation. Open RANs disaggregate the hardware and software components of the traditional radio access network portion of the system, which enables operators to source various components of the radio access network from different vendors, with plug-and-play interoperability.

STATUS: The *NOI* was released on March 18, 2021 and published in the Federal Register on March 29, 2021. Comments were due April 28, 2021 and reply comments were due May 28, 2021. On July 14–15, 2021, the FCC hosted an Open RAN Solutions Showcase via webcast to give fixed and mobile network operators an opportunity to hear directly from vendors on their equipment and services offerings that would be available by January 1, 2022.

Beyond the Commission, NTIA is administering the Public Wireless Supply Chain Innovation Fund—a ten-year, \$1.5 billion grant program funded through the CHIPS Act that is intended to promote Open RAN. NTIA will release a series of notice of funding opportunities (NOFOs) over the next several years to distribute the funds. The first NOFO will apportion \$140.5 million by August 2023 and focus on testing/evaluation of interoperability, security, and performance features. At some point, an Innovation Fund Advisory Committee (IFAC) will be stood up to steer the strategic direction of fund, and will include reps from FCC, DoD, IARPA, NIST, State, NSF, DHS, and NTIA.

WIRELESS BRIEFING SHEET

SUBJECT: Updating the Commission's Rule for Over-the-Air Reception Devices (WT Docket No. 19-71)

SUMMARY: The over-the-air reception devices (OTARD) rule prohibits certain state and local restrictions that unreasonably impair the ability of users to deploy small antennas on their own property, with certain restrictions. In January 2021, the Commission released a Report and Order that expanded the rule's coverage to include hub and relay antennas, regardless of their primary purpose, provided the antennas satisfy other conditions of the rule. The goal of the revised rule is to provide greater certainty and predictability to fixed wireless service providers and spur further wireless infrastructure deployment and investment.

BACKGROUND AND ISSUES:

2000 Competitive Networks Order. The original OTARD rule applied only to antennas used to receive video programming signals, but in the *2000 Competitive Networks Order*, the Commission expanded the rule to apply to antennas used for transmitting or receiving fixed wireless signals. In the order, the Commission stated that it did not intend to cover hub or relay antennas used to transmit signals to and/or receive signals from multiple customer locations.

In August 2018, the Wireless Internet Service Providers Association (WISPA) asked the Commission to update the OTARD rule to apply to all fixed wireless antennas, regardless of whether the equipment is used for reception, transmission, or both, so long as the equipment meets existing size restrictions. WISPA's request would extend the OTARD rule to cover the hub and relay antennas that previously were excluded from the OTARD framework.

In April 2019, the Commission adopted a Notice of Proposed Rulemaking (*NPRM*) seeking comment on WISPA's proposal. It also sought comment on whether updating the OTARD rule could help facilitate the deployment of other 5G infrastructure, such as small wireless facilities.

STATUS: On January 7, 2021, the Commission released a Report and Order (*R&O*) that expanded the OTARD rule's coverage to include hub and relay antennas that are used for the distribution of broadband-only fixed wireless services to multiple customer locations, regardless of whether they are primarily used for this purpose, provided the antennas satisfy other conditions of the rule. The *R&O* was published in the Federal Register on February 25, 2021 and the rules were effective March 29, 2021. On February 27, 2021, Children's Health Defense and four individual petitioners filed a Petition for Review in the Court of Appeals in the D.C. Circuit raising RF exposure issues. On February 11, 2022, the Court denied the Petition for Review. Appellants filed a request for rehearing, which the Court denied on April 1, 2022.

INDIAN PEAK OTARD PETITION:

- ***Commission Order.*** On March 7, 2024 the Commission issued an Order on Review responding to Indian Peak's January 2023 AFR. In the Order, the Commission denied in part and dismissed in part the AFR, which sought review of the Bureaus' December 13, 2022 letter ruling concerning the application of the OTARD rule to six antennas that Indian Peak had previously installed on a single family home in a residential area.

- *Petition for Review.* On May 6, 2024, Indian Peak filed a Petition for Review seeking review of the Commission's March 7, 2024 Order. Indian Peak filed their opening brief on September 3, 2024. The Commission responded on October 18, 2024. On October 25, 2024, the City of Rancho Palos Verdes filed a motion for leave to file an amicus brief in the case, which highlighted Indian Peak's history of bad faith and emphasized the long history of the litigation. Indian Peak filed a reply brief on November 7, 2024. Oral arguments took place on February 11, 2025.

WIRELESS BRIEFING SHEET

SUBJECT: Promoting the Development of Positioning, Navigation, and Timing (PNT) Technologies and Solutions (WT Docket No. 25-110)

BACKGROUND:

Notice of Inquiry. On March 6, 2025, the Commission publicly released a draft Notice of Inquiry (*NOI*) intended for consideration at the Commission's March 27 agenda meeting that seeks to build a record on actions the Commission can take to support industry efforts to develop complementary PNT technologies and solutions that may be used in conjunction with the U.S. Global Positioning System (GPS) to form a resilient PNT system of systems. The Commission hopes to build on the success of GPS and the considerable work already accomplished in this endeavor by the Commission's federal partners and industry. The *NOI* seeks comment on a wide array of topics and issues related to the development of both space-based and terrestrial PNT technologies and solutions, including:

- the benefits and challenges of particular technologies or solutions based on factors such as cost, availability of equipment, accuracy, need for Commission rule changes, and geographic coverage;
- international considerations, including the need for coordination;
- national security considerations, including the extent to which mobile wireless devices in the United States are receiving and processing signals from unauthorized non-U.S. satellite systems, and whether these signals are being received and processed in violation of the Commission's rules;
- economic considerations associated with deploying complementary PNT technologies;
- whether the Commission should adopt specific definitions for key terms to ensure a consistent framework for PNT development; and
- specific actions the Commission can take to support the development of PNT, such as changes to policy, rules, or allocations, and the legal authority of the Commission to do so.

STATUS: Comments are due 30 days after release; reply comments are due 45 days after release.

RELATED PROCEEDING: The NextNav petition for rulemaking proceeding (WT Docket No. 24-240, RM-11989) proposes Commission rule changes that would enable NextNav to provide its terrestrial PNT technology in partnership with mobile broadband providers in the Lower 900 MHz Band (902–928 MHz) as a complement or backup to GPS. Although the NextNav technology is mentioned in the *NOI*, the *NOI* takes no position on, nor addresses the merits of, the NextNav petition.

WIRELESS BRIEFING SHEET

SUBJECT: Positive Train Control

SUMMARY: On September 12, 2008, a Metrolink commuter train collided with a Union Pacific freight train in Chatsworth, California, killing 25 passengers. Within months, Congress passed the Rail Safety Improvement Act of 2008 (RSIA), which, as amended, required major freight, passenger, and commuter rails to implement Positive Train Control (PTC) systems by December 31, 2018. Only four railroads met the December 31, 2018, implementation deadline. Pursuant to RSIA, the Federal Railroad Administration (FRA) granted the remaining railroads up to 24 additional months (until December 31, 2020) to complete PTC implementation; these railroads met the extended deadline.

PTC systems, which use radio communications equipment, are intended to prevent human-error train collisions, over-speed derailments, and incursions into work zones. The Commission has faced challenges in providing adequate spectrum for PTC implementation because RSIA did not direct the FCC to assign spectrum to rails for PTC or provide rails funds to acquire spectrum. Despite these challenges, on November 21, 2018, the FRA reported that “all railroads using radio spectrum-based PTC have acquired sufficient spectrum.” The freight rails subsequently determined that they required additional spectrum to enhance the reliability of PTC systems nationwide and have now acquired that spectrum. They continue to acquire spectrum and add sites to existing licensed areas to deploy PTC systems as well as complementary rail safety systems that enhance protection of life and property.

LEGISLATIVE INTEREST: Hill interest in PTC intensified following a May 12, 2015, Amtrak derailment in Philadelphia, killing eight and injuring more than 200. Then-WTB Deputy Bureau Chief Charles Mathias testified in hearings on June 10, 2015, before the Senate Commerce Committee and on June 24, 2015, before the House Transportation and Infrastructure Committee regarding the FCC’s role in PTC implementation. He explained that the FCC has two roles related to PTC: (1) facilitating railroads’ spectrum acquisition and use; and (2) managing the statutorily required historic/tribal/environmental reviews of physical infrastructure (*i.e.*, poles/antennas) used to support PTC’s wireless transmission systems.

BACKGROUND AND ISSUES:

- Spectrum between 217 and 222 MHz is the desired spectrum for PTC implementation.
- The rail industry, with FRA’s support, has requested FCC assistance in obtaining spectrum.
- Amtrak acquired spectrum to enable PTC on the Northeast Corridor, from Washington, DC to New York City, and from New Haven to Boston.
- Metrolink is using a combination of leased and licensed spectrum to implement and maintain PTC in greater Los Angeles.
- The freight rail industry (d/b/a PTC-220) secured substantial nationwide spectrum to implement and maintain PTC. PTC-220 has worked—and continues to work—closely with Amtrak and the commuter rails to implement and maintain PTC collaboratively through infrastructure and spectrum sharing in many areas, including Los Angeles and Chicago (the nation’s busiest rail market).
- Commuter rail authorities acquired or leased sufficient spectrum to fulfill the RSIA mandate.

- The Commission and the Bureau have acted to facilitate spectrum acquisition and lease negotiations by Amtrak and the commuter rails with PTC-220 and other FCC licensees. For example, the Bureau released an order in March 2017 to enlarge the geographic footprint of a PTC-220 license in exchange for spectrum already held by PTC-220. Subsequently, the Bureau approved related spectrum assignments from that modified PTC-220 license to facilitate PTC deployment by New Jersey Transit and the Southeastern Philadelphia Transportation Authority. Commission staff have facilitated additional spectrum acquisitions across much of the nation by PTC-220.
- The Commission has granted multiple requests for special temporary authority (STA) as well as many legal and technical rule waivers to facilitate PTC implementation and, if additional spectrum is available, to deploy complementary rail safety systems.
- Staff worked with the Advisory Council on Historic Preservation to develop a Program Comment that facilitates historic preservation review of PTC infrastructure deployment. The Program Comment was set to expire in May 2021 but was extended through May 2026 at the request of FRA and the Association of American Railroads.

STATUS: Staff has worked closely with Amtrak, the commuter rails, and the freights (PTC-220) to help them acquire spectrum via the secondary markets to meet their PTC spectrum needs.

In April and December 2019, and November 2020, the Bureau approved PTC-220's acquisition of additional spectrum to meet spectrum needs to implement PTC for freights, Amtrak, and various commuter rails. In December 2021, the Bureau approved PTC-220's applications seeking permanent authority to use its newly acquired spectrum to deploy PTC in 38 states and the District of Columbia. In 2022, WTB approved additional spectrum assignments to PTC-220, and also granted several requests by Amtrak for waiver relief, license modifications, and renewals regarding its PTC operations.

The Bureau has continued to facilitate the acquisition and use of spectrum to implement PTC as well as additional related rail safety systems, e.g., by grants of spectrum assignments, technical waivers, renewals, STAs, and permanent authority license modifications. Notably, in 2023, the Bureau issued Orders first proposing and then finalizing modification of licenses and granting technical waivers to enhance the Metropolitan Transportation Authority's PTC operations on its heavily-used commuter rail lines in the greater New York market, which includes counties in Connecticut and New Jersey. Also in 2023, the Bureau granted PTC-220's request for modified waivers to facilitate the addition of new rail safety features in 37 licensed areas. In 2024, the Bureau issued several STAs and Orders granting requests by PTC-220 to add spectrum for both PTC and additional rail safety systems in the Northern and Southern Atlantic regions. Most recently, in 2024 and early 2025, the Bureau granted PTC-220 STAs to enable expansion of PTC and additional rail safety operations in its existing licensed areas in the Great Lakes, Mississippi River, and Mid-Atlantic regions, and approved a transaction with associated waivers to provide PTC-220 with additional spectrum in Washington state.

Staff continues to work closely with the rail industry to facilitate the use of spectrum to implement PTC and additional rail safety systems.

WIRELESS BRIEFING SHEET

SUBJECT: Private Land Mobile Radio Service

SUMMARY: Private land mobile radio (PLMR) licensees generally do not provide for-profit communications services. Some examples of PLMR licensees are public safety agencies, utilities, transportation entities, and medical service providers.

BACKGROUND: On October 22, 2018, the Commission released a Report and Order and Order (*R&O and Order*) (WP Docket No. 16-261) to amend Part 90 of the Commission's rules to expand access to PLMR spectrum. It denied a petition for rulemaking filed by the Land Mobile Communications Council (LMCC) proposing that the Commission modify the rules to allow 800 MHz band incumbent licensees in a market a six-month period in which to apply for frequencies in the 800 MHz Expansion Band and Guard Band before making them available to applicants for new 800 MHz systems. It adopted in part a proposal in a separate LMCC petition proposing that the Commission's rules should extend conditional licensing authority to applicants for site-based licenses in bands above 470 MHz. In addition, the Commission made available for PLMR use certain frequencies that are on the band edges between the Industrial/Business Pool and either Part 74 Broadcast Auxiliary Service or Part 95 General Mobile Radio Service spectrum, and frequencies that were designated for central station alarm operations. It also amended the rules to permit licensing of interstitial channels in the 800 MHz band in WT Docket No. 15-32 and terminated the 800 MHz intercategory sharing freeze and announced the completion of 800 MHz rebanding in additional regions.

The *R&O and Order* was published in the Federal Register on November 27, 2018, making most of the rules effective December 27, 2018. With respect to the rule changes regarding 800 MHz interstitial channels and central station alarm channels, which contain modified information collections, notice of OMB approval was published in the Federal Register June 21, 2019, making those rules effective on that date. Petitions for reconsideration were filed by The Monitoring Association regarding the decision to expand eligibility for frequencies that were designated for central station alarm operations, and by LMCC regarding the technical rules for licensing 800 MHz interstitial channels. The Monitoring Association withdrew its petition for reconsideration on January 14, 2020, and the Commission released an Order on May 3, 2020 disposing of LMCC's Petition.

STATUS: In 2022 and 2023, EWA filed two Petitions for Rulemaking (PFR) to amend Part 90 rules.

The first petition requests the modification of Part 90 Subpart S, arguing that designating specific frequencies in the 809–816/854–861 MHz portion of the band for certain eligible entities and reserving "Sprint-vacated" spectrum is no longer in the public interest and hampers efficient spectrum utilization (800 MHz PFR). EWA proposes that all channels in this band segment be classified as General Category and made available to all qualified Subpart S applicants. The petition suggests that eliminating the hyper-subclassification of frequencies will optimize spectrum utilization, reduce administrative burdens and costs, and align with the FCC's preference for modifying outdated rules. Additionally, EWA recommends terminating the rule reserving Sprint-vacated spectrum to allow for its productive use based on demand. The petition

highlights that all 800 MHz frequencies in this range are subject to identical technical and operational rules, regardless of the eligible entity.

In March 2024, EWA amended its 800 MHz PFR to include draft rules, and the 800 MHz PFR was placed on the routine OMD Public Notice on April 4, 2024. Comments were due May 6, 2024 and Reply Comments on May 21, 2024. In docket RM-11978, thirteen comments were received and seven reply comments. This matter remains pending.

The second petition requests the modification of section 90.175, with the proposed changes aiming to eliminate unnecessary and burdensome requirements for frequency coordinators to secure concurrence on specified frequencies (90.175 PFR). EWA argues that advancements in technology and spectrum analytical processes have made inter-coordinator concurrence unnecessary, as frequencies can be safely coordinated and utilized by all eligible entities without it. The requested rule changes align with the FCC's objectives of radio service consolidation and achieving more efficient and flexible spectrum use. EWA further asserts that shared frequencies can be effectively coordinated and protected without the additional concurrence requirement, as I/B systems are similar and user needs are virtually identical. EWA suggests that concurrence should only be required if an application would have a demonstrable, material, adverse effect on safety. The organization offers to work with the original frequency advisory committees (FACs) to address any safety concerns on a case-by-case basis, rather than imposing a blanket concurrence requirement for all applicants.

The 90.175 PFR was placed on the routine OMD Public Notice on April 4, 2024. Comments were due May 6, 2024 and Reply Comments on May 21, 2024. In docket RM-11979, eight comments were received, and one reply comment. This matter remains pending.

On March 9, 2020, a PFR was filed collectively by all the FCC-certified frequency advisory committees (American Automobile Association, Association of American Railroads, Aviation Spectrum Resources, Enterprise Wireless Alliance, Forest Industries Telecommunications, MRFAC, Inc., Utilities Technology Council, and Wireless Infrastructure Association), but it has not been acted on by the Commission. A subsequent letter was received on January 30, 2025, urging the Commission to place the PFR on Public Notice. The PFR seeks to modify section 90.187(d)(1)(ii)(C) to eliminate mobile-only I/B systems with no associated base station or identified center coordinates as "affected licensees" under section 90.187(d)(1). The Petitioners argue the rule is overly protective of systems proposing mobile-only operation without reference to any fixed location(s), which effectively precludes the use of the assigned frequencies as exclusive frequencies in spectrally efficient trunked systems anywhere within or adjacent to the area of operation self-defined by the mobile-only applicant. The PFR was amended in February 2025 to include draft rules.

WIRELESS BRIEFING SHEET

SUBJECT: Safeguarding and Securing the Open Internet and Wireless Networks (WC Docket No. 23-320)

SUMMARY: On May 7, 2024, the Commission released a Report and Order reestablishing the Commission's authority over broadband Internet access service (BIAS) by classifying it as a telecommunications service under Title II of the Communications Act. The Order also classified mobile BIAS as a commercial mobile service. The Sixth Circuit overturned this Order on January 2, 2025, finding that the Commission did not have the statutory authority to make such classification.

STATUS: Overturned.

WIRELESS BRIEFING SHEET

SUBJECT: Signal Boosters (WT Docket No. 10-4)

SUMMARY: On February 20, 2013, the Commission adopted a Report and Order (*Signal Boosters Order*) with new rules governing signal boosters.³ Signal boosters are fixed or mobile devices that amplify and/or distribute wireless signals to areas with poor signal coverage, such as tunnels, subways, large buildings, and rural areas. When properly installed, these devices can help consumers, wireless service providers, and first responders by expanding the area of reliable service, including broadband, to unserved or weak signal areas.

