

COVID-19: What Communications Service Providers Need to Know – April 27, 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 Approves More COVID-19 Telehealth Program Applications, Waives Red Light Rule for Program Applicants

On April 23, 2020, the FCC’s Wireline Competition Bureau (“WCB”) [approved six more funding applications](#) for the COVID-19 Telehealth Program. The \$2.56 million in funding will go to health care providers in hard-hit areas like New York, California, and Maryland. Days earlier, the WCB [approved five other funding applications](#), including \$3.71 million to providers in California and Michigan. To date, the Telehealth Program has funded 17 health care providers in 10 states for a total of \$9.5 million in funding. Congress appropriated \$200 million to the FCC for the Telehealth Program as part of the recently-enacted CARES Act. The FCC is continuing to evaluate Telehealth Program applications at a rapid pace and distribute additional funding on a rolling basis.

The FCC’s Office of Managing Director and WCB also decided to [waive the FCC’s “red light” rule](#) for Telehealth Program applicants to facilitate prompt review and processing of the maximum number of applications to the Program. The “red light” rule normally prevents the FCC from taking action on applications and other requests by entities with delinquent debts with the agency. While the FCC found good cause existed to waive the “red light” rule, the agency was clear that the waiver only applied to the Telehealth Program and did not affect the agency’s ability to take collection action against delinquent debtors.

Join us for a webinar on April 28, 2020, as we discuss these issues and other details of the Telehealth Program, including healthcare provider eligibility criteria, funding coverage, and key application considerations. [Register here](#).

FCC Joins Department of Education to Promote \$16 Billion in Funding for Remote Learning

On April 27, 2020, the FCC and the Department of Education [announced](#) joint efforts to promote remote learning funding opportunities to school and state officials under the recently-enacted CARES Act. Specifically, the CARES Act established an Education Stabilization Fund with approximately \$16 billion currently available in grants to schools and state governors to purchase devices and services to facilitate remote learning while educational institutions remain closed due to the pandemic. While the Department of Education will handle the actual funding disbursements, the FCC will identify local service providers for participating schools and governors that may be able to provide devices and broadband connectivity to support remote learning. Like the Telehealth Program, the Education Stabilization Fund is another example of the multi-prong approach taken by the federal government to spur broadband deployment and adoption during the pandemic to assist social distancing and stay-at-home orders.

FCC Grants Additional Temporary Spectrum Access Requests

On April 23, 2020, the FCC's Wireless Telecommunications Bureau ("WTB") granted [NTUA Wireless, LLC's](#) emergency Special Temporary Authority ("STA") request to operate in certain 700 MHz band spectrum in Arizona and Utah. The WTB also granted STA requests from [T-Mobile License LLC](#) and [Medicine Wheel Website Design](#) as part of the FCC's [continued effort](#) to improve communications and broadband service in rural and other hard-to-serve areas during the crisis. The STA grants show that the FCC is open to requests to use otherwise fallow spectrum to improve communications and broadband services in the near-term.

Comments on TRS Emergency Waiver Petition Due May 4

On April 20, 2020, the FCC's Consumer and Governmental Affairs Bureau announced via [Public Notice](#) that it is seeking comment on a Petition for Emergency Waiver and Declaratory Ruling filed by Telecommunications for the Deaf and Hard of Hearing, Inc. and other consumer advocacy groups. The groups ask the Commission to (1) temporarily waive the Telecommunications Relay Services ("TRS") user registration and per-call validation rules to increase TRS access for persons with hearing and speech disabilities during the COVID-19 pandemic and (2) issue a declaratory ruling that TRS providers can receive compensation from the TRS Fund for the distribution of software used for TRS access by deafblind individuals, including those who do not qualify as low-income individuals under the National DeafBlind Equipment Distribution Program. Comments on the petition are due May 4, 2020, and may be filed electronically at <https://www.fcc.gov/ecfs/>.