

# COVID-19: What Communications Service Providers Need to Know – April 20, 2020

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As the COVID-19 pandemic rapidly unfolds, the Federal Communications Commission (“FCC”) has been active to keep communications services available through various waivers, extensions, and other regulatory relief. Kelley Drye’s Communications Practice Group is tracking these actions and what they mean for communications service providers and their customers. CommLaw Monitor will provide regular updates to its analysis of the latest regulatory and legislative actions impacting your business and the communications industry. Click on the [“COVID-19”](#) blog category for previous updates.

If you have any urgent questions, please contact your usual Kelley Drye attorney or any member of the Communications Practice Group. For more information on other aspects of the federal and state response to the COVID-19 pandemic, as well as labor and employment and other issues, please visit Kelley Drye’s [COVID-19 Response Resource Center](#).

## **FCC Provides Invoicing Guidance for COVID-19 Telehealth Program Fund Recipients, Begins Approving Funding Requests**

On April 17, 2020, the FCC’s Wireline Competition Bureau (“WCB”) and Office of Managing Director [provided guidance](#) (DA 20-425) for funding recipients on how to invoice the FCC for COVID-19 Telehealth Program-funded services and/or connected devices. Under the COVID-19 Telehealth Program, disbursements are issued directly to the participating health care providers, rather than to the service providers or vendors that have provided the eligible services and/or connected devices to participating health care providers. Participating health care providers therefore need to invoice the FCC to be reimbursed for the eligible services/connected devices they purchased under the program. Participating health care providers will need to submit a COVID-19 Telehealth Program Request for Reimbursement Form (found [here](#)) to the U.S. Department of the Treasury’s Bureau of the Fiscal Service Invoice Processing Platform (“IPP”) (located [here](#)). The guidance provides important details on how to fill out a reimbursement request as well as how to register and use the IPP.

On April 16, 2020, the WCB [approved](#) six funding applications for the COVID-19 Telehealth Program. The applications generally focused on diagnosis and preventing the spread of COVID-19 among vulnerable populations, such as low-income or elderly persons. [Congress appropriated \\$200 million](#) for the FCC to support health care providers’ use of telehealth services as part of the recently-enacted CARES Act. The FCC began accepting applications on Monday, April 13. It is continuing to evaluate applications and will distribute additional funding on a rolling basis. The FCC will disburse funding until the program’s funds have been expended or the COVID-19 pandemic has ended. Demand for COVID-19 Telehealth Program funding is expected to be high and stakeholders should

take action now to prepare and submit funding applications.

### **FCC Tasks BDAC Working Group with Addressing COVID-19 Challenges**

On April 16, 2020, Chairman Ajit Pai [announced](#) (DA 20-420) additional duties for the Disaster Response and Recovery Working Group of the Broadband Deployment Advisory Committee (“BDAC”). The BDAC makes recommendations to the FCC on how to accelerate the deployment of high-speed broadband access. The Working Group will assist the BDAC in documenting the strategies and solutions that stakeholders are developing and implementing in real time to address deployment-related challenges presented by COVID-19. It will also enable the BDAC to report on best practices and lessons learned from the response to COVID-19 to help with the ongoing response to the pandemic, and to assist stakeholders, including the FCC, in preparing for and responding to any comparable future crises. Nominations for new members of the Working Group should be submitted to the FCC no later than **April 27, 2020**.

### **FCC Grants Navajo Nation Request to Use Unassigned Spectrum**

On April 17, 2020, the FCC’s Wireless Telecommunications Bureau (“WTB”) [granted](#) an emergency Special Temporary Authority (“STA”) request filed by the Navajo Nation to use unassigned spectrum in the 2.5 GHz band to provide wireless broadband service over its reservation as part of its emergency COVID-19 response. The Nation is located within parts of Arizona, New Mexico, and Utah. The STA is effective for 60 days. In addition to supporting emergency relief to meet increased broadband demands during the pandemic, the Commission continues to accept applications from eligible Tribal entities for licensed access to unassigned 2.5 GHz spectrum over their rural Tribal Lands in the Rural Tribal Priority Window, which closes **August 3, 2020**. The grant signals the FCC’s continued openness to STAs that allow service providers access to spectrum to improve communications and broadband service in rural and other hard-to-serve areas during the crisis.

### **FCC Extends Certain Wireless Construction Deadlines**

On April 15, 2020, the WTB and Public Safety and Homeland Security Bureau released an [Order](#) (DA 20-414) granting all site-based and mobile-only wireless licensees with construction deadlines between March 15, 2020 and May 15, 2020 (“Licensees”) an additional 60 days to meet their existing deadlines. This Order addresses a March 27, 2020 Enterprise Wireless Alliance (“EWA”) petition for waiver of construction requirements for certain site-based and mobile-only wireless licenses in light of the disruptions caused by COVID-19. The FCC is continuing to monitor the situation and may consider further extensions. The action is just the latest example of the FCC waiving or postponing deadlines covering everything from network buildouts to comment submissions.

### **Senators Introduce Bill to Increase Seniors' Telehealth Access**

On April 14, 2020, Senators Shelley Moore Capito (R-WV), Amy Klobuchar (D-MN), and Bob Casey (D-PA) [introduced](#) legislation to increase senior citizens’ access to telehealth during COVID-19. The Advancing Connectivity during the Coronavirus to Ensure Support for Seniors (“Access”) Act would authorize \$50 million for the Department of Health and Human Services’ Telehealth Resource Center to assist nursing facilities receiving funding through Medicare or Medicaid in expanding their use of telehealth services.

### **Commissioners Call for Free ICS Calls, More Lifeline**

On April 17, 2020, FCC Commissioners Jessica Rosenworcel and Geoffrey Starks [said](#) that the

growing number of newly unemployed need access to broadband and voice services more than ever, during a MediaJustice online [event](#). Commissioner Rosenworcel urged the FCC to bolster Lifeline benefits and enrollment, close the homework gap, and lower inmate calling service (“ICS”) rates, while Commissioner Starks backed the push to make ICS free for those in local and state jails and prisons, and not just federal facilities. On April 14, 2020, 27 Democratic Senators sent a letter to Congressional leadership calling on them to increase funding for Lifeline by at least \$1 billion in any future coronavirus packages to increase reimbursement rates and the levels of service needed because “[s]ocial distancing, school closures, layoffs, and shelter-in-place rules have spurred a dramatic new reliance on telework, distance education, online employment, and telehealth.”