The 2013 rules substantially improved signal booster design by requiring manufacturers to include safeguards that protect wireless networks. As a result, all four nationwide carriers, as well as many rural and regional carriers, have consented to the use of boosters on their networks, if those boosters meet the technical specifications outlined in the *Signal Boosters Order*. The rules were designed to address the most pressing need at the time—increasing availability of well-designed signal boosters to consumers for everyday use in their homes and vehicles. While it kept the authorization mechanism simple, this approach stopped short of allowing consumer signal booster installation in public spaces, such as small businesses.

The *Signal Boosters Order* defines two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each. Specifically, consumer signal boosters must meet stringent technical specifications (Network Protection Standard) and are authorized under provider licenses subject to provider consent, voluntarily provided in this case by most carriers. Consumers must register their signal booster with their provider prior to use. Labeling requirements ensure that consumers understand these terms of use. Consumer boosters can be used on most mainstream wireless bands: Cellular, PCS, AWS-1, 700 MHz, and ESMR (after rebanding). The use of consumer boosters may not cause interference to wireless networks even if a device meets the Network Protection Standard.

The *Signal Boosters Order* also details rules for industrial signal boosters designed to cover large areas such as stadiums, airports, and tunnels, retaining the existing authorization process; industrial signal boosters must be installed and operated with the consent of licensees. On or after April 30, 2014, all consumer and industrial signal boosters sold and marketed in the United States must meet the new requirements.

On September 19, 2014, the Commission adopted an Order on Reconsideration (*Order on Reconsideration*) and Further Notice of Proposed Rulemaking (*FNPRM*). The *Order on Reconsideration* modified certain noise and gain limits in the technical specifications for wideband consumer signal boosters to accommodate existing measurement equipment and revised the rules for mobile provider-specific consumer signal boosters to ensure the protection of wireless networks. The *FNPRM* also sought comment on whether to retain the “personal use” restriction for provider-specific consumer signal boosters. This proposed change is intended to

³ Our use of the term “signal booster” includes all manner of amplifiers, repeaters, boosters, distributed antenna systems, and in-building radiation systems that serve to amplify CMRS device signals, Part 90 device signals, or extend the coverage area of CMRS providers or Part 90 service licensees. It does not include femtocells.

legally expand consumer signal booster use to small businesses. The Commission adopted the proposal in the *Second Report and Order* adopted on March 22, 2018.

On February 29, 2016, the Bureau released a Public Notice seeking comment on the current state of the consumer signal booster market and any relevant technologies that should be considered going forward. Commenters were generally positive about the how the rules have worked thus far. Some commenters also reinforced the need to continue adjusting the rules so that small businesses may legally use Consumer Signal Boosters.

On December 21, 2016, Wilson Electronics filed a Petition for Rulemaking (RM-11784) (Wilson Petition) asking the Commission to eliminate the personal use restriction for wideband consumer signal boosters. The Bureau placed the Wilson Petition on public notice on March 3, 2017. Comments were due on March 23, 2017; reply comments were due April 3, 2017.

On March 22, 2018, the Commission adopted a *Second R&O* and *Second FNPRM* which: (1) eliminated the current personal use restriction on provider-specific boosters; (2) sought input on removing unnecessary barriers to embedding boosters within vehicles; (3) proposed to eliminate the personal use restriction on wideband boosters and to authorize non-subscribers to operate both types of consumer signal boosters; and (4) sought comment on whether to expand consumer signal booster operations to additional spectrum bands. The *Second FNPRM* included the record from the Wilson Petition.

BACKGROUND: The Commission created WT Docket No. 10-4 to address four petitions filed by Bird Technologies, CTIA, the DAS Forum, and Wilson Electronics (collectively, Petitions) regarding the use and installation of signal boosters. These Petitions sought clarification on the proper use, certification, sale, and regulation of signal boosters. On April 6, 2011, the Commission released an NPRM to facilitate the development and deployment of well-designed signal boosters, which led to the *Signal Boosters Order*.

STATUS: The final rules from the *Signal Boosters Order*, *Order on Reconsideration*, and *Second R&O* are in full effect. Comments to the *Second FNPRM* were filed on May 18, 2018, and replies were filed on June 18, 2018.

WIRELESS BRIEFING SHEET

SUBJECT: Single Network Future: Supplemental Coverage from Space (GN Docket No. 23-65)

BUREAUS: WTB and SB

SUMMARY: On March 14, 2024, the Commission adopted a Report and Order (*R&O*) and Further Notice of Proposed Rulemaking (*FNPRM*) to facilitate the integration of satellite and terrestrial networks by creating a new regulatory framework for Supplemental Coverage from Space (SCS). The *R&O* largely adopts the rules proposed in the March 16, 2023 Notice of Proposed Rulemaking (*NPRM*) in this proceeding. Through this novel approach, satellite operators collaborating with terrestrial service providers will be able to obtain Commission authorization to operate space stations on flexible-use spectrum previously allocated only to terrestrial services. This new framework will enable expanded coverage for the terrestrial licensees' subscribers, especially in remote, unserved, and underserved areas, and will increase the availability of emergency communications.

BACKGROUND: The *R&O* adopts rules that will allow satellite operators to collaborate with terrestrial licensees that hold all co-channel licenses in a given block throughout a geographically independent area (GIA)—such as CONUS, Alaska, or Hawaii—and where that band has no non-flexible use legacy incumbents requiring interference protection. The *R&O* expands on the proposal from the *NPRM* in that the initial framework is no longer limited to contexts in which a single terrestrial licensee holds all the co-channel licenses across an entire GIA; now, groups of terrestrial licensees may work together with a satellite operator to provide SCS on a given block in a GIA where no single terrestrial provider holds all the co-channel licenses.

To implement the framework, the *R&O* adds a secondary allocation for non-federal mobile-satellite service (MSS) operations to the U.S. Table of Frequency Allocations in a number of terrestrial flexible-use bands where at least one block of the band can satisfy certain entry criteria. The bands authorized for SCS are the 600 MHz, 700 MHz, 800 MHz Cellular, Broadband PCS, and AWS-H bands. These bands are largely the same as proposed in the *NPRM*, except for the exclusion of the WCS band based on feedback from federal users and the addition of the 700 MHz spectrum licensed to FirstNet.

The *R&O* generally applies existing rules found in parts 1, 22, 24, 25, and 27 to SCS operations. It requires terrestrial licensees to enter into lease agreements (or, for FirstNet, a contractual arrangement which is substantially similar to a part 1 lease) with satellite operators. Satellite operators must apply for a new or modified part 25 license for SCS which will include the relevant frequencies and GIA(s). Operations are subject to technical limits which largely mirror those of the corresponding terrestrial service to ensure protection of adjacent-band users, including radioastronomy. Recognizing the importance of emergency communications over these systems, the *R&O* requires operators to route emergency calls or texts to the appropriate public safety access point, either by automatic location-based routing or manually through a call center.

Because many of the bands authorized for SCS are not allocated for mobile-satellite service use internationally, the *R&O* notes that any such SCS spectrum use would be considered a non-

conforming use under the ITU Radio Regulations, and operations could only be conducted on a secondary, non-interference basis to an authorized international station.

The *FNPRM* seeks comment on two particular issues: improving coordination between satellite operators and radioastronomy to ensure adequate protection while minimizing the burdens of coordination, and on moving towards full automatic location-based routing for emergency communications.

On May 30, 2024, SpaceX filed a petition for reconsideration contending that the Commission should reconsider its decision to adopt a single out-of-band emissions limit of -120 Dbw/m²/MHz adopted in section 25.202(k)(1) of the Commission's rules. On June 14, 2024, the Commission issued a Public Notice announcing that SpaceX filed the petition for reconsideration and the procedure for public comment on the petition.

STATUS: The *R&O* and *FNPRM* were published in the Federal Register on April 30, 2024. The Public Notice announcing the petition for reconsideration was published in the Federal Register on June 20, 2024. The comment cycles on both the *FNPRM* and the petition for reconsideration have now closed.

RELATED PROCEEDINGS:

- On February 7, 2023, SpaceX and T-Mobile jointly filed an application with the Commission to allow SpaceX to use T-Mobile's PCS G block spectrum for "direct-to-cellular" operations. The application includes requests for waiver of various Commission rules in part 25 and the United States Table of Frequency Allocations to implement the proposed service. The parties also filed a corresponding notification of a spectrum manager lease arrangement between T-Mobile and SpaceX covering T-Mobile's holdings in this band.
 - On April 18, 2023, WTB and SB released a Public Notice (DA 23-338, GN Docket No. 23-135, IBFS File No. SAT-MOD-20230207-00021) seeking comment on the filings by SpaceX and T-Mobile. The comment period closed on June 2, 2023.
 - On December 1, 2023, SB granted-in-part and deferred-in-part SpaceX's application for a modification of its part 25 license to include PCS G block frequencies. This enabled SpaceX to launch satellites equipped with antennas for these frequencies, but not to provide commercial service. Related STAs were granted on December 14 and December 20 to enable SpaceX to work with T-Mobile to test these satellites' SCS capabilities.
 - On June 6, 2024, SpaceX requested a waiver of section 25.202(k)(1) of the Commission's SCS rules. SB issued a public notice seeking comment on the waiver and accepting for filing other aspects of SpaceX's application. (Report No. SAT-01836 (SB Jul 12, 2024)). The filing procedures were subsequently clarified by SB and WTB. (Public Notice, DA 24-726 (WTB/SB Jul. 26, 2024); Public Notice, DA 24-819 (WTB/SB Aug. 14, 2024)). On November 26, 2024, SB issued an order authorizing SpaceX's SCS service in the PCS G block, which deferred consideration of the section 25.202(k)(1) waiver request. (Order and Authorization, DA 24-1193 (Nov. 26, 2024)). On March 7, 2025, SB and WTB issued an order granting SpaceX's request for waiver of section 25.202(k)(1).

- On May 10, 2023, AT&T filed Form 608 notifying the Commission that AT&T and AST & Science, LLC have entered into a long-term spectrum manager lease arrangement to enable SCS using AT&T's 850 MHz cellular and Lower 700 MHz band licenses. The filing includes requests for waiver of various Commission rules to implement the proposed service. AST filed a corresponding amendment to an existing market access petition seeking satellite transmission authority for the 850 MHz cellular and Lower 700 MHz bands. On March 11, 2024, AST filed an amendment seeking to change its previously filed request for U.S. market access to a request for a U.S. license that would authorize deployment and operations of an SCS system, with an initial five satellite launch. On August 2, 2024, Space Bureau issued an order granting launch and transmission authority to AST for five satellites, which could include testing but not deployment of SCS. Subsequently, OET has issued a number of experimental licenses to AST and various partners for various locations, including a January 23, 2025, license for U.S. testing in partnership with AT&T and a January 30, 2025, license for U.S. testing in partnership with Verizon.
- On November 5, 2024, Docomo filed Form 608 notifying the Commission that Docomo and Lynk Global, Inc. (Lynk) have entered into a long-term spectrum manager lease arrangement to enable SCS using Docomo's spectrum in the GIA of Guam and the Northern Mariana Islands. On December 9, 2024, Lynk filed an application requesting modification of its license for ten low-Earth orbit, non-geostationary orbit (NGSO) satellites in order to provide supplemental coverage from space (SCS) in Guam and the Northern Mariana Islands. On March 4, 2025, SB sent a letter seeking additional information about the proposed SCS arrangement from Lynk.

WIRELESS BRIEFING SHEET

SUBJECT: Spectrum Frontiers Proceeding (GN Docket No. 14-177; IB Docket Nos. 15-256, 97-95; RM-11664; WT Docket No. 10-112)

SUMMARY: This briefing sheet describes Commission efforts to enable the use of millimeter wave spectrum above 24 GHz for mobile wireless services, including in the context of next-generation, or 5G, networks.

BACKGROUND:

- Historically, mobile wireless services have been targeted at bands below 3 GHz due to technological and practical limitations.
- However, there have been significant developments in antenna and processing technologies that may allow the use of higher frequencies—in this case those above 24 GHz—for mobile applications.
- Studies show that these new technologies—what some are calling “5G”—can ultimately facilitate dramatically faster wireless broadband speeds and lower latencies than those available today.
- A global race is on to capture the economic benefits that will likely accrue to those economies that are able to launch 5G services expeditiously.

PROCEEDING:

- *Notice of Inquiry:* On October 17, 2014, the Commission released a Notice of Inquiry that sought to broaden its understanding of the state of the art in technological developments for using frequencies above 24 GHz for mobile and other uses.
- *Notice of Proposed Rulemaking:* On October 22, 2015, the Commission adopted a Notice of Proposed Rulemaking, which built on the record developed by the Notice of Inquiry. The Notice of Proposed Rulemaking proposed a mix of licensed and unlicensed bands, with a licensing framework that supports flexible use of the spectrum and creates opportunities for sharing among different kinds of users and use cases.
- *First Report and Order:* On July 14, 2016, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking.
 - The First Report and Order created new fixed and mobile licenses in three bands: 27.5–28.35 GHz (28 GHz band), 38.6–40 GHz (39 GHz band), and 37–38.6 GHz band (37 GHz band). This new service is called the Upper Microwave Flexible Use Service.
 - The First Report and Order granted incumbent licensees in the 28 GHz and 39 GHz bands new mobile rights. New licenses not held by incumbents were auctioned in these bands, along with 1000 megahertz of the 37 GHz band.
 - In the 37 GHz band, the Report and Order adopted a band plan that allows for continuity of commercial operations between the 37 and 39 GHz bands, while protecting federal uses and creating a path for their future use. It protected a limited number of Federal military sites across the full 37 GHz band and maintains the existing Federal fixed and mobile allocations throughout the band. In the 37–37.6 GHz band, the Report and Order created a space for coordinated co-primary shared access between Federal and non-Federal users.
 - The First Report and Order adopted mechanisms to protect incumbent FSS operations in some areas and provides multiple paths for current and future FSS operations in 28

- GHz to gain protection and expand operations in a manner consistent with terrestrial systems.
- The First Report and Order also established a new unlicensed band at 64–71 GHz, making a 14 gigahertz unlicensed band from 57–71 GHz.
 - The First Report and Order adopted a variety of other service and technical rules to facilitate the use of these bands, and that will serve as a framework for additional bands in the future.
 - To meet the Commission’s statutory duty to ensure that spectrum is being placed in use, the First Report and Order adopted performance requirements that are flexible to allow multiple use cases to evolve over time.
- *Second Report and Order:* On November 22, 2017, the Commission adopted a Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order.
 - The Second Report and Order created new Upper Microwave Flexible Use Service rules for the 24.25–24.45 GHz and 24.75–25.25 GHz (collectively, 24 GHz band) and the 47.2–48.2 GHz band (47 GHz band).
 - The Second Report and Order declined to adopt any limits on the amount of spectrum in the 24 GHz and 47 GHz bands an entity may acquire through competitive bidding at auction. The item also increased the threshold for mmW transactions that may warrant further competitive analysis to a combined 1850 megahertz for all mmW bands.
 - The Second Report and Order adopted rules to allow unlicensed operation onboard most aircraft in the 57–71 GHz band under Part 15 of our rules.
 - On reconsideration, the Commission modified and clarified the rules for sharing between UMFUS and Fixed-Satellite Service earth stations to encourage placement of earth stations in smaller markets without harming terrestrial operations.
 - The Commission decided to keep 40–42 GHz and 48.2–50.2 GHz as core satellite bands to encourage the deployment of advanced satellite broadband systems. Conversely, it declined to relax restrictions on satellite use of the 37.5–40 GHz UMFUS band.
 - *Third Report and Order:* On June 7, 2018, the Commission adopted a Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking.
 - The Third Report and Order adopted a geographic area metric for Upper Microwave Flexible Use Service licenses, to be included in the existing list of performance metrics choices, as an option potentially suitable to IoT-type deployments.
 - The item adopted an operability requirement throughout the 24 GHz band.
 - The Third Report and Order adopted a sharing framework to allow use of the 24.75–25.25 GHz band for terrestrial wireless operations and for Fixed Satellite Service (FSS) earth stations.
 - The item also adopted 100 megahertz channels for the 37–37.6 GHz band (Lower 37 GHz band).
 - The Third Report and Order also eliminated the pre-auction limit of 1250 megahertz on the amount of mmW spectrum in the 28 GHz, 37 GHz, and 39 GHz bands that an entity could acquire at auction.
 - The MO&O denied petitions for reconsideration asking for geographic area licensing in the Lower 37 GHz band and asking to allocate the 42 GHz band for satellite use.

- The Third Further Notice of Proposed Rulemaking sought comment on how the 42 GHz band could be used to provide commercial wireless broadband service including possible opportunities for unlicensed and/or shared use, pursuant to the MOBILE NOW Act.
- The Third FNPRM also sought comment on coordination mechanisms to facilitate shared use of the Lower 37 GHz band between Federal and non-Federal users, and among non-Federal users.
- The Third FNRPM also sought comment on making the 25.25–27.5 GHz band (26 GHz band) available for flexible fixed and mobile use.
- Finally, it sought comment on FSS use of the 50.4–51.4 GHz band for a limited number of earth stations.
- *Fourth Report and Order*: On December 12, 2018, the Commission adopted a Fourth Report and Order.
 - The Fourth Report and Order modified the band plans for the Upper 37 GHz, 39 GHz, and 47 GHz bands from 200 megahertz blocks to 100 megahertz blocks to be licensed by Partial Economic Area, to facilitate the simultaneous auction of licenses in the three bands.
 - The item adopted an incentive auction mechanism that offered contiguous blocks of spectrum throughout the Upper 37 GHz, 39 GHz, and 47 GHz bands, while preserving spectrum usage rights for existing licensees.
 - The Fourth Report and Order adopted a pre-auction process that allows incumbent licensees to rationalize their holdings.
- *Fifth Report and Order*: On April 12, 2019, the Commission adopted a Fifth Report and Order.
 - The Fifth Report and Order adopted rules to allow Fixed-Satellite Service earth stations to be individually licensed to transmit in the 50 GHz spectrum band.
 - The item also established a coordination process to accommodate the military's potential need for additional sites in the Upper 37 GHz band, while protecting the interests of non-Federal licensees in this band.
- *World Radio Conference-19*: At the 2019 World Radio Conference, two actions were taken relevant to this proceeding:
 - Several millimeter wave bands were identified for Mobile (IMT) use, including 24.25–27.5 GHz, 37–43.5 GHz, and 47.2–48.2 GHz.
 - WRC-19 agreed to establish new unwanted emission limit levels for the operation of IMT in the band 24.25–27.5 GHz. This treaty agreement comes into effect on January 1, 2021, and establishes a phased-in approach to emissions limits:

Date Applicable	Limits of unwanted emission power from active service stations in the specified bandwidth within the EESS (passive) band	Notes
January 1, 2021	-33 dBW in any 200 MHz of the EESS (passive) band for IMT base stations -29 dBW in any 200 MHz of the EESS (passive) band for IMT mobile stations	This limit will apply to any IMT base and mobile stations which has been brought into use prior to 1 Sept 2027. (Grandfather)

September 2027	-39 dBW in any 200 MHz of the EESS (passive) band for IMT base stations -35 dBW in any 200 MHz of the EESS (passive) band for IMT mobile stations.	

On April 26, 2021, the Office of Engineering and Technology and the Wireless Telecommunications Bureau issued a Public Notice that sought to develop a record on whether and how the Commission could implement the emissions limits adopted at WRC-19 for the active services in the 24 GHz band. On December 22, 2023, the Commission released a Notice of Proposed Rulemaking proposing to align the Commission's 24 GHz rules with the WRC-19 limits, as well as seeking comment on alternative proposals and on other related issues. The comment cycle on the 24 GHz NPRM closed on March 14, 2024.

STATUS: On December 2, 2024, the Commission released the 24 GHz R&O. The 24 GHz R&O aligned part 30 of the Commission's rules for mobile operations in the 24 GHz band with the Resolution 750 limits adopted at WRC-19 to protect the passive 23.6-24.0 GHz band from unwanted emissions on the timeframes adopted at WRC-19. The adopted rules took effect on January 13, 2025, and no petitions for reconsideration or requests for judicial review were filed.

Other pending issues include consideration of flexible use terrestrial wireless service in the 26 GHz, 42 GHz, and 50 GHz bands, as well as the development of a framework in the Lower 37 GHz band for sharing between Federal and non-Federal users. Auctions of the 28 GHz and 24 GHz bands were completed in 2019. An auction of the Upper 37/39/47 GHz bands was completed in 2020. In recent years, Qualcomm, Starry, the Open Technology Institute at New America, and Charter have expressed their interest in the adoption of service rules for the Lower 37 GHz band.

On June 8, 2023, the Commission adopted a Notice of Proposed Rulemaking exploring how spectrum in the 42 GHz band (42–42.5 GHz) might be made available through one of several innovative, non-exclusive spectrum access models. The Notice of Proposed Rulemaking seeks comment on how such models might be deployed in the 42 GHz band to provide increased access to high-band spectrum, particularly by smaller wireless service providers, and to support efficient, intensive use of the band. The item also seeks comment on how potential sharing and licensing regimes might lower barriers to entry for smaller or emerging wireless service providers, encourage competition, and prevent spectrum warehousing. Comments on the NPRM were filed on August 30, 2023, and reply comments were filed on September 29, 2023.

The National Spectrum Strategy identified the Lower 37 GHz band for study to evaluate shared Federal and non-Federal use. Under the Implementation Plan for the National Spectrum Strategy, the FCC, Department of Defense, and NTIA are tasked with studying sharing in the band, and a final report is scheduled to be issued by November 2024. On August 9, 2024, the Wireless Telecommunications Bureau released a public notice seeking to further develop the record for the Lower 37 GHz band with the goal of informing the report mandated by the Implementation Plan. The Public Notice sought public input on various issues relating to the Lower 37 GHz Band. In response, the Bureau received 13 comments. NTIA and DoD issued

their report on the Lower 37 GHz band on November 29, 2024. They have entered their report into the record of the Commission's rulemaking proceeding.

WIRELESS BRIEFING SHEET

SUBJECT: Spectrum Holdings Policies

BACKGROUND: Policies Regarding Mobile Spectrum Holdings (WT Docket No. 12-269). On May 15, 2014, the Commission adopted a Report and Order (Mobile Spectrum Holdings R&O) to ensure that its policies and rules facilitate access to spectrum, and the modified rules took effect on September 9, 2014. The Mobile Spectrum Holdings R&O:

- Updated the spectrum screen for its competitive review of proposed secondary market transactions to reflect current suitability and availability of spectrum for the provision of mobile wireless services.
- Established that certain further concentrations of below-1-GHz spectrum will be treated as an enhanced factor in its case-by-case analysis of the potential competitive harms posed by individual proposed transactions.
- Declined to adopt auction-specific limits for the AWS-3 auction. Added AWS-3 spectrum to the screen on a market-by-market basis depending on the status of federal relocation.
- Established a market-based spectrum reserve for the Incentive Auction of the 600 MHz spectrum of up to a maximum of 30 megahertz in each licensed geographic area. Stated that the 600 MHz spectrum would be added to the spectrum screen upon release of the Channel Reassignment Public Notice after conclusion of the Incentive Auction.
- Excluded 5% of the Educational Broadband Service (EBS) capacity reserved for educational use and 16.5% for the EBS white space. After taking these discounts into consideration, the Commission included 89 megahertz of EBS spectrum in the screen.
- On April 15, 2016, in the Sprint-Shentel-NTELOS Order, WTB determined that the 1695–1710 MHz portion of the AWS-3 band “should now be considered available, as well as suitable, on a nationwide basis.” The spectrum screen was revised to include 15 megahertz of AWS-3 spectrum.

Spectrum Frontiers

- In the July 14, 2016 Spectrum Frontiers Report & Order and FNPRM, the Commission adopted an *ex ante* spectrum aggregation limit of 1250 megahertz in the 28 GHz, 37 GHz, and/or 39 GHz bands for licensees acquiring spectrum through competitive bidding, as well as a threshold of 1250 megahertz for proposed secondary market transactions in these three bands.
- *Spectrum Frontiers 2nd R&O.* On November 22, 2017, the Commission released the Second Report and Order, the Second FNPRM, and the MO&O:
 - adding the 24 GHz and 47 GHz bands to the mmW spectrum threshold, which increased the threshold to 1850 megahertz. The Commission declined to adopt a pre-auction limit for these two bands.
 - proposing to eliminate the pre-auction limit that was adopted in 2016 for the 28 GHz, 37 GHz, and 39 GHz bands, and sought comment on case-by-case review.

- rejecting CCA's request for reconsideration of the decision not to adopt band-specific limits for each of the 28 GHz, 37 GHz, and 39 GHz bands.
- *Spectrum Frontiers 3rd R&O*. On June 8, 2018, the Commission released the Spectrum Frontiers Third Report and Order, MO&O, and Third FNPRM.
 - In the Third Report and Order, the Commission eliminated the pre-auction limit of 1250 megahertz for the 28 GHz, 37 GHz, and 39 GHz bands. Also, the Commission adopted a post-auction case-by-case review (using the same 1850 megahertz threshold used for reviewing applications for the secondary market) to evaluate whether applicants' holdings would result in excessive concentration of licenses.
 - In the Third FNPRM, the Commission proposed to have no pre-auction limit for the 26 GHz and 42 GHz bands (to the extent that the Commission adopts UMFUS rules for some portion or all of these bands). Also, the Commission proposed to include these bands in the mmW spectrum threshold for reviewing proposed secondary market transactions. The Commission adopted these proposals in an August 8, 2018 public notice.

Other Proceedings

- *3.5 GHz Band*. On April 21, 2015, the Commission adopted the 3.5 GHz band Report and Order, which made available 150 megahertz of spectrum in the 3550–3700 MHz band (3.5 GHz band) for both licensed and licensed-by-rule use. The Commission imposed a pre-auction aggregation limit of 40 megahertz per license area. However, the Commission did not include the 3.5 GHz spectrum in the spectrum screen given the unique characteristics of this band, e.g., the multiple tiers of many users, including Federal incumbents, sophisticated rules for sharing that include dynamic access for priority access licenses (PALs), and the range of technologies and heterogeneous business models that may operate in this band.
- *Broadcast Incentive Auction*. On April 13, 2017, the Incentive Auction Closing and Channel Reassignment Public Notice was released, and the spectrum screen was revised to include 70 megahertz of 600 MHz spectrum.
- *BRS/EBS*. On July 10, 2019, the Commission adopted the 2.5 GHz Report and Order to rationalize the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) in the 2.5 GHz Band (2496–2690 MHz). The 2.5 GHz Report and Order adopted rule changes to provide greater flexibility to current EBS licensees and to provide new opportunities for additional entities to obtain unused 2.5 GHz spectrum.
 - In the 2.5 GHz Report and Order, the Commission removed the educational use discount of 5%, as well as the EBS white space discount of 16.5%, and newly included the EBS J band channels in the spectrum screen. The order, effective April 27, 2020, increased the amount of EBS spectrum included in the screen from 89 megahertz to 116.5 megahertz.
 - *Auction 108 T-Mobile licenses/AT&T petition to deny*. On February 27, 2024, WTB/OEA denied AT&T's petition which requested that the Commission not grant the Auction 108 long-form application of T-Mobile for new EBS service

licenses in the 2.5 GHz Band. WTB/OEA found that, subject to a voluntary commitment by T-Mobile which was adopted as a condition, competitive harm is unlikely. The Order concluded that the public interest, convenience, and necessity would be served if T-Mobile's application is granted.

- *3.7 GHz Band.* On February 28, 2020, the Commission adopted the 3.7 GHz band Report and Order, which made 280 megahertz (3.7–3.98 GHz) of the 3.7 GHz–4.2 GHz band available for flexible use in the contiguous United States through public auction of overlay licenses. The public notice announcing that the auction has closed was released on February 24, 2021.
 - The 3.7 GHz band Report and Order did not impose a pre-auction, bright line limit on acquisitions of the spectrum, but instead adopted case-by-case review of long-form license applications following the auction.
 - In addition, the 3.7 GHz band Report and Order incorporated the 280 megahertz of spectrum in the 3.7–3.98 GHz band to the screen in the contiguous United States for secondary transactions once the auction closes.
 - *Auction 107 3.7 GHz Service licenses/DISH petitions to deny.* On July 23, 2021, WTB/OEA denied DISH's petitions which requested that the Commission not grant the Auction 107 long-form applications of T-Mobile and Verizon Wireless for licenses in the 3.7–3.98 GHz band. WTB/OEA found that competitive harm is unlikely, and DISH's petitions do not raise any specific allegations. The Order concluded that the public interest, convenience, and necessity would be served if T-Mobile's and Verizon Wireless's applications are granted.
- *900 MHz Realignment.* On May 13, 2020, the Commission adopted the 900 MHz Report and Order, Order of Proposed Modification, and Orders, which established a regulatory framework to make available six megahertz of spectrum in the band for broadband licenses on a county-by-county basis, while reserving the remaining four megahertz of the band for continued narrowband operations.
 - The 900 MHz Report and Order declined to include the 900 MHz broadband segment in the Commission's spectrum aggregation screen.
- *T-Mobile Spectrum Manager Lease.* On August 7, 2020, Verizon filed a petition for reconsideration of WTB's acceptance of T-Mobile's Spectrum Manager Lease arrangements (involving 600 MHz spectrum) with Channel 51 License Company LLC and LB License Co, LLC. Verizon asserts that the Bureau should review potential competitive harm that could result from T-Mobile's aggregation of low-band and mid-band spectrum. On December 3, 2020, WTB denied the petition. On January 4, 2021, Verizon filed an application for review, arguing that the T-Mobile's spectrum aggregation raises competitive concerns. On January 19, 2021, T-Mobile filed an opposition.
- *3.45 GHz Band.* On March 17, 2021, the Commission adopted the Second Report and Order, Order on Reconsideration, and Order of Proposed Modification to make 100 megahertz in the 3.45–3.55 GHz available for auction. The Commission imposed a pre-auction in-band aggregation limit of 40 megahertz per license area, which will exist for four years following the close of Auction 110. Additionally, the Commission added the 100 megahertz to the spectrum screen on January 14, 2022, when Auction 110 closed.

- *Mobile Spectrum Holdings Policies/AT&T Petition for Rulemaking.*
 - On September 1, 2021, AT&T filed a petition for a rulemaking to establish a mid-band spectrum screen. AT&T asserted that the Commission should keep unpaired mid-band spectrum in the overall screen but apply “enhanced review” to any acquisition of unpaired mid-band spectrum that would cause a provider to hold more than one-third of the total amount available. AT&T contended that a mid-band spectrum screen should apply to secondary market transactions and long-form applications in auctions.
 - On September 22, 2023, WTB/OEA released a public notice that seeks comment on the AT&T petition for rulemaking (e.g., proposed establishment of a mid-band screen) and mobile spectrum holdings policies more broadly (WT Docket No. 23-319).
- *12.2 GHz Band and 12.7 GHz Band.* On May 18, 2023, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking regarding the 12.2–12.7 GHz band (12.2 GHz band) and a Notice of Proposed Rulemaking and Order regarding the 12.7–13.25 GHz band (12.7 GHz band). In the NPRM, the Commission seeks comment generally on whether to adopt limitations on the aggregation of spectrum holdings in the 12.7 GHz band. If so, the Commission seeks comment on whether to impose limitations through the total spectrum screen, a separate spectrum screen, a limit on initial licensing, or other means.

WIRELESS BRIEFING SHEET

SUBJECT: Spectrum Licensing

Statutory Mandate and International Agreements. The Communications Act of 1934 requires the Commission to manage and license the spectrum to benefit the public convenience, interest, and necessity. The Act specifically tasks the Commission with facilitating a rapid, efficient communications service, ensuring prompt delivery of service to rural areas, preventing warehousing of spectrum, promoting investment in and rapid deployment of new technologies and services, assigning licenses and promulgating the rules governing such licenses, resolving mutually exclusive license applications by auction, and preventing interference between licensees, among other responsibilities. In addition, the United States is a party to numerous international agreements, which require management of wireless spectrum to meet treaty and other obligations and protection of U.S. wireless spectrum users, e.g., coordination along the Canadian and Mexican borders.

Licensing Mechanisms. In furtherance of the Commission's statutory mandate, the Bureau has developed various methods of authorizing wireless spectrum use. For the most part, new licenses used to provide commercial wireless service to the public are assigned by competitive bidding (i.e., auctions) and are defined by market-based areas (e.g., Economic Areas, Cellular Market Areas). A wireless licensee generally has the exclusive right to deploy anywhere within its geographic boundary. Other wireless licenses are made available on an as-needed, site-by-site basis, where licensees have exclusive or shared use of the specified spectrum in a particular area or radio path. These licenses are typically used by businesses (e.g., two-way radio for internal communications, point-to-point links for wireless backhaul), industry (e.g., utility networks for monitoring critical infrastructure), safety (e.g., aircraft-to-control tower communications), and state and local government (e.g., coordinating personnel, tracking assets). In addition, the Bureau also authorizes wireless spectrum on a personal, non-exclusive use basis for safety (e.g., ships, aircraft), experimentation, and hobby (e.g., Amateur) purposes. These individual licenses authorize operation in particular services anywhere within the FCC's jurisdiction, rather than at a specific location or area. (Note: The Bureau also administers some services licensed by rule which require no FCC filing and in some frequency bands, wireless devices may operate on an unlicensed, low power basis pursuant to the Part 15 rules, which are overseen by the Office of Engineering and Technology.) In some bands, the Commission has implemented a dynamic approach to spectrum access by which lower tiers of users can use spectrum when not in use by higher priority users.

License-Related Filings Received by the Bureau. In order to manage the nation's significant wireless spectrum resources effectively and accurately, the Bureau requires licensees to file a variety of information. Specifically, wireless licensees must file (1) applications for new spectrum licenses; (2) construction showings, which demonstrate a licensee's compliance with our performance requirements or seek additional time to build; (3) license modifications and waivers, which seek changes in spectrum rights or relief from other requirements in our rules; (4) license transfers, assignments, and leases; and (5) renewal of existing licenses. In addition, wireless licensees must apprise the Commission of any changes in their contact information. Some categories of filings, such as updating contact information, are subject to streamlined processing and require little, if any, individual review. Others license filings and resolution of challenges to such filings (e.g., petitions to deny, petitions for reconsideration) require significant

technical or legal review, with the level of detailed review determined by the particular service and circumstances of the application. We are required by the Communications Act and Congress to collect regulatory fees (covering the cost of administering the rules) and we are required by Congress to collect application fees (covering costs associated with application processing and review).

Leveraging Licensing Information. The licensing information collected by the Bureau furthers both day-to-day license operation and long-term, spectrum management policies. From an operational standpoint, licensing information facilitates interference avoidance and mitigation, enables coordination of frequency use in the border areas, allows accurate assignment of site-based licenses, and ensures timely communications with licensees. From a wireless spectrum management perspective, licensing information ensures that wireless spectrum is being used in compliance with Commission rules, allows the Bureau to evaluate whether wireless spectrum is being put to its best and highest use, facilitates sharing with federal government users, and enables consideration of rule changes to permit innovative, new services.

Effective and Efficient Licensing. The Bureau's licensing information requirements balance the need for accurate data to manage the nation's spectrum resources efficiently and effectively with continued efforts to minimize information collection and other filing burdens on licensees. To this end, the Bureau now mandates electronic filings in nearly all cases. This allows the Bureau and the public to track the status of all filings from submission to disposal. The Bureau's Universal Licensing System facilitates public filings by guiding applicants through appropriate forms and schedules based on user responses to system prompts. Further, our electronic systems permit mass analysis and action on certain classes of filings. As a result, the Bureau automatically processes nearly 80% of all filings.

Challenges. The Bureau faces a number of challenges in licensing, some of them on-going, while others are long-term. Specifically,

- The Bureau faces cyclical spikes in the volume of incoming filings coupled with ever-decreasing staffing levels.
- The Bureau must react to variations in the number and types of filings over time.
- The Bureau must constantly adjust its processes and software in reaction to changes in our policies and rules, some of which may pose particularly difficult operational challenges.
- On a long-term basis, given the age of existing software and the limited ability to maintain such software, the Bureau must modernize ULS by moving it to a more stable platform.

Work Volume. To provide quick context, the table below summarizes the average number of filings disposed monthly over the last 5 years, broken down by general type of filing and licensing mechanism.

		Site-by-site	Personal
New/Renewed licenses	363	4,765	13,495
License Modifications	37	2,632	3,149
License Transfers, Assignments, Leases	244	243	8

Construction Notifications and Extensions	172	2,846	N/A
Admin changes	1,066	4,078	4,073
TOTAL	1,882 (5%)	14,565 (39%)	20,724 (56%)

* Applicants may include multiple types of licenses in the same Transfer/Assignment/Lease filing. In such cases, we have counted that application under each relevant column.

E-Licensing Proceeding (WT Docket 19-212). On September 6, 2019, the Commission issued an NPRM seeking comment on a number of proposals aimed at completing the transition of Bureau licensing systems from paper to electronic. Specifically, the NPRM sought comment on: (1) eliminating the small number of remaining e-filing exemptions, (2) requiring all applicants to provide an email address as contact information, (3) eliminating the mailing of hard copy licenses, and (4) replacing hard copy correspondence (via U.S. Mail) with some sort of electronic communications (including official application/license correspondence and renewal/construction “reminders”). Comments were due October 30, 2019 and replies were due November 14, 2019.

The Commission adopted an R&O in this proceeding on September 17, 2020 that finalizes its transition to electronic interactions for licenses in the Wireless Radio Services. Specifically, the E-Licensing R&O:

1. Eliminates existing exemptions from electronic filing in the FCC’s Universal Licensing System and requires electronic filing in the Antenna Structure Registration system;
2. Requires electronic filing (and delivery of service) of pleadings related to these systems;
3. Requires applicants, licensees, and registrants to provide an e-mail address on related FCC Forms; and
4. Shifts from paper to electronic delivery of Commission correspondence generated from these systems.

Together, these changes will decrease costs for consumers and the Commission, enhance transparency of and public access to data, and save a substantial amount of paper annually. The rules adopted in the R&O became effective on June 29, 2021.

WIRELESS BRIEFING SHEET

SUBJECT: *Spectrum Usage Notice of Inquiry*—Initiating a technical inquiry into how to obtain more sophisticated knowledge of real-time non-Federal spectrum usage and how modern technologies can enable this effort (WT Docket No. 23-232).

BACKGROUND: On August 4, 2023, the Commission released a Notice of Inquiry (NOI) exploring potential avenues to advance understanding of non-Federal spectrum usage through new data sources, technologies, and methods. As the radiofrequency environment becomes more congested, consideration of such data may become an increasingly valuable mechanism to improve spectrum management, particularly as the burgeoning growth of machine learning and artificial intelligence might facilitate insights into large and complex datasets. Leveraging today's tools to understand tomorrow's commercial spectrum usage can help identify new opportunities to facilitate more efficient spectrum use, including new spectrum sharing techniques and approaches to enable co-existence among users and services.

The NOI therefore undertook a technical inquiry on how to obtain more sophisticated knowledge of non-Federal spectrum usage—and how the Commission could take advantage of modern capabilities for doing so in a cost-effective, accurate, scalable, and actionable manner. The NOI continued the Commission's efforts to bring next-generation techniques and data-driven analysis to our spectrum management toolkit, building on the Commission's recent Spectrum Policy Statement regarding the responsibilities of receivers to operate resiliently in congested spectrum bands.

The NOI sought comment on a wide array of topics and issues related to the study of non-Federal spectrum usage, including:

- potential definitions to measure spectrum usage, including previous frameworks to define spectrum usage and their respective benefits and drawbacks;
- the utility of breaking spectrum usage into discrete components – such as geographic usage, frequency usage, and time usage – and any potential frameworks or metrics for doing so;
- band-specific considerations for studying spectrum usage; how the concept of spectrum usage should vary by frequency, service, geographic region, or other factors;
- data-related considerations, including potential challenges to collecting spectrum usage data, such as cost and burden, standardization, and technical accuracy, and the benefits and drawbacks of potential data sources, such as crowdsourcing, external databases, modeling, and direct observation; and
- steps the Commission might take to further this inquiry, as well as both near- and longer-term efforts that the Commission might consider with respect to the study and analysis of spectrum utilization.

STATUS: Comments on the NOI were due on October 3, 2023. Reply Comments on the NOI were due on November 2, 2023.

WIRELESS BRIEFING SHEET

SUBJECT: T-Mobile/Sprint Transaction Compliance—Monitoring T-Mobile’s compliance with the conditions imposed in the T-Mobile-Sprint transfer of control order (WT Docket No. 22-211; 18-197).

BACKGROUND: On November 5, 2019, the Commission released an order approving the applications for the transfer of control of licenses, authorizations and spectrum leases from Sprint Corporation (Sprint) to T-Mobile USA, Inc. (T-Mobile). As part of its approval, the Commission imposed as conditions various commitments made by T-Mobile to ensure that the proposed transaction served the public interest. The conditions included monitoring of nationwide 5G network deployment coverage requirements and in-home broadband commitments as well as verification and enforcement of the conditions. On May 23, 2022, WTB opened a docket for the purpose of monitoring compliance with the conditions imposed in the T-Mobile-Sprint Order.

STATUS: T-Mobile submitted annual progress reports to the Commission. T-Mobile reports on its 5G coverage commitments, one commitment for nationwide 5G service and one for rural 5G service, with interim thresholds at the 3-year mark from consummation (i.e., April 1, 2023) and final targets at the 6-year mark (April 1, 2026). T-Mobile also annually updates its progress reports on its in-home broadband service commitments. Within 9 months following each of the third and sixth annual anniversaries of the closing date of the T-Mobile/Sprint merger, T-Mobile will submit to the Bureau a report that will include drive test results. T-Mobile timely submitted its report, including drive test results, on January 2, 2024. On May 21, 2024, T-Mobile filed additional information on the drive test results. WTB is evaluating the drive test results as well as the additional information provided by T-Mobile. On May 31, 2024, T-Mobile submitted its fourth annual progress report.

WIRELESS BRIEFING SHEET

SUBJECT: Transactions

T-MOBILE-CHANNEL 51-LB LICENSE TRANSACTION: Applications of T-Mobile License LLC, Nextel West Corp. and LB License Co, LLC for License Assignment; Application of T-Mobile License LLC, Nextel West Corp., and Channel 51 License Company LLC for License Assignment (ULS File Nos. 0010923038, 0010168412, 0010168420, 0010168439).

BACKGROUND: On August 8, 2022, Channel 51 License Company LLC (Channel 51), LB License Co, LLC (LB License), Nextel West Corp. (Nextel West) and T-Mobile License LLC (T-Mobile License and, with Nextel West, T-Mobile) (collectively, the Applicants) entered into two license purchase agreements, pursuant to which 600 MHz licenses held by Channel 51 and LB License would be assigned to T-Mobile. T-Mobile proposed to acquire 10 to 20 megahertz of spectrum in 167 counties in all or parts of 50 cellular market areas (CMAs). Post-transaction, in markets where there is geographical overlap, T-Mobile would hold 299.5 to 440 megahertz of spectrum covering approximately 90 million people, or approximately 27% of the population of the United States, excluding the territories. The licenses that are subject to the proposed transaction were previously leased to T-Mobile by Channel 51 and LB License through long-term spectrum manager leasing arrangements. As such, T-Mobile was already attributed with the spectrum, and T-Mobile provided service using this 600 MHz spectrum.

STATUS: On December 29, 2023, WTB/OEA released a *Memorandum Opinion and Order* that consented to the assignment applications. WTB/OEA found that the likelihood of competitive harm is low and that some public interest benefits are likely to be realized, such as the continued use of the 600 MHz licenses for 5G services resulting in enhanced network coverage, capacity, and performance to the benefit of American consumers. The *Order* further stated that DISH's requested conditions are not transaction-specific, and its proposed remedies are beyond the scope of these applications. Moreover, the *Order* stated that regarding DISH's request that we hold the applications in abeyance pending the resolution of WTB's/OEA's recent Public Notice on AT&T's petition for rulemaking, WTB/OEA declined that request. This is because WTB/OEA stated in the *Order* that to the extent DISH asks to reexamine broader spectrum aggregation and competition issues, comment was sought on mobile spectrum holding policies more generally in the separate proceeding initiated by WTB's/OEA's Public Notice (noted above in the spectrum holdings briefing sheet).

On April 10, 2024, EchoStar Corporation (EchoStar) filed a petition to deny regarding the proposed transaction of three 600 MHz spectrum licenses from LB License to T-Mobile concerning the Dallas, TX Partial Economic Area (PEA) (PEA 008) (ULS File No. 0010923038). On April 22, 2024, T-Mobile and LB License each filed an opposition separately. On April 29, 2024, EchoStar filed its reply to these oppositions.

On October 22, 2024, the Bureau issued a written order consenting to the assignment of the three 600 MHz spectrum licenses in the Dallas, TX PEA. *See* ULS File No. 0010923038. On November 21, 2024, EchoStar filed a Petition for Reconsideration of the Bureau's Order. On December 2, 2024, T-Mobile filed an Opposition to the EchoStar Petition. On December 9, 2024, EchoStar filed a Reply to the Opposition.

T-MOBILE-MINT-ULTRA TRANSACTION: Applications of T-Mobile, US Inc. and Ka'ena Corporation for Consent to Transfer Control of International Section 214 Authorizations (GN Docket No. 23-171, ICFS File Nos. ITC-T/C-20230406-00043, ITC-T/C-20230406-00044).

BACKGROUND: On April 6, 2023, Ka'ena Corporation (Ka'ena) and T-Mobile, US Inc. (T-Mobile) filed applications for consent to transfer control of international 214 authorizations held by Mint Mobile, LLC (Mint Mobile) and UVNV, Inc. (UVNV), two Mobile Virtual Network Operators (MVNOs), from Ka'ena to T-Mobile. On March 9, 2023, a merger and unit purchase agreement was entered into between T-Mobile and Ka'ena, and related entities, whereby T-Mobile would acquire control and indirect ownership of all of the membership interests in Mint Mobile and all of the shares of UVNV as well as their respective customers. Upon consummation, Mint Mobile and UVNV would both be wholly owned indirect subsidiaries of T-Mobile, and T-Mobile would continue to provide Mint Mobile and Ultra Mobile branded services.

On May 22, 2023, a Public Notice was released that established the pleading cycle and opened the docket. Ten comments were filed; no petitions to deny or comments opposing the proposed transaction were filed within the comment period. An Information Request was released on October 27, 2023. On November 21, 2023, T-Mobile responded to the Information Request. On December 26, 2023, the National Telecommunications and Information Administration (NTIA) informed the Commission that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector had completed its review of the applications and had no recommendation and no objection to the Commission's granting the applications.

STATUS: On April 25, 2024, the Office of International Affairs (OIA)/WTB released a *Memorandum Opinion and Order*, in which it approved, subject to conditions, the applications of Ka'ena and T-Mobile for Commission consent to the transfer of control of international section 214 authorizations held by Mint Mobile and UVNV, which operates the Ultra Mobile brand, from Ka'ena to T-Mobile. OIA/WTB concluded that "based on our evaluation of the potential competitive effects as well as the likely public interest benefits, and in light of T-Mobile's voluntary handset unlocking commitment for Mint Mobile and Ultra Mobile devices that we impose as a condition to our approval, we find that, on balance, the proposed transfers of control will serve the public interest, convenience, and necessity."

On May 28, 2024, Lycamobile USA Inc. (Lyca) filed a petition for reconsideration regarding the *T-Mobile-Mint-Ultra Order*. On June 7, 2024, T-Mobile filed a Motion to Dismiss and Opposition to Lyca's Petition for Reconsideration. On June 14, 2024, Lyca filed its reply to T-Mobile's Motion to Dismiss and Opposition.

On September 11, 2024, T-Mobile and Lyca filed a joint *ex parte* notifying the Commission that, on September 10, 2024, T-Mobile and Lyca settled all claims associated with pending litigation in the state of Washington. On September 24, 2024, Lyca filed a motion to withdraw its Petition for Reconsideration.

T-MOBILE-HORRY TELEPHONE COOPERATIVE TRANSACTION: Applications of T-Mobile License LLC and Horry Telephone Cooperative, Inc. to Assign Spectrum Licenses (ULS File Nos. 0010864059 (lead application), 0010877919, 0010902770).

BACKGROUND: On February 9, 2023, T-Mobile License LLC (T-Mobile) and Horry Telephone Cooperative, Inc. (HTC) filed three applications. Two applications were filed together (ULS File Nos. 0010864059 and 0010877919) pursuant to an exchange agreement swapping one license of T-Mobile's cellular spectrum with two licenses of HTC's 600 MHz spectrum. The other application (ULS File No. 0010902770) was filed pursuant to a purchase agreement in which one license of HTC's 600 MHz spectrum would be assigned to T-Mobile. Both proposed transactions solely involve the assignments of spectrum and do not involve transfer or any other assets, facilities, or customers. Upon closing, T-Mobile would hold 293-338 megahertz of total spectrum, including 74 megahertz of below-1-GHz spectrum, in two South Carolina CMAs; and 390 megahertz of total spectrum, including 76 megahertz of below-1-GHz spectrum, in one North Carolina CMA. Post-transaction, HTC would hold 92-137 megahertz total spectrum in the same two South Carolina CMAs.

On March 13, 2024, WTB released a Public Notice accepting the applications for filing. On March 27, 2024, EchoStar filed a petition to deny regarding these three applications. T-Mobile and HTC each filed oppositions to EchoStar's petition on April 8, 2024. On April 15, 2024, EchoStar filed its reply.

STATUS: On September 24, 2024, the Bureau issued a written order consenting to the applications. On October 24, 2024, EchoStar filed a Petition for Reconsideration of the Bureau's order. On November 4, 2024, T-Mobile filed an Opposition to the Petition for Reconsideration.

T-MOBILE-USCELLULAR TRANSACTION: Applications of T-Mobile US, Inc. (T-Mobile) and United States Cellular Corporation (UScellular) (collectively, the Applicants) for Consent to the Transfer of Control and Assignment of Certain Spectrum Licenses, an International Section 214 Authorization, and Spectrum Leases (GN Docket No. 24-286, ULS File No. 0011180491 (lead application), ITC-ASG-20240913-00139).

BACKGROUND: On May 28, 2024, T-Mobile and UScellular announced an agreement for the transfer of wireless operations, customers, and certain spectrum licenses and spectrum leases. On September 11, 2024, the Commission opened a docket for the proposed transaction. On September 13, 2024, the Applicants filed to acquire the wireless operations, customers, and approximately 30% of UScellular's licensed spectrum. T-Mobile is controlled by Deutsche Telekom AG (DT), a German corporation. Deutsche Telekom Holding B.V., a Netherlands entity and an indirect wholly owned subsidiary of DT, holds a direct 50.42% equity and voting interest in T-Mobile. In addition, DT holds proxy to vote additional shares of T-Mobile. As a result, DT has an indirect 50.42% equity interest and 100% voting interest in T-Mobile. The Applicants state that they have an existing foreign ownership ruling under section 310(b)(4) of the Act that covers the licenses and spectrum leases being acquired in the transaction. The Applicants have submitted a spectrum aggregation chart that indicates that T-Mobile would be acquiring 10 to 131.5 megahertz of spectrum in 808 counties across the United States. According to the Applicants' spectrum aggregation chart, in counties where T-Mobile is gaining spectrum and there is geographical overlap, T-Mobile would hold a maximum of 381 megahertz of spectrum post-transaction. On October 30, 2024, the Commission accepted the applications for filing and set a pleading cycle with petitions due on December 9, 2024, oppositions due on January 8, 2025, and replies due on January 28, 2025. On December 27, 2024, the Commission sent requests for information, documents, and data to the Applicants. T-Mobile submitted partial responses on January 17, 2025, January 22, 2025, February 3, 2025, and February 27, 2025.

UScellular submitted partial responses on January 17, 2025, January 30, 2025, and February 14, 2025. The Applicants' responses remain ongoing and have not yet been completed.

WIRELESS BRIEFING SHEET

SUBJECT: Unmanned Aircraft Systems (UAS)

BACKGROUND: Historically, unmanned aircraft systems (UAS) have centered on personal hobbyist use by individuals using unlicensed spectrum to operate small unmanned aircraft over short distances. UAS, however, are increasingly being used and considered for a wide variety of applications and services, including surveillance, search and rescue, newsgathering, infrastructure inspection, package delivery, as well as Advanced Air Mobility (AAM), which includes passenger transport. In light of the rapidly increasing and evolving use of UAS, Congress enacted the FAA Modernization and Reform Act of 2012, directing the Department of Transportation to develop a comprehensive plan to safely integrate UAS operations into the National Airspace System (NAS). Congress subsequently enacted the FAA Reauthorization Act of 2018 and the FAA Reauthorization Act of 2024, requiring the FAA to meet certain milestones with regard to the integration of UAS into the NAS. Section 374 of the 2018 Act also requires the FAA, NTIA, and FCC to report on issues related to spectrum as described below.

This discussion provides a brief background regarding spectrum considerations and does not address technical/operational or privacy/security issues associated with UAS use. For additional information regarding AAM specifically, refer to the briefing sheet on the Advanced Air Mobility Notice of Proposed Rulemaking.

Spectrum Currently Available for UAS. UAS rely on radio frequency (RF) spectrum for multiple purposes: (1) Command and Control (C2) uses (radio transmissions used to control aircraft); (2) Payload operations (radio transmissions used for backhaul data by aircraft); as well as (3) radio transmissions for other purposes such as telemetry, navigation, autonomy (sense-and-avoid), or relay/backhaul functions.

Until relatively recently, the Commission had not designated spectrum for UAS operation. However, the Commission has permitted UAS operation on non-federal spectrum through the following: (1) unlicensed spectrum under Part 15; (2) Part 95 Personal Radio Services channels; (3) Part 97 Amateur Radio Service frequencies; (4) experimental operations on authorized under Part 5; and (5) the general aviation air-ground radiotelephone service in the 450 MHz band, through a conditional waiver granted to the sole licensees in the band, A2G and AURA Network Systems.

Part 15 Unlicensed Use. Part 15 of the Commission's rules permits the operation of radio frequency devices, including UAS, within the limitations set forth in those rules. Individual licenses are not issued to operators of these devices. The UAS operator must accept whatever interference is received and must not cause harmful interference. It appears that most off-the-shelf unmanned aircraft currently in operation are using unlicensed frequencies.

Part 95 Personal Radio Services. UAS operation is permitted on Radio Control (R/C) frequencies and Multi-Use Radio Service (MURS) frequencies under Part 95. Part 95 permits control of a UAS on certain R/C frequencies and MURS frequencies. UAS operation is limited to hobby/recreational uses.

Part 97 Amateur Radio Service. Licensed amateur radio operators may use Part 97 amateur frequencies to control model aircrafts so long as they meet certain operational requirements. These frequencies also may be used to transmit video, GPS coordinates, and identifying signals. Amateur frequencies can be used only for noncommercial purposes.

Part 5 Experimental Authorization. Individuals, universities, research institutes, state and local governments and businesses can seek authorization for UAS operation under Part 5. There are no specific frequencies identified in the rules, and operations are on a temporary, non-interference basis.

450 MHz Band. On January 14, 2021, WTB granted a conditional waiver to AURA Network Systems and A2G Communications (AURA/A2G), of certain rules governing the General Aviation Air-ground Radiotelephone Service portion of the 450 MHz band, in order to permit AURA/A2G, the sole licensees in the band, to provide additional services on their nationwide network including services (such as command-and-control) to UAS. The waiver was subject to several conditions, including a requirement that AURA/A2G file a petition for rulemaking seeking permanent rule changes for a more flexible use of the 450 MHz general aviation air-ground band. On January 13, 2025, the Commission issued a Notice of Proposed Rulemaking on use of the 450 MHz Band. For more information, see Advanced Air Mobility Notice of Proposed Rulemaking Briefing Sheet.

Future Spectrum Use.

L-Band (960–1164 MHz) and C-Band (5030–5091 MHz)—C2 spectrum. The International Telecommunications Union (ITU) has been conducting ongoing studies of UAS spectrum requirements and has identified spectrum for UAS use: World Radio Conference (WRC)-07 and WRC-12 allocated the 960–1164 MHz portion of the L-Band and 5030–5091 MHz segment of the C-Band for UAS C2 control operation. Specifically, WRC-07 expanded uses of the L-Band by adopting a primary Aeronautical Mobile (Route) service (AM(R)S) allocation for the band, while WRC-12 added aeronautical mobile allocations to the C-Band.

Of consequence is the designation of these services as aeronautical safety services. The ITU established the AM(R)S, AMS(R)S and ARNS as the designated radio services reserved for aeronautical safety and regularity of flight, which are afforded higher levels of protection from harmful interference. Because C2 links play a critical role in maintaining the safety and regularity of UAS, certain stakeholders, such as ITU, believe that UAS should operate under an aeronautical safety service allocation. In April 2015, the Commission adopted implementing regulations incorporating the L-Band allocation, and allocated the 5030–5091 MHz band to the AM(R)S service in March 2017.

The Commission adopted a Notice of Proposed Rulemaking in December 2022 (WT Docket No. 22-323) (*UAS NPRM*), seeking comment on service rules that will enable the use of the 5030–5091 MHz band for UAS command and control communications purposes. The NPRM also seeks comment on whether the Commission’s current rules for existing terrestrial flexible-use spectrum networks are adequate to ensure co-existence of terrestrial mobile operations and UAS use or whether changes to these rules are necessary. Finally, the NPRM proposes a process for UAS operators to obtain a license in the aeronautical VHF band to communicate with air traffic control and other aircraft. On August 29, 2024, the Commission released a Report and Order adopting rules under a new rule part 88 that provide UAS operators the ability to obtain direct

frequency assignments in a 10 megahertz portion of the 5030–5091 MHz band for the purpose of UAS command-and-control communications (C2) occurring directly between an operator and the UAS (not relying on an intervening network). Under these rules, one or more dynamic frequency management systems (DFMSs) will manage and coordinate access to the spectrum and enable its safe and efficient use, by providing requesting operators with temporary frequency assignments to support UAS C2. To provide a level of communications reliability suitable for aviation operations in controlled airspace, the Commission adopted technical requirements drawn from the RTCA DO-362A technical standard, which was adopted by the Radio Technical Commission for Aeronautics (RTCA), an aviation standards organization, specifically to provide minimum performance standards for C2 communications in the 5030–5091 MHz band (and is discussed further below). The Report and Order indicated that, in subsequent phases of the rulemaking, the Commission would address (1) the final band plan for the 5030–5091 MHz band, which might include changing the amount of spectrum designated for non-networked operations or the location in the band of these operations; (2) measures to ensure compatibility between UAS stations operating at and near the edges of the 5030–5091 MHz band and services in adjacent spectrum; and (3) service rules for exclusive-use licenses enabling network-supported services in the band, including the scope of such services.

Fixed Satellite (FSS) Spectrum—C2 spectrum. Despite the designation of the L-Band and C-Band for UAS use, a review of the available spectrum in the L-Band and C-Band indicates that likely demand will not be met using these bands alone. To help address this gap, WRC-15 designated certain FSS spectrum for use as additional control links for UAS operation. However, the potential use of FSS spectrum for C2 is somewhat controversial in light of existing commercial operations on the FSS frequencies with certain jurisdictions opposed to allocating the frequencies as aeronautical safety spectrum. This allocation is set for further review and cannot be used for UAS until international (aeronautical) standards and recommended practices are developed. While the use of FSS for C2 was considered at the 2023 World Radio Conference (WRC-23) (Agenda Item 1.8), no actions were taken regarding this issue.

Commercial Wireless Spectrum—Potential Payload and Other Uses. Commercial wireless service providers as well as other commercial entities such as Google and Amazon have expressed interest in leveraging existing wireless networks as platforms for UAS operation. Commercial spectrum could potentially be used for control links or payload as well as for purposes such as navigation or autonomous operation. The commercial wireless industry is currently studying UAS to better understand market potential, spectrum and technical requirements, as well as the potential impact on their core communications business. Additionally, industry standards bodies, such as 3GPP, are continuing to develop standards to enable the use of commercial networks as platforms for UAS operations. In the *UAS NPRM*, the Commission sought comment on whether the Commission’s rules are adequate to ensure co-existence of terrestrial mobile operations and UAS use or whether changes to our rules are necessary to facilitate and encourage such UAS use.

Stakeholders.

FAA. As noted, the FAA has been tasked with developing regulations and processes to safely integrate UAS into the NAS. The FAA has established rules permitting the routine use of small (under 55 pounds) unmanned aircraft, as well as regulations regarding operations over people, remote identification of unmanned aircraft, and type certification of unmanned aircraft. These rules do not identify spectrum to be used, although as noted, most small UAS on the market

appear to operate on Part 15 unlicensed frequencies. The FAA is continuing to develop rules for UAS operations outside of the small UAS parameters (e.g. use of larger aircraft, use beyond line-of-sight or above 400 feet). In 2021, it adopted rules allowing routine small UAS operations over people and at night under certain circumstances.

The FAA has also engaged third parties to perform studies and develop standards in areas such as traffic management and C2 operational requirements:

NASA—NASA has taken a lead role in the development of automated Air Traffic Control technologies and, through its NASA Ames Research Center, has launched its UAS Traffic Management (UTM) program. NASA is also taking a prominent role with respect to other UAS-related research, such as studies regarding beyond-visual-line-of-sight flight corridors for AAM.

RTCA—RTCA is an aviation standards body that develops recommendations regarding communications, navigation, surveillance, and air traffic management system issues. RTCA SC-228, established May 20, 2013, is working to develop the initial performance and certification standards, or Minimum Operational Performance Standards (MOPS), for the C2 control link. In 2016, RTCA SC-228 issued RTCA DO-362, its Phase I MOPS, which recommended standards—including the use of L- and C-Bands—for terrestrial-based line-of-sight systems. A second phase will separately develop UAS standards for beyond line-of-sight network operations and satellite spectrum. The FAA issued a Technical Standards Order, TSO-C213, which permitted the certification of equipment in the 5040–5050 MHz portion of the C-Band included in the MOPS. On December 20, 2022, the FAA issued a revision of TSO-C213, designated as TSO-C213a, which adopted aspects of RTCA DO-362A, the second version of the RTCA MOPS for the 5030–5091 MHz band, as minimum performance standards for C2 control links designed for operations within any spectrum in the 5030–5091 MHz band.

American National Standards Institute (ANSI)—ANSI established the Unmanned Aircraft Systems Standardization Collaborative (UASSC) in 2017 as a coordinating body to accelerate the development of the standards and conformity assessment programs needed to facilitate the safe integration of UAS into the U.S. national airspace. In December 2018, the UASSC issued version 1.0 of its *Standardization Roadmap for Unmanned Aircraft Systems* which identified 60 gaps where additional standardization work is needed. The UASSC issued a version 2.0 update to its roadmap in June 2020, which identified 71 gaps where no published standard currently exists to respond to a particular industry need.

Advanced Aviation Advisory Committee (AAAC)—Originally chartered as the Drone Advisory Committee, the AAAC is a federal advisory committee that provides independent advice and recommendations to the FAA on UAS and AAM integration issues.

On August 17, 2020, the Department of Justice, the FAA, the Department of Homeland Security, and the Commission issued an advisory guidance document to help non-federal public and private entities better understand the federal laws and regulations that may apply to the use of capabilities to detect and mitigate threats posed by UAS operations.

LEGISLATIVE INTEREST: Section 374 of the FAA Reauthorization Act of 2018 requires the Commission, along with the FAA and NTIA, to submit a report to Congress that:

- Indicates whether UAS operations should be permitted, but not required, to operate on the 960–1164 MHz and 5030–5091 MHz spectrum;
- Addresses technological, statutory, regulatory, and operational barriers to the use of such spectrum; and
- Includes recommendations of other spectrum that may be appropriate for UAS operations if any of the specified frequencies are not suitable for beyond-visual-line-of-sight operations.

The Commission issued a Public Notice in November 2019, seeking comment on the issues identified in Section 374 as well as on the potential use of licensed, commercial spectrum for UAS operations. On August 27, 2020, the Wireless Telecommunications Bureau and the Office of Engineering and Technology issued a report, finding that the 5030–5091 MHz band is suitable for UAS operations and recommending that the Commission begin a rulemaking to develop service and licensing rules enabling UAS use of that band. The report also found that alternative frequencies licensed under flexible-use service rules are a promising option for UAS communications. The report noted that, absent specific restrictions in the spectrum allocation or service rules, current law does not prohibit UAS communications in the flexible-use bands, but found that UAS does have the potential to cause harmful interference to other operations and recommended that the Commission continue to review the use of flexible-use bands for UAS. The report also raised concerns with proposed UAS usage of the 960–1164 MHz band given the heavy incumbent usage of that band.

WIRELESS BRIEFING SHEET

SUBJECT: Wireless Infrastructure

BACKGROUND:

NEPA and NHPA. The National Environmental Policy Act (NEPA) requires agencies of the Federal Government to identify and evaluate the environmental effects of proposed “major Federal actions significantly affecting the quality of the human environment” 42 U.S.C. § 4332(2)(C). Section 106 of the National Historic Preservation Act (NHPA) states that “prior to the issuance of any license,” the head of a Federal agency “shall take into account the effect of the undertaking on any historic property” and “shall afford the [Advisory Council on Historic Preservation (ACHP)] a reasonable opportunity to comment with regard to the undertaking.” 54 U.S.C. § 306108. The Commission has imposed on its licensees and applicants responsibility for NEPA and NHPA review of wireless communications facilities construction based on the Commission’s actions in two areas: licensing and antenna structure registration.

State and Local Review. Several sections of the Communications Act relate to state or local regulation of communications deployments. Section 332(c)(7)(B) preserves local zoning authority, but provides that “regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” It also requires, among other things, that state and local governments act on requests for personal wireless service facilities siting “within a reasonable period of time.” Under the Commission’s rules, a presumptively “reasonable period of time” under this provision is as follows: (i) 60 days for collocations of small wireless facilities, (ii) 90 days for collocations of non-small wireless facilities, (iii) 90 days to deploy a small wireless facility using a new structure, (iv) and 150 days to deploy a non-small wireless facility using a new structure.

Section 253(a) states that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” Accordingly, both Section 253(a) and Section 332(c)(7) ban state or local regulations that “prohibit or have the effect of prohibiting” service.

Spectrum Act. In the 2014 Infrastructure Report and Order, the Commission adopted rules to implement Section 6409(a) of the Spectrum Act, which provides that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” In the 2020 Section 6409(a) Declaratory Ruling and NPRM, the Commission clarified and proposed revisions to its existing rules. In the October 27, 2020 Section 6409(a) Report and Order, the Commission revised its existing rules to provide for streamlined state and local review of collocations and other tower modifications that involve ground excavation or deployment of transmission equipment up to 30 feet in any direction outside the boundaries of a tower site.

PROCEEDINGS: In 2017, the Commission initiated a comprehensive review of the Commission’s wireless infrastructure rules and policies with respect to NEPA and NHPA, as well as state and local review processes.

SUMMARY:***State and Local Review.***

Section 6409(a) Declaratory Ruling and NPRM, (WT Docket No. 19-250, RM 11849). On June 10, 2020, the Commission released a Declaratory Ruling and NPRM that clarifies certain rules adopted pursuant to Section 6409 of the Spectrum Act of 2012. The Declaratory Ruling clarifies when the 60-day shot clock for State or local government review of modifications of existing structures commences. It also clarifies what constitutes a “substantial change” in the physical dimensions of wireless infrastructure under the Commission’s rules, and the extent to which certain elements of a proposed modification to existing infrastructure affect the eligibility of that proposed modification for streamlined State or local government review under section 6409(a). An appeal was filed in the Ninth Circuit, *League of California Cities v. FCC*. Those proceedings were stayed until December 2022. The Commission joined a motion to restart the briefing schedule and filed its respondent brief on March 1, 2023. Oral arguments were held on July 11, 2023. On September 13, 2024, the court issued its opinion, which upheld the Commission’s 2020 declaratory ruling in part and granted the petition for review in part. The court upheld the order as to the Commission’s clarification of the shot clock rule, the separation clause, and the equipment cabinet provisions. The court also upheld the express evidence requirement, which it determined applies only prospectively, not retroactively. The court granted the petition, however, as to the Commission’s clarifications of the concealment and siting approval conditions provisions, holding that those clarifications were legislative rules and that adopting them without notice and comment was not harmless error.

Section 6409(a) Report and Order (WT Docket No. 19-250). On October 27, 2020, the Commission adopted a Report and Order that revises the Commission’s rules implementing section 6409(a) to provide for streamlined state and local review of collocations and other tower modifications that involve ground excavation or deployment of transmission equipment up to 30 feet in any direction outside the boundaries of a tower site. The Report and Order also revises the definition of the boundaries of a tower “site” in a manner that will ensure that the site boundaries from which limited expansion is measured reflect prior State or local government review and approval. A petition for reconsideration was filed by the Local Governments Collation and NATOA; the comment cycle ended on March 30, 2021.

Section 253 Dismissal Order (WT Docket No. 19-230). On January 14, 2021, the Bureau released an order addressing a petition for declaratory ruling filed by Verizon that asks the Commission to preempt certain recurring fees set forth in a Clark County, Nevada (Clark County), ordinance governing the placement of small wireless facilities in public rights-of-way. The Bureau dismissed the Verizon Petition without prejudice.

Wireless Infrastructure Third Report and Order and Declaratory Ruling (WT Docket No. 17-79). On September 26, 2018, the Commission adopted a *Declaratory Ruling and Third Report and Order*. The *Declaratory Ruling* concluded that Section 253 and 332(c)(7) limit State and local governments to charging fees that are no greater than a reasonable approximation of objectively reasonable costs and identified specific fee levels for small wireless facility deployments. It also provided guidance on when certain state and local non-fee requirements—such as undergrounding requirements—may constitute an effective prohibition of service. The *Report and Order* established new shot clocks for small wireless facilities and adopted a new remedy for missing the shot clocks. A petition for reconsideration was filed November 14, 2018 by City of

New Orleans, *et. al.*, and a public notice seeking comment on the petition was released January 2, 2019. On August 12, 2020, the U.S. Court of Appeals for the Ninth Circuit upheld most aspects of the Commission's *Declaratory Ruling and Third Report and Order*.

NHPA and NEPA Review.

Wireless Infrastructure Second Report and Order (WT Docket No. 17-79). On March 30, 2018, the Commission released a *Second Report and Order* determining that the deployment of small wireless facilities did not constitute a major federal action or undertaking and that such facilities do not, therefore, require NEPA/NHPA review. The *Second Report and Order* also clarified the Commission's rules regarding Tribal engagement in the historic preservation review process by addressing fees, contractor qualifications, and timelines associated with the Section 106 review process. In addition, the *Second Report and Order* established an exception to the requirement to prepare environmental assessments (EAs) triggered solely due to the location of a proposed facility in a floodplain when facilities are elevated above the base flood elevation, and established timeframes within which the Commission will act on EAs. On August 9, 2019, however, the D.C. Circuit vacated the portion of the order that excluded small wireless facilities from review. The court affirmed the portion of the Commission's order addressing the Tribal review process. The court's order became effective on September 30, 2019.

Twilight Towers Program Comment. On December 14, 2017, the Commission adopted a *Public Notice* seeking comment on a draft Program Comment that would generally exclude collocations placed on so-called Twilight Towers from routine historic preservation review. These are towers that were constructed between March 16, 2001, and March 7, 2005, that either did not complete historic preservation review or cannot be documented to have completed such review pursuant to Section 106 of the National Historic Preservation Act. The Commission revised the draft Program Comment and on August 24, 2020, formally requested that the ACHP issue this Program Comment. In October 2020, the ACHP declined to issue the Twilight Towers Program Comment as submitted and offered to collaborate on a revised comment.

Amendment to the Collocation NPA. On July 10, 2020, the Commission, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers executed a Second Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation NPA). The amendment facilitates the collocation of wireless facilities on existing towers by eliminating review under Section 106 of the National Historic Preservation Act for certain collocations that involve a limited expansion of up to 30 feet in any direction beyond the boundaries of a tower site.

FCC/NTIA Infrastructure Initiative. In October 2021, the Commission signed an agreement to assist NTIA in meeting its Section 106 Tribal outreach obligations for the Tribal Broadband Connectivity and Broadband Infrastructure Programs by allowing NTIA to use the Commission's Tower Construction Notification System (TCNS). TCNS notifies all 547 Federally recognized Tribal Nations of infrastructure deployment proposed on Tribal or ancestral lands and provides Tribal representatives with the opportunity to participate in the Section 106 review of projects that may impact historic properties of religious or cultural Tribal significance.

OTHER INITIATIVES:

Workshop on Environmental Compliance and Historic Preservation Procedures. On November 2, 2023, WTB hosted a workshop on the environmental compliance and historic preservation review process required for the construction of communications facilities supporting Commission-licensed services. The workshop was recorded and the recording is available online. The workshop included information relevant to the construction of new communications towers and the collocation of communications equipment on existing towers and other structures, including requirements for Antenna Structure Registration. At the workshop, Commission and other federal agency subject-matter experts provided information on a range of topics related to NEPA, the NHPA, and the Commission's implementing regulations and related agreements. FCC applicants (including licensees and registrants), those who construct or manage communications facilities for FCC licensees, environmental consultants, State Historic Preservation Office (SHPO) staff and Tribal Historic Preservation Office (THPO) staff, and staff from federal agencies that fund or permit wireless facilities were encouraged to attend. Topics discussed at the workshop included: the Commission's NEPA and NHPA compliance processes generally; requirements associated with the Antenna Structure Registration database; streamlined NEPA and NHPA processes associated with collocations and small wireless facilities; coordination with Tribes during the NHPA process; and compliance with the Endangered Species Act and Migratory Bird Treaty Act.

WIRELESS BRIEFING SHEET

SUBJECT: Wireless Text Messaging (WT Docket No. 08-7)

BACKGROUND/KEY ISSUES:

SMS, short messaging service, is the original wireless messaging service that enables users to send and receive short text messages, typically 160 characters or fewer, to or from mobile phones.

MMS, multimedia messaging service, is an extension of the SMS protocol and can deliver a variety of media, which enables users to send pictures, audio, and videos over the cellular networks.

Rich Communications Service (RCS) and over-the-top (OTT) messaging platforms like Meta's WhatsApp and Apple's iMessage are IP-based and use mobile data or Wi-Fi to send and receive messages.

On December 11, 2007, Public Knowledge, Free Press, Consumer Federation of America, Consumers Union, EDUCAUSE, Media Access Project, New America Foundation, and U.S. PIRG filed a joint petition for declaratory ruling. The petitioners asked the Commission to clarify the regulatory status of text messaging services, including short-code based services sent from and received by mobile phones.

- The petitioners requested that the Commission declare that text messaging services are “commercial mobile services” governed by Title II, and thus are subject to the non-discrimination provisions of Section 202. Alternatively, the petitioners requested that, if the Commission declares that these services are “information services” subject to its Title I authority, the Commission should exercise ancillary jurisdiction to apply the non-discrimination provisions of Title II to text messaging services.
- Petitioners also requested that, in either case, the Commission should declare that refusing to provision a short code or otherwise blocking text messages because of the type of speech, or because the party seeking such service is a competitor, is “unjust and unreasonable discrimination” in violation of law.

On August 28, 2015, Twilio Inc., a cloud-based developer-platform company, filed a petition for an expedited declaratory ruling, asking the Commission “to declare that messaging services are governed by Title II” of the Communications Act.

- Twilio asserted that wireless providers engage in a variety of discriminatory and anti-competitive practices that cannot be adequately addressed absent a declaratory ruling classifying messaging services under Title II.
- Twilio also asserted that, under judicial and Commission precedent, messaging services constitute telecommunications services and commercial mobile radio services and are thus subject to Title II

STATUS: On December 12, 2018, the Commission adopted a Declaratory Ruling classifying SMS and MMS as information services under Title I of the Act, and not commercial mobile services, allowing carriers to continue using robotext-blocking and anti-spoofing measures to protect consumers from unwanted text messages. The Declaratory Ruling also denied the Public

Knowledge and Twilio petitions. On January 28, 2019, Public Knowledge et al. filed a Petition for Reconsideration of the Declaratory Ruling, for which the Commission sought comment on February 5, 2019. AT&T and CTIA filed oppositions to the petition on March 25, 2019, and Public Knowledge filed a reply to oppositions on April 2, 2019.

On August 1, 2019, the Commission adopted a Second Report and Order amending its Truth in Caller ID rules to reach caller ID spoofing using text messaging services.

From: [Brendan Carr](#)
To: [Shepardson, David \(Reuters\)](#)
Subject: RE: [EXTERNAL]: do you want to comment?
Date: Thursday, March 20, 2025 12:41:00 PM

With respect to their request that the FCC immediately dismiss the complaint against CBS, my answer is simple: no. The FCC's review of the complaint against CBS remains active and ongoing.

From: Shepardson, David (Reuters) <David.Shepardson@thomsonreuters.com>
Sent: Thursday, March 20, 2025 12:07 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: [EXTERNAL]: do you want to comment?

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

<https://www.fcc.gov/ecfs/document/1031942059931/1>

I reached out to the press office

David Shepardson

Correspondent

Reuters

Phone: +1 202 898 8324

Mobile: +1 202 579-6093

david.shepardson@thomsonreuters.com

www.reuters.com

twitter.com/davidshepardson

1333 H Street NW

Suite 700 Washington, DC 20005

This e-mail is for the sole use of the intended recipient and contains information that may be privileged and/or confidential. If you are not an intended recipient, please notify the sender by return e-mail and delete this e-mail and any attachments. Certain required legal entity disclosures can be accessed on our website:

<https://www.thomsonreuters.com/en/resources/disclosures.html>

From: [Brendan Carr](#)
To: [Greg Watson](#)
Subject: RE: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA
Date: Tuesday, April 29, 2025 9:56:00 AM

Agree. Maybe book there Sunday night and Monday night. I depart on Monday red eye but I will need to be in room during the Monday day until late. I can then separately book a Saturday night hotel.

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Tuesday, April 29, 2025 9:44 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: FW: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Based on the below and your message earlier, we should just go ahead and book a room at the conference site in LA

From: Dana Howell <Dana.Howell@fcc.gov>
Sent: Tuesday, April 29, 2025 8:58 AM
To: Greg Watson <Gregory.Watson@fcc.gov>
Subject: RE: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Greg,

Most hotels have sold out and are selling out quickly. Here's what I found:

Beverly Terrace powered by Sonder **\$336.00 nightly Total: \$767**
469 North Doheny Dr
7 mins from Beverly Hills Hilton

AC hotel Beverly Hills **\$411 nightly Total: \$822**
6399 Wilshire Blvd.
12 mins from Beverly Hills Hilton

Four Points by Sheraton Los Angeles Westside **\$254 nightly Total: \$508**
5990 Green Valley Circle
Culver City
15 mins from Beverly Hills Hilton

Courtyard by Marriot Culver City **\$236 nightly Total: \$473**

6333 Bristol Pkwy.

16 mins from Beverly Hills Hilton

Hollywood Volume, A Tribute Portfolio Hotel **\$265 nightly Total: \$530**

6516 Selma Ave.

Los Angeles

18 mins from Beverly Hills Hilton

Hopefully, we can act fast on booking one.

Respectfully,

Dana Howell

Executive Assistant
Office of Chairman Brendan Carr
Federal Communications Commission
45 L Street, NE
Washington, DC 20554
(202) 418-7234

From: Greg Watson <Gregory.Watson@fcc.gov>

Sent: Monday, April 28, 2025 10:18 PM

To: Dana Howell <Dana.Howell@fcc.gov>

Subject: FW: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Please see if you can find a few cheaper hotel options and send over to me tomorrow. Current plan is for him to fly in Saturday and red-eye back to DC on Monday night. There's a Mosaic Hotel just across the street...something like that could work.

From: Ainsley Jamieson <ajamieson@milkeninstitute.org>

Sent: Monday, April 28, 2025 6:56 PM

To: Dianna Dunne <ddunne@milkeninstitute.org>; Greg Watson <Gregory.Watson@fcc.gov>

Cc: Dana Howell <Dana.Howell@fcc.gov>

Subject: RE: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

You don't often get email from ajamieson@milkeninstitute.org. [Learn why this is important](#)

Hi All-

As Dianna mentioned, I wanted to get the ball rolling on hotel needs, as availability is limited. Confirming you will need just one night, Sunday, 5/4 – Monday, 5/5? The rate is \$491 / night. Will Chairman Carr have a staff joining who will need lodging? If so, I will need their name, title and emails and I can put in a request for an additional room, pending availability.

Lastly, I will need an email address for the hotel reservation(s). Upon confirmation, payment will need to be updated via phone or credit card authorization.

Thank you and I look forward to hearing from you!

Ainsley

Ainsley Jamieson

Associate Director | Global Government Affairs

MILKEN INSTITUTE

+1 202 249 6938 direct

milkeninstitute.org

LOS ANGELES | WASHINGTON | NEW YORK | MIAMI | LONDON | ABU DHABI | SINGAPORE

From: Dianna Dunne <ddunne@milkeninstitute.org>

Sent: Monday, April 28, 2025 5:59 PM

To: Greg Watson <Gregory.Watson@fcc.gov>

Cc: Dana Howell <Dana.Howell@fcc.gov>; Ainsley Jamieson <ajamieson@milkeninstitute.org>

Subject: Moderator + Hotel - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Hi – in terms of moderator, let me know if there is a preference below. We would like to tee-up a prep call tomorrow or Wednesday.

For hotel, I'm adding Ainsley on this note to coordinate.

- David Faber, Bloomberg (moderating another session at GC)
- Carol Massar, Bloomberg (moderating another session at GC)
- Jessica Melugin, Director of the Center for Technology & Innovation at the Competitive Enterprise Institute (we don't know if Jessica is available – currently not participating in GC)

From: Dianna Dunne

Sent: Thursday, April 24, 2025 2:35 PM

To: Greg Watson <Gregory.Watson@fcc.gov>

Cc: Dana Howell <Dana.Howell@fcc.gov>

Subject: RE: [EXTERNAL]: Follow-up - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Sounds good.

In the meantime, we will get him registered as a speaker and have his Fireside listed in the program.

From: Greg Watson <Gregory.Watson@fcc.gov>
Sent: Thursday, April 24, 2025 2:32 PM
To: Dianna Dunne <ddunne@milkeninstitute.org>
Cc: Dana Howell <Dana.Howell@fcc.gov>
Subject: RE: [EXTERNAL]: Follow-up - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

We are still sorting out final details in terms of travel. + Dana here who will confirm as soon as we know more.

From: Dianna Dunne <ddunne@milkeninstitute.org>
Sent: Thursday, April 24, 2025 8:12 AM
To: Greg Watson <Gregory.Watson@fcc.gov>
Subject: Re: [EXTERNAL]: Follow-up - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

You don't often get email from ddunne@milkeninstitute.org. [Learn why this is important](#)

Great - we will move forward with registering the Chairman. Will you be with him? Anyone with him will need credentials. Hotel? We can help coordinate at the Beverly Hilton. Arrival and departure dates? We host a series of dinners at private residences Sunday night May 4. Let me know if he arrives on Sunday.

On Apr 23, 2025, at 11:02 PM, Greg Watson <Gregory.Watson@fcc.gov> wrote:

Thanks Dianna! We look forward to seeing you all in a few weeks.

From: Dianna Dunne <ddunne@milkeninstitute.org>
Sent: Wednesday, April 23, 2025 6:19 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>
Subject: [EXTERNAL]: Follow-up - Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

You don't often get email from ddunne@milkeninstitute.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi Chairman Carr – it is my understanding from Josh that you are available on Monday, May 5th to join us as a speaker. We would like to confirm you for a Fireside Conversation at 2:30 PM PT. Please let me know if we can proceed in getting you registered as a speaker. I will follow-up with moderator options. You can disregard the panel after your fireside – I just want you to be aware of the panel that will occur after your fireside – they are not

connected.

I look forward to hearing from you.

Monday, May 5, 2025

2:30 PM – 2:55 PM //Part 1: A Fireside Conversation with FCC Chairman Brendan Carr

2:50 PM - 3:30 PM // Part 2: The Future of Venture Capital: AI, IPOs, and Tech Investment
Rising interest rates are reshaping venture capital and IPO strategies, pushing startups to rethink their funding approaches. Investors now prioritize sustainable growth over rapid expansion, shifting how capital is deployed across early- and late-stage startups. AI-driven advancements are fueling investment in healthcare, media, and tech, with biotech, digital health, and content platforms attracting significant attention. Tech companies must explore alternative funding sources like venture debt and strategic partnerships to sustain growth. The evolving financial landscape presents both challenges and opportunities, requiring founders to be more strategic in securing investment. As market conditions shift, companies must adapt to remain competitive. How will macroeconomic trends impact the IPO pipeline in the coming years? What strategies can startups in healthcare, media, and tech adopt to secure funding in an increasingly selective market?

Moderator - Jo Ling Kent - Confirmed - Senior Business and Technology Correspondent, CBS News

Speaker - Raj Ganguly - Confirmed - Co-Founder and Co-CEO, B Capital

Speaker - Amir Husain - Confirmed - Chairman, WorldQuant Foundry

Speaker - Ali Osman - Confirmed - Chief Investment Officer, Artificial Intelligence, MGX

Speaker - Dana Settle - Confirmed - Co-Founder and Managing Partner, Greycroft

Speaker - Hemant Taneja - Confirmed - CEO, General Catalyst

From: Dianna Dunne

Sent: Thursday, April 17, 2025 2:35 PM

To: brendan.carr@fcc.gov

Cc: gregory.watson@fcc.gov

Subject: Speaker Invitation | 2025 Milken Institute Global Conference - May 4-7 in LA

Dear Chairman Carr – we hope you can join us!

On behalf of the Milken Institute, we would be honored for you to join us as a speaker at the upcoming **28th annual Milken Institute Global Conference on Sunday, May 4 - Wednesday, May 7, 2025**, at The Beverly Hilton in Los Angeles. The theme of this year's Conference is *Toward a Flourishing Future*.

Each year, for over a quarter century, the Milken Institute has brought together its influential community to catalyze practical, scalable solutions to global challenges by connecting human, financial, and educational resources to those who need them. With leaders in finance, government, health, and philanthropy joining us, the Global Conference presents a unique opportunity to discuss, develop, and deploy solutions to some of the most pressing challenges around the world.

We are very interested in you joining us in conversation and we would look forward to working with your team to develop this speaking engagement opportunity so that it aligns with your strategic objectives. In addition to the public program covered by the major media

outlets that broadcast on-site, there are many invitation-only private sessions taking place throughout the Conference that offer the opportunity to engage more personally with the many key leaders that we bring together.

Below is a general overview of the schedule for the conference:

Sunday, May 4th

1. 4:30-6:30 PM: **Private Reception** (Beverly Canon Gardens)
2. 6:30-9:00 PM: **Private Dinner** (Private Residence – Address will be provided closer to the conference)

Monday, May 5th – Wednesday, May 7th

3. **Fireside Conversation**
4. **Private Evening Receptions and Dinners**
5. **Private speaking engagement opportunities** – private session roundtables, etc.
6. **Bilateral Meetings**
7. **Media Opportunities** (CNBC and Bloomberg broadcast on-site)

Attached is the formal invitation – I look forward to hearing from your team to further discuss this opportunity to have you join us in the spring.

Best regards,
Dianna

Dianna Dunne

Executive Director | Global Government Affairs

MILKEN INSTITUTE

730 15th Street, NW

Washington, DC 20005

+1 202 494 7225 mobile

milkeninstitute.org

LOS ANGELES | WASHINGTON | NEW YORK | MIAMI | LONDON | ABU DHABI |
SINGAPORE

From: [Brendan Carr](#)
To: [Plyam, Daniel](#); [Haubenstricker, Caroline](#); [Adam Jackman](#)
Cc: [Greg Watson](#); [Morgan, Bill](#)
Subject: Re: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7
Date: Tuesday, May 6, 2025 2:05:16 PM
Attachments: [image001.png](#)
[image.png](#)

Thanks. Two topics jump to mind on my end.

1. Recap the quick wins the FCC has delivered during the First 100 days.

<https://docs.fcc.gov/public/attachments/DOC-411127A1.pdf>

2. Spectrum. Biden allowed America to fall behind China when it comes to an important feature of our economy and national security—spectrum or the airwaves that connect all of our wireless devices. The U.S. needs to regain its leadership position here and we have a good chance to do that through reconciliation by restoring the FCC's authority to auction spectrum.

From: Plyam, Daniel <daniel.plyam@fox.com>
Sent: Tuesday, May 6, 2025 12:54 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>
Subject: Re: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

You don't often get email from daniel.plyam@fox.com. [Learn why this is important](#)

Good afternoon Chairman Carr,

Great to have you back on the show tomorrow morning! Right now for topics I'm looking at, The FCC's probe of 60 minutes, the FCC's work to empower local broadcasters, the upcoming vote to ban Chinese labs deemed a risk to U.S. national security from testing electronic devices, and any other topics that you're hot on that you can send over would be appreciated. Please send over any notes or talking points you have.

I'll send over a finalized list of topics in the morning. If there are any questions, don't hesitate to reach out!

Best,

Daniel Plyam
Associate Producer, Mornings with Maria
E: Daniel.plyam@fox.com
M: 347-573-0324



From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Tuesday, May 6, 2025 11:02 AM
To: Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>; Plyam, Daniel <daniel.plyam@fox.com>
Subject: RE: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

Thanks. Adding one more from my team. **New title:** Chairman, Federal Communications Commission

From: Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>
Sent: Tuesday, May 6, 2025 11:00 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>; Plyam, Daniel <daniel.plyam@fox.com>
Subject: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Good morning Brendan!

Thanks for confirming your appearance over text. Please kindly confirm on this thread.

You should have received a building pass for the FOX DC Bureau. Please kindly arrive no later than 7:15 AM/ET.

I am looping in our producer Daniel to this thread. I am also adding in my colleague Bill who will be able to assist with any logistical questions that may arise in the morning.

Please confirm your title: Brendan Carr, FCC Commissioner, Senior Republican

Sincerely,
Caroline Haubenstricker
Booking Producer, *Mornings with Maria*
(929) 788-0641



This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

From: [Brendan Carr](#)
To: [Dana Howell](#)
Subject: FW: [EXTERNAL]: 2025 TRANSATLANTIC WEEK - SPEAKER INVITATION - TUESDAY JULY 22, 2025 - WASHINGTON DC
Date: Monday, June 30, 2025 3:12:00 PM
Attachments: [25-06-30A TPN Transatlantic Week 2025 - Draft Program.pdf](#)

From: Vivien Haig <vivien.haig@tpnonline.org>
Sent: Monday, June 30, 2025 3:10 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Cc: 'Dan Nechita' <dan.nechita@tpnonline.org>; 'Timea Lapsanszki' <(b) (6) @gmail.com>
Subject: [EXTERNAL]: 2025 TRANSATLANTIC WEEK - SPEAKER INVITATION - TUESDAY JULY 22, 2025 - WASHINGTON DC

You don't often get email from vivien.haig@tpnonline.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Dear Brendan,

I hope this message finds you well.

I am writing to invite you to speak at **Transatlantic Week 2025**, organized by the **Transatlantic Policy Network (TPN)**. We would be honoured if you could join us as a panellist for **Session 4: “Defense of the West: how to strengthen Western security?”**, which will take place from **11:45 am – 12:45 pm on Tuesday 22 July 2025** in the **Members’ Room, Library of Congress, Washington, DC**.

Please find attached the draft program, where your name has been provisionally included as a speaker for this session. The theme of this year’s Transatlantic Week is **“EU–US Partnership: Priorities for Joint Action Towards 2030.”** Previous programs at [Transatlantic Week Archive](#)

This session will examine how the EU and US can align more closely on strategic defense investments, procurement coordination, and security technology. Your perspective would be a particularly valuable contribution to this timely discussion.

Each session is 60 minutes, off-the-record and informal. Speakers are invited to give 5–7 minutes of opening remarks, followed by moderated discussion and audience Q&A.

Participants include Members of the US Congress and European Parliament, senior EU and US officials, and leaders from business, think tanks, and academia.

If you are able to join us, we will provide briefing materials including session themes, fellow speaker bios, and the final run-of-show.

We would be delighted if you could accept this invitation. It would be an honour to host you

again and privilege for our participants to hear you.

Looking forward to hearing from you. Here's hoping.

Warm wishes,

Vivien

Vivien Haig

Board Member

Transatlantic Policy Network

E: vivien.haig@tpnonline.org

EU Office | 115 Rue Froissart | 1040 Brussels

T. +32 (0) 2 230 6149 | M. +44 (0) 7802 244 080

US Office | 1015 15th Street NW, Suite 600 | Washington, DC 20005

T. +1 202 468 1178

www.tpnonline.org | Follow us on Twitter [@TPNOnline](https://twitter.com/TPNOnline)

TPN's [Data Privacy Policy](#) explains what personal data we collect and how we use it.

To opt-out of receiving invitations and/or updates by e-mail, please mail us at tpnoffice@tpnonline.org.

TPN Transparency Registration ID Number: 923710115785-95



INTRODUCTION

Europe and the United States have a long history that has withstood the test of wars and economic downturns. Their transatlantic marketplace is by far the broadest and deepest in the world. Their relationship is rooted in shared values. Together they stand as a bulwark against authoritarianism and state-driven economic outcomes.

At the same time, a new world order of competing regional blocs is emerging that challenges European and American strategic, political and economic interests. History demonstrates that relations between the EU and the US need not be as a zero-sum game in which one region wins and the other loses. In the last 80 years, mutually beneficial transatlantic cooperation has delivered economic growth, jobs, stability and peace. Moreover, the success of the U.S and the EU in furthering their interests and shared values has acted as a beacon for the rest of the world in the ongoing struggle between democracy and autocracy.

The Transatlantic Policy Network (TPN) was founded on the belief that there are fundamental challenges facing both the EU and the US and that Europeans and Americans can best meet those challenges through collaboration rather than confrontation and individual action. To that end and to further deepen and strengthen this relationship, TPN has been working on a project called Transatlantic Vision 2030 And Beyond to build bridges to a shared mutually beneficial future. Initial recommendations to achieve this goal were published during Transatlantic Week in April 2024.

With new US and EU administrations now in office, leaders on both sides of the Atlantic have common challenges – spurring economic growth, creating more jobs, fostering competitiveness, driving innovation and manufacturing transformation, managing the digital transformation, promoting efficient rules-based multilateralism, achieving environmental sustainability and promoting national and global security. To meet these challenges, TPN has developed ideas and policy proposals. It has prepared a report outlining recommendations for strengthening transatlantic partnership looking toward 2030 and beyond. We see this as the first step in launching a transatlantic discussion involving the business community, legislators and civil society and the start is Transatlantic Week 2025.

To launch this conversation, our annual Transatlantic Week 2025 will take place in Washington DC from the evening of Monday 21 July through the evening of Wednesday 23 July.

30 JUNE 2025

MONDAY 21ST JULY TO WEDNESDAY 23RD JULY 2025**DRAFT PROGRAMME****ALL SESSIONS ARE INFORMAL AND OFF-THE-RECORD****“EU US PARTNERSHIP: PRIORITIES FOR JOINT ACTION TOWARDS 2030”****MONDAY 21ST JULY****SESSION 1**

5.00-5:45 pm

TPN Report: Transatlantic Vision 2030 and beyond

Location: 27 D Street SE, Washington, DC 20003

Theme: **Roll-out and discussion of principal recommendations**Moderator: **James Elles**, Chairman, TPN

Speaker: **Bruce Stokes**, Executive Director, Transatlantic Task Force:
German Marshall Fund of the United States and
TPN Project Director

Vision 2030, a strategy for strengthening the US-EU relationship is a project of the Transatlantic Policy Network, which started in 2019 and is now moving into its second substantive phase. The recommendations of the report are founded on the belief that there are fundamental geostrategic challenges that can only be met by the US and the EU working together through collaboration rather than individual actions. These issues include Geostrategy and Defence, Economy and Trade, Digital Transformation, Sustainability and ideas to strengthen Transatlantic Partnership through bridgebuilding.

How should TPN finalise these recommendations and ensure that they can be delivered over time?

MONDAY 21ST JULY**SESSION 1**

6.00 – 8.00 pm

Welcome Reception

Location: 27 D Street SE, Washington, DC 20003

Welcome: Allison O'Brien, Managing Director Government Affairs, Oracle
Matis Pellerin, Vice President, Global Government Affairs, Oracle

Speaker: **Representative Brian Mast**, Member of Congress,
US House of Representatives or

TUESDAY 22ND JULY**SESSION 2**

9.30 – 10.30 am

Opening Session: Outlook for Transatlantic Partnership

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderators: **Danuta Huebner**, EU Honorary President, TPN
and Senior Fellow, Atlantic Council

Speakers: Darrell Issa, Member of Congress, US House of Representatives
Jim Costa, Member of Congress, US House of Representatives

Today, transatlantic partnership is more important than ever. Political transitions on both sides of the Atlantic, differing visions of the geostrategic world order, the security challenges posed by Russia and China, ongoing regional conflicts, migration, climate change, economic uncertainties, and the digital transformation all reaffirm the necessity of US-EU cooperation and TPN's role in support of that mission. In this new political environment, both the EU and the US will be better off working together rather than on their own.

What will be required to enable the transatlantic partnership to succeed in achieving such cooperation, seen from both a political and business perspective?

10.30 – 10.45 am **Coffee Break**

GEOSTRATEGY AND DEFENSE (see TPN report pages 7 - 9)

TUESDAY 22nd JULY SESSION 3

10.45 – 11.45 am Geostrategic threats to the West: how to counter them together?

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: **Bart Szewczyk**, Advisor, European and Global Public Policy,
Covington Burling

Speakers: Carol Miller, Member of Congress, US House of Representatives
Nacho Sanchez Amor MEP, European Parliament
Max Bergmann, Director, Europe, Russia, and Eurasia Program
and Stuart Center for Strategic and International Studies (CSIS)
Ruth Bajada, Deputy Chief of Mission,
Delegation of the European Union to the United States

The world is seemingly moving toward a system of regional political and economic blocs, heavily armed and in competition for technological leadership and access to key mineral and food resources. Since February 2022, when Russia launched its unprovoked attack on Ukraine, Russia has emerged as a hostile, militarily aggressive power in Europe, moving decisively into Beijing's orbit in a link reputed to be without limits

The economic rise of China to be the world's largest economic power has long been predicted. The central question remains how to balance national security interests to secure critical technologies and materials while also continuing to advance a strong bilateral trade and investment relationship. Both the EU and the US are de-risking ties with Beijing, reshoring production and considering limits on Chinese investment in their economies.

Will Ukraine achieve a successful peace in its war against Russia with Western help? How should the West deal with the deepening military, technological and economic ties between China, Russia, North Korea and Iran?

TUESDAY 22nd JULY**SESSION 4**

11.45 – 12.45 pm

Defense of the West: how to strengthen Western security?

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: **Julianne Smith**, Former US Ambassador to NATO

Speakers: Brendan Boyle, Member of Congress, US House of Representatives
Neal Dunn, Member of Congress, US House of Representatives
Kira Rudyk MP for Holos and Vice President, ALDE
Kristen Verderame, VP Global Government, NetApp
Brendan Carr, Chairman,
U.S. Federal Communications Commission (FCC)

A new world order is emerging and what happens in one region has profound consequences in the others. Russia's aggression in Ukraine, against a backdrop of China's growing military capacity and alignment with Russia, ongoing uncertainty and conflict in the Middle East and the emerging importance of the Global South in the supply chains of critical minerals are the interrelated global geostrategic challenges that the EU and the US jointly face.

In response to Russia's invasion of Ukraine, America and Europe have rallied to Ukraine's defence. In 2024, European NATO members' defence spending increased 18 percent and 23 of the 32 NATO allies now meet their pledge to devote 2 percent of their GDP to defence, up from just six countries that met that goal in 2021. NATO Secretary General Mark Rutte has asserted that member spending should be "considerably more than 3 percent", and Estonia, Greece, Latvia and Poland already exceed that ambition.

As both the US and European governments increase defence spending in the years ahead, governments on both sides of the Atlantic need to coordinate investment, procurement, and trade rules to avoid wasteful duplication of effort and self-defeating trade and investment frictions. EU countries are already, collectively, the second largest military spenders in the world, but they lack defence industries built to scale. There is excessive fragmentation of their defence industrial base, unnecessary duplication and interoperability of equipment compounded by lack of coordination between Member States. These shortcomings undermine Europe's ability to be a fulsome strategic partner of the US.

What are the actions needed by the EU and the US together to ensure the most effective utilisation of resources to achieve their defence goals?

TUESDAY 22nd JULY**SESSION 5**

12.45 – 1.45 pm

Lunch - In conversation

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: Lisa Schroeter, Global Director of Trade & Investment Policy
Dow Chemical Company

Speaker: Jamieson Greer, United States Trade Representative, USTR

TUESDAY 22nd JULY

1.45 – 2.45 pm

SESSION 6**How must the US and EU act to simplify regulation?**

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: **Thomas Spiller**, Vice President Global Public Policy,
The Walt Disney Company

Speakers: **Dan Mullaney**, Non-resident Senior Fellow, Atlantic Council,
Former Assistant US Trade Representative for Europe
Roger Coelho, Senior Director of Policy, Amcham
Adam Smith, Member of Congress, US House of Representatives
Niels Junker Jacobsen, EU Presidency Denmark

The US and EU aim to create economic conditions where businesses thrive, the environment is protected, and workers have an equal chance of success. But they approach these goals differently, with a marked divergence on regulatory measures. Inconsistent and overly restrictive regulations have handicapped EU companies and hinder growth. In contrast, the US has now created a Department of Government efficiency (DOGE) aiming to reduce expenditure by \$2 trillion. For the EU, the Draghi report recommends action to complete the Single Market, for example the Capital Markets Union.

Since both the EU and the US will be reviewing regulations that impede productivity and economic growth, Washington and Brussels should establish a deregulation and regulatory simplification dialogue to ensure that their regulatory streamlining does not create new transatlantic trade and investment tensions. This initiative should be welcome in response to the growing economic competition from China.

Could such a dialogue agree on joint pre-regulation research and information-gathering so that regulators are each working with a common set of facts?

TUESDAY 22nd JULY

3.00 – 4.00 pm

SESSION 7**How can Transatlantic productivity and investment be improved?**

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: Penny Naas, Lead Allied Competitiveness Project,
German Marshall Fund of the United States (GMF)

Speakers: Sara Jacobs, Member of Congress, US House of Representatives
Bill Huizenga, Member of Congress, US House of Representatives
Dina Kallay, Deputy Assistant Attorney General for International,
Policy, and Appellate, U.S. Department of Justice's Antitrust
Division
Member European Parliament
Claudia Selli, Vice President EU Government Affairs, AT&T
Mario Mueller, Director External Affairs Europe,
Philip Morris International (PMI)

The US administration is using tariffs to induce companies to invest in the US to create jobs, and it aims to negotiate tariff deals to shore up jobs domestically. But there can be no escaping the fact that all the old

manufacturing jobs on both sides of the Atlantic will not be coming back: AGI will ensure that millions of existing jobs will disappear in the years ahead, while others will no doubt be created in their place. But will people have the necessary skills to do these jobs? The building blocks of a new era of EU-US cooperation lie in finding common solutions for the creation of new jobs. Workers will need to be retrained, and young people given the skills that will be necessary in the new economy. Europe and America need to learn from each other as they create jobs for the future.

How does Europe stimulate innovation? How can the massive investments be generated for the transformation of Europe's economy? How can those common interests lead to a common policy agenda? And how can European and American businesses contribute to developing and delivering on that forward trade agenda?

TUESDAY 22nd JULY**SESSION 8**

4.00 – 5.00pm

Promoting Transatlantic business contacts

Location: Members' Room, Library of Congress, Thomas Jefferson Building,
10 First Street SE, Washington DC 20540

Moderator: **James Elles**, Chairman, TPN

Speakers: **Thomas Spiller**, Vice President, Global Public Policy,
The Walt Disney Company
Lisa Schroeter, Global Director of Trade & Investment Policy,
The Dow Chemical Company
Peter Lefkin, Senior Vice President, Allianz of America Corporation
Alberto Zilio, Head of European Government Affairs, Ericsson
Co-Chairmen TPN Business Group

There is significant desire among the transatlantic business community to see how such contacts can be promoted in the absence of a previous organisation such as the TABC. Given the importance of such contacts at an uncertain time for their operations, is there a way that lines of communications can be enhanced?

TUESDAY 22nd JULY**SESSION 9**

6.00 – 8.00 pm

Reception

Location: Google DC, 25 Massachusetts Avenue, NW, Washington, DC, 20001

Hosted by: **Mr. Karan Bhatia**, Google's Vice President and Global Head
of Google's Government Affairs and Public Policy Team

WEDNESDAY 23rd JULY SESSION 10

9.30 – 10.30am

Digital Transformation: Current priorities for Transatlantic action

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: **Combiz Abdolrahimi**, Vice President, ServiceNow

Speakers: Suzan DelBene, Member of Congress,
US House of Representatives
Lina Gálvez MEP, Member of the European Parliament
Audrey Scozzaro Ferrazzini, Vice President Government Affairs
Qualcomm Europe and Chair European Internet Forum
Marcus Jadotte, Vice President, Government Affairs & Public
Policy, Google Cloud
Ajit Pai, President and Chief Executive Officer, Cellular
Telecommunications & Internet Association (CTIA)

The speed of digital transformation shows no sign of slackening. Changes that took a year to reach 1 million subscribers thirty years ago today happen in a matter of days. The EU and the US have made important progress to address common challenges with the Trade and Technology Council, for example dealing with questions relating to data transfer, semiconductors and cyber. How will such cooperation be updated and continued?

WEDNESDAY 23rd JULY SESSION 11

10.45 – 11.45am

Artificial intelligence and cyber security

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: James Fontanella, Correspondent, Financial Times

Speakers: **Ajit Jaokar**, Course Director and Visiting Fellow for Artificial
Intelligence, University of Oxford and Advisor,
Darrell Issa, Member of Congress, US House of Representatives
Gerard de Graaf, Head of San Francisco Office,
European Commission
Chris Gow, Head of EU Public Policy, Cisco
Alberto Zilio, Head of European Government Affairs, Ericsson

Looking down the road towards 2040, AI promises to be a huge global disruptor for jobs, for industry and government and for defence. Moreover, the EU and the US differ over how to balance concerns over freedom of speech and the right to privacy. At the moment, American companies have a technological edge. Today, the EU favours a regulatory approach in shaping AI's future, most recently agreeing to the world's first comprehensive Regulation on AI, while the US is focussing its efforts on making greater space for innovation. How can common ground be found between these two approaches for AI? Can a transatlantic digital market be created over time?

SUSTAINABILITY (See TPN Report page 12)

WEDNESDAY 23rd JULY SESSION 12

11.45 – 12.45am

Food and energy security challenges ahead

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: Joern Fleck, Senior Director, Europe Center, Atlantic Council

Speakers: Dina Titus, Member of Congress, US House of Representatives
Glenn Thompson, Member of Congress,
US House of Representatives
Walter Goetz, Head of Office, European Parliament Liaison Office
Amie Stepanovich, Senior Manager, Global Strategic Alliances,
Apple

Mark Titterton, Director, Forum for the Future of Agriculture

Sustainability, inclusion and growth offer a powerful synergy and are considered the building blocks necessary to deliver a prosperous and green future. Government and business have common objectives – to meet the current challenges of the climate crisis, with products and services designed to transition energy to more sustainable fuels, to address food security challenges and to innovate a more circular approach to husband scarce resources. Citizens are demanding action of companies and of governments to deliver policies and products that reduce cost, while maintaining consumer choice.

WEDNESDAY 23rd JULY SESSION 13

12.45 – 1.45 pm

Lunch**In conversation**

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: Thomas Spiller, Vice President, Global Public Policy,
The Walt Disney Company

Speaker: Maroš Šefčovič, Commissioner for Trade and Economic Security,
European Commission

WEDNESDAY 23rd JULY SESSION 14

1.45 – 2.30 pm

Priorities for the TPN Staffers Network

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: **Dan Nechita**, EU Director TPN

Speakers: **TPN Staffer Core Group Leadership**

The Network has been successfully launched with well attended meetings in both Brussels (December 5) and Washington (January 8). A detailed draft program is taking shape with agreement for the Network to have regular events throughout the year. There is a strong emphasis on maintaining political and staffer connections, of significance if executive-level relations become strained. The involvement of the business community in the activities of the Network is also important. What are the priorities ahead for 2026?

WEDNESDAY 23rd JULY SESSION 15

2.30 – 3.30pm

TLD: its leadership role

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator:

Speakers: **Brando Benifei** MEP, European Parliament

Nathaniel Moran, Member of Congress,

US House of Representatives

Co-chairs of the Transatlantic Legislators Dialogue

This session will provide the opportunity not only to review the results of the last meeting of the Transatlantic legislators' dialogue in Poland in June but look forward to likely events coming in the autumn as the new administrations accelerate their contacts on a wide range of issues.

WEDNESDAY 23rd JULY SESSION 16

3.45 – 4.45 pm

How could the US and the EU work together on trade?

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: **Marta Poślad**, Director, Public Policy Central and Eastern Europe & Transatlantic, Google

Speakers: **Brando Benifei** MEP, Co-chair TLD, European Parliament

Donald Beyer Jr, Member of Congress,

US House of Representatives

Everett Eizenstat, Partner, Squire Patton Boggs (US) LLP and
TPN Board Member

Liam Benham, President of EU, NATO and Government Affairs

Europe, Boeing International, and Chairman, AmCham EU

EU Business

The American and European economies have thrived under the multilateral rules-based trading system they crafted. And with more and more economic activity occurring outside the transatlantic space, they both have a stake in that system continuing to deliver predictability and ease of doing business under a multilateral non-discriminatory open and fair-trade regime. But the World Trade Organization is in disarray, both as a negotiating forum and as a dispute settlement system, thanks to obstructionism by some emerging market economies and American sabotage of the WTO's Appellate Body. The US and the EU need to lead an effort to make the WTO an effective maker and enforcer of rules for the 21st Century economy.

In the wake of China's membership in the World Trade Organization, the US merchandise trade deficit with the People's Republic has more than tripled and the EU trade deficit with China has more than doubled. China's rise as a commercial trading partner is driven by leadership policies and has, in part, been fuelled by Beijing's subsidies, an unfair competitive advantage that threatens to worsen as China attempts to export its way out of its prolonged economic slowdown. Coordinated EU-US defensive efforts to balance the playing field will be needed to defend their workers and their industries from unfair competition.

How can those shared interests lead to a common policy agenda? And how can European and American businesses contribute to developing and delivering on that future-forward trade agenda?

WEDNESDAY 23rd JULY SESSION 17

4.45 - 5.00 pm

Concluding remarks by TPN leadership

Location: Whittall Pavilion, US Library of Congress,
10 First Street SE, Washington, DC 20540

Moderator: **James Elles**, Chairman, TPN

Speakers: US Congress
Member European Parliament
US and EU Business leadership

DRAFT

From: [Brendan Carr](#)
To: [Plyam, Daniel](#); [Haubenstricker, Caroline](#); [Adam Jackman](#)
Cc: [Greg Watson](#); [Morgan, Bill](#)
Subject: FCC's Build America Agenda
Date: Thursday, July 3, 2025 11:57:00 AM
Attachments: [image002.png](#)
[image003.png](#)

Hope you all are going to have a great Fourth! Thought I would flag for you a new Build America Agenda for the FCC that I just announced out in South Dakota:

<https://x.com/BrendanCarrFCC/status/1940491713107447931>

If you all end up with a segment window sometime next week, I would welcome the chance to come on and discuss it. As you may recall, Vice President Harris famously “led” a \$42 billion broadband program that didn’t result in a single American getting connect to the Internet. The Trump Administration is turning things around fast. This Build America Agenda is all about how the FCC will get the dirt turning and rural communities connected.

One page summary: <https://docs.fcc.gov/public/attachments/DOC-412665A1.pdf>

full Build America Agenda: <https://docs.fcc.gov/public/attachments/DOC-412663A1.pdf>

Some coverage:

<https://www.foxnews.com/politics/dominating-space-economy-key-priority-trumps-fcc-chief>

<https://thehill.com/homenews/5382076-fcc-chairman-climbs-200-foot-nexstar-tower-lays-out-policy-agenda/>

<https://southdakotasearchlight.com/2025/07/02/wearing-a-make-towers-great-again-hat-fcc-chairman-unveils-build-america-agenda-in-south-dakota/>

From: Plyam, Daniel <daniel.plyam@fox.com>
Sent: Wednesday, May 7, 2025 5:31 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>
Subject: Re: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

Good morning Chairman Carr,

We're very excited to have you on this morning! The finalized list of topics for the show today will be the FCC accomplishments in the first 100 days, and FCC reviewing Spectrum rules.

Thank you in advance! Please let me know if you have any questions or concerns!

From: Brendan Carr <Brendan.Carr@fcc.gov>

Sent: Tuesday, May 6, 2025 2:05 PM

To: Plyam, Daniel <daniel.plyam@fox.com>; Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>

Subject: Re: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

Thanks. Two topics jump to mind on my end.

1. Recap the quick wins the FCC has delivered during the First 100 days.

<https://docs.fcc.gov/public/attachments/DOC-411127A1.pdf>

2. Spectrum. Biden allowed America to fall behind China when it comes to an important feature of our economy and national security—spectrum or the airwaves that connect all of our wireless devices. The U.S. needs to regain its leadership position here and we have a good chance to do that through reconciliation by restoring the FCC's authority to auction spectrum.

From: Plyam, Daniel <daniel.plyam@fox.com>

Sent: Tuesday, May 6, 2025 12:54 PM

To: Brendan Carr <Brendan.Carr@fcc.gov>; Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>

Subject: Re: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

You don't often get email from daniel.plyam@fox.com. [Learn why this is important](#)

Good afternoon Chairman Carr,

Great to have you back on the show tomorrow morning! Right now for topics I'm looking at, The FCC's probe of 60 minutes, the FCC's work to empower local broadcasters, the upcoming vote to ban Chinese labs deemed a risk to U.S. national security from testing electronic devices, and any other topics that you're hot on that you can send over would be appreciated. Please send over any notes or talking points you have.

I'll send over a finalized list of topics in the morning. If there are any questions, don't hesitate to reach out!

Best,

Daniel Plyam
Associate Producer, Mornings with Maria
E: Daniel.plyam@fox.com
M: 347-573-0324



From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Tuesday, May 6, 2025 11:02 AM
To: Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>; Plyam, Daniel <daniel.plyam@fox.com>
Subject: RE: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

Thanks. Adding one more from my team. **New title:** Chairman, Federal Communications Commission

From: Haubenstricker, Caroline <Caroline.Haubenstricker@FOX.COM>
Sent: Tuesday, May 6, 2025 11:00 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Morgan, Bill <Bill.Morgan@FOX.COM>; Plyam, Daniel <daniel.plyam@fox.com>
Subject: [EXTERNAL]: Brendan Carr - Bartiromo -7:30 AM/ET - Wednesday, 5/7

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Good morning Brendan!

Thanks for confirming your appearance over text. Please kindly confirm on this thread.

You should have received a building pass for the FOX DC Bureau. Please kindly arrive no later than 7:15 AM/ET.

I am looping in our producer Daniel to this thread. I am also adding in my colleague Bill who will be able to assist with any logistical questions that may arise in the morning.

Please confirm your title: Brendan Carr, FCC Commissioner, Senior Republican

Sincerely,
Caroline Haubenstricker

Booking Producer, *Mornings with Maria*
(929) 788-0641



This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

From: [Brendan Carr](#)
To: [Horowitz, Paul](#); [Botto, Ally](#); [Adam Jackman](#)
Cc: [McCole, Finn](#); [Kelly, Bryan](#); [Lewittes, Lee](#); [Nitti, Jessica](#); [Murdock, Stewart Anne](#); [Croteau, Nicole](#)
Subject: Re: [EXTERNAL]: Fox & Friends Interview 7/27 @ 7:30am ET
Date: Sunday, July 27, 2025 6:55:00 AM

Thanks. One part of that worth hitting on is the FCC's recent approval of Skydance's acquisition of CBS. In that deal, the new owners of CBS have committed to significant changes, including addressing bias and focusing on fact-based reporting. That could help in restoring Americans' trust in media.

<https://docs.fcc.gov/public/attachments/DOC-413229A1.pdf>

Get [Outlook for iOS](#)

From: Horowitz, Paul <Paul.Horowitz@FOX.COM>
Sent: Sunday, July 27, 2025 5:18:02 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Botto, Ally <ally.botto@fox.com>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: McCole, Finn <finn.mccole@fox.com>; Kelly, Bryan <Bryan.Kelly@FOX.COM>; Lewittes, Lee <Lee.lewittes@FOX.COM>; Nitti, Jessica <jessica.nitti@fox.com>; Murdock, Stewart Anne <stewartanne.murdock@fox.com>; Croteau, Nicole <Nicole.Croteau@FOX.COM>
Subject: RE: [EXTERNAL]: Fox & Friends Interview 7/27 @ 7:30am ET

Good morning Chairman Carr,

Looking forward to having you on Fox & Friends this morning at 7:30AM ET.

The topics of discussion remain Trump launching an American A.I. Action Plan and an update on the FCC's investigation on censorship.

If you can give us an update on the investigation before the interview, that would be greatly appreciated.

Feel free to reach out if you have any questions.

Best,
Paul Horowitz

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Saturday, July 26, 2025 6:39 PM
To: Botto, Ally <ally.botto@fox.com>; Adam Jackman <Adam.Jackman@fcc.gov>
Cc: McCole, Finn <finn.mccole@fox.com>; Kelly, Bryan <Bryan.Kelly@FOX.COM>; Horowitz, Paul <Paul.Horowitz@FOX.COM>; Lewittes, Lee <Lee.lewittes@FOX.COM>; Nitti, Jessica <jessica.nitti@fox.com>; Murdock, Stewart Anne <stewartanne.murdock@fox.com>; Croteau, Nicole <Nicole.Croteau@FOX.COM>

Subject: Re: [EXTERNAL]: Fox & Friends Interview 7/27 @ 7:30am ET

Got it. Thanks.

Get [Outlook for iOS](#)

From: Botto, Ally <ally.botto@fox.com>

Sent: Saturday, July 26, 2025 4:55:18 PM

To: Brendan Carr <Brendan.Carr@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>

Cc: McCole, Finn <finn.mccole@fox.com>; Kelly, Bryan <Bryan.Kelly@FOX.COM>; Horowitz, Paul <Paul.Horowitz@FOX.COM>; Lewittes, Lee <Lee.lewittes@FOX.COM>; Nitti, Jessica <jessica.nitti@fox.com>; Murdock, Stewart Anne <stewartanne.murdock@fox.com>; Croteau, Nicole <Nicole.Croteau@FOX.COM>

Subject: [EXTERNAL]: Fox & Friends Interview 7/27 @ 7:30am ET

You don't often get email from ally.botto@fox.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hi Chairman Carr –

We're looking forward to having you on "Fox & Friends" at 7:30AM ET! Segment details are pasted below. If there's any issues in the morning, please reach out to our A.M. team directly.

SHOW: "Fox & Friends"

DATE: Sunday July 27th

VCC LINK: Will be emailed in the morning

TOPIC: Trump launches an American A.I. Action Plan and an update on the FCC's investigation on censorship

Greenroom Contact: Stewart Anne Murdock, 205-913-8980, stewartanne.murdock@fox.com.

A.M. Back Up Emergency Contacts: Lee Lewittes, Bryan Kelly, Finn McCole, Paul Horowitz: (212) 301-3800

Thank you!

Best,
Ally Botto
Associate Producer
Fox & Friends

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

From: [Brendan Carr](#)
To: [Newboles, Alec](#); [Adam Jackman](#)
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3
Date: Sunday, August 3, 2025 10:45:52 AM

I have it now. Thanks.

Get [Outlook for iOS](#)

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Sunday, August 3, 2025 10:45:09 AM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

You don't often get email from alec.newboles@fox.com. [Learn why this is important](#)

Copy. Working to figure out what the holdup is. Sorry about this!

Alec Newboles
Line Producer - MediaBuzz
(202) 365-5731
alec.newboles@fox.com

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Sunday, August 3, 2025 10:40 AM
To: Newboles, Alec <alec.newboles@fox.com>
Cc: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Gotcha. Please let me know when they are able to send it over. We are waiting on our end.

Get [Outlook for iOS](#)

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Sunday, August 3, 2025 10:34:31 AM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Cc: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Hey Adam,

The link will not come from me, just fyi. Let me check with the tech team on that.

Alec Newboles
Line Producer - MediaBuzz
(202) 365-5731
alec.newboles@fox.com

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Sunday, August 3, 2025 10:33 AM
To: Newboles, Alec <alec.newboles@fox.com>
Cc: Brendan Carr <Brendan.Carr@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Hey Alec,

Please let me know when you are able to send the link over. I have the Chairman cced here ready to go. Thanks!

Best,
Adam

Get [Outlook for iOS](#)

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Friday, August 1, 2025 1:10:54 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

And as promised, here's a quick list of what Howie wants to hit:

- FCC approving Skydance takeover
- CBS firing Colbert
- CBS naming ombudsman
- Trump taking on the media
- Commissioner Anna Gomez's dissent in Paramount deal

Happy to answer any questions!

Alec Newboles
Line Producer - MediaBuzz
(202) 365-5731
alec.newboles@fox.com

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Friday, August 1, 2025 10:40 AM

To: Newboles, Alec <alec.newboles@fox.com>

Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Great — thanks Alec!

Get [Outlook for iOS](#)

From: Newboles, Alec <alec.newboles@fox.com>

Sent: Friday, August 1, 2025 10:32:18 AM

To: Adam Jackman <Adam.Jackman@fcc.gov>

Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

That's totally fine. The tech team will send the link directly to him at 10:30a on Sunday for that test call, and that will be the same link for the interview. I'll have you CC'ed on that email, but ask that you **please don't click the link**. If anyone aside from the Chairman clicks it on a device other than the one he'll be using, it will become inactive and we'll need to troubleshoot.

I'll reach out to you later today with topics. Really appreciate your help with all of this!

Alec Newboles

Line Producer - MediaBuzz

(202) 365-5731

alec.newboles@fox.com

From: Adam Jackman <Adam.Jackman@fcc.gov>

Sent: Thursday, July 31, 2025 5:41 PM

To: Newboles, Alec <alec.newboles@fox.com>

Subject: RE: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Hey Alec,

He should be able to do the test call at 10:30, but let me confirm with him on that. Let me know what time you will be sending the link for the interview and if that is the same one as the test call. The Chairman's email is Brendan.carr@fcc.gov so you can include him on that.

On the location – the Chairman will be at home, so not sure he wants that location, even generally, being shared. Sorry about that. Keep me posted if anything else comes up.

Best,

Adam Jackman

Director of Strategic Communications

FCC Office of Media Relations

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Thursday, July 31, 2025 1:24 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Just following up on a couple more things. First, would the Chairman be okay with a test call at 10:30a on Sunday, just to make sure the connection is solid and preempt any tech issues? He'll be able to hang up after a couple minutes and re-join ahead of the segment.

And second, can I bug you for a general location please? Howie likes to mention where the remote guests are joining from.

Thanks!

Alec Newboles
Line Producer - MediaBuzz
(202) 365-5731
alec.newboles@fox.com

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Wednesday, July 30, 2025 6:52 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Sure, sounds good

Get [Outlook for iOS](#)

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Wednesday, July 30, 2025 6:39:20 PM
To: Newboles, Alec <alec.newboles@fox.com>
Subject: RE: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

I think he'll be at home, so probably best to do zoom. Thanks!

Adam Jackman
Director of Strategic Communications
FCC Office of Media Relations

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Wednesday, July 30, 2025 6:39 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>

Subject: Re: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Not a problem! If I may ask, where will he be? We could potentially look into a nearby studio. Not opposed to Zoom if need be.

Get [Outlook for iOS](#)

From: Adam Jackman <Adam.Jackman@fcc.gov>
Sent: Wednesday, July 30, 2025 5:50:49 PM
To: Newboles, Alec <alec.newboles@fox.com>
Subject: RE: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

Hey Alec –

We are confirmed for 11:30 on Sunday. Unfortunately, the Chairman cannot make it into the studio, but is happy to remote. Let me know if that works for you!

Best,

Adam Jackman

Director of Strategic Communications
FCC Office of Media Relations

From: Newboles, Alec <alec.newboles@fox.com>
Sent: Wednesday, July 30, 2025 3:58 PM
To: Adam Jackman <Adam.Jackman@fcc.gov>
Subject: [EXTERNAL]: Chairman Carr on MediaBuzz 8/3

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

Hey Adam!

Touching base on our rescheduled interview for Chairman Carr this Sunday. Currently, we're looking at 11:30a ET for the segment. Specific topics to come, but naturally, we'll want to dive into the FCC approving Skydance's purchase of Paramount.

Whenever you can, I'd like to confirm that the Chairman is able to join us on set at our DC bureau. We're happy to book him a car if he'd like.

Also happy to answer any questions. Appreciate your help!

Alec Newboles
Line Producer - MediaBuzz

(202) 365-5731

alec.newboles@fox.com

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It

is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.