

Reminder: Federal Communications Commission – December and January Filings

December 19, 2024

Each month, Kelley Drye's Communications Group offers this reminder of upcoming filing deadlines that may affect our clients and friends. Please review the deadlines below and contact us if you would like assistance or have any questions.

I. Featured Upcoming Compliance Deadlines

II. Filing Deadlines in Select Rulemakings, Inquiries, and Other Proceedings

III. Select Ongoing Filing Requirements

I. FEATURED UPCOMING COMPLIANCE DEADLINES

The following are reminders for upcoming Federal Communications Commission ("FCC") reports and compliance requirements:

A. Responses to Enforcement Bureau Robocall Mitigation Database Order (due December 31, 2024)

On December 10, 2024, Order, the Enforcement Bureau ("EB") released an [Order](#) identifying the Robocall Mitigation Database ("RMD") certifications of over 2,000 companies as deficient for lack of a robocall mitigation plan or for the lack of newly-required information in the plan or certification. The companies listed in the Order must cure any deficiencies in their RMD certifications and submit a response to EB, confirming such cure or explaining why the company's certification should not be removed from the RMD. (Instructions for the response submission are provided in the Order.) Any company failing to take appropriate and timely action will have its certification removed from the RMD, requiring voice service providers and intermediate providers to cease accepting calls directly from the company. Following publication in the [December 17, 2024, Federal Register](#), responses are due by **December 31, 2024**.

B. Form 855: Hearing Aid Compatibility Certification (due January 31, 2025)

The annual Form 855 Hearing Aid Compatibility (HAC) Certification must be filed by all digital mobile service providers within the scope of FCC Rule 20.19, including mobile virtual network operators ("MVNOs") and resellers. Among other requirements, filers must:

- certify whether or not they are in full compliance with Commission hearing aid compatibility rules;
- explain any instances of noncompliance;

- provide the percentage of hearing aid compatible (“HAC”) handsets offered during the time period covered by the certification; and
- provide a link to the public webpage that lists information on HAC handsets, insofar as required by the rules.

The Form 855 Certification covers the preceding calendar year (January 1, 2024 – December 31, 2024) and is due to the FCC by **January 31, 2025**. The Form 855 Certification must be completed online and the link to the filing portal and instructions for the form are available [here](#).

Note that providers that are otherwise exempt from HAC rules, pursuant to the *de minimis* exception of FCC Rule 20.19(e), still are required to file the HAC Certification. Providers may also be subject to website content and record retention requirements and should be sure to review the FCC rules to confirm any HAC compliance obligations.

II. FILING DEADLINES IN SELECT RULEMAKINGS, INQUIRIES, AND OTHER PROCEEDINGS:

Georouting for Text Messages to 988 Lifeline. On October 18, 2024, the FCC released a [Third Further Notice of Proposed Rulemaking](#) in WC Dkt. No. 18-336, seeking comment on proposals to require that covered text providers implement the capability to provide georouting data with covered 988 text messages (and provide such data) to the Lifeline Administrator. Following publication in the [November 20, 2024, Federal Register](#), comments are due **December 20, 2024**, and reply comments are due **January 9, 2025**.

Closed Captioning Display Settings – Paperwork Reduction Act (“PRA”) Comments. On July 19, 2024, the FCC released a [Third Report and Order](#) in MB Dkt. No. 12-108, adopting a requirement that manufacturers of covered apparatus and multichannel video programming distributors (“MVPDs”) ensure the availability of closed captioning display settings to individuals who are deaf and hard of hearing. PRA comments are requested on the associated new or modified information collection requirements. Following publication in the [November 20, 2024, Federal Register](#), comments are due on **December 20, 2024**.

Broadband Speed Testing. On November 27, 2024, the FCC issued a [Public Notice](#) regarding the Fine Point Technologies’ [Petition for Rulemaking](#), which requests that the FCC establish standardized, vendor-neutral broadband speed testing protocols “independent of any one manufactured Customer Premises Equipment (CPE).” Statements supporting or opposing the petition are due on **December 27, 2024**.

Safe Connections Act Order Implementation – PRA Comments. On November 15, 2023, the FCC adopted a [Report and Order](#) in WC Dkt. Nos. 22-238, 11-42 and 21-450 (*Safe Connections Act Order*) addressing the issue of domestic violence, in particular ensuring the ability for victims of domestic violence to separate a mobile phone line from an account shared with an abuser. PRA comments are requested regarding new information collection requirements adopted in the Order. Following publication in the [December 11, 2024, Federal Register](#), comments are due on **January 10, 2025**.

Foreign Sponsorship Identification – PRA Comments. On June 10, 2024, the FCC released a [Second Report and Order](#) in MB Dkt. No. 20-299, adopting a new approach towards licensee compliance with foreign sponsorship identification requirements and providing certain clarifications regarding the application of the foreign sponsorship identification rules. PRA comments are requested in connection with modifications to the associated information collection requirements.

Following publication in the [December 12, 2024, Federal Register](#), comments are due on **January 13, 2025**

Commercial Space Launch Communications - Comments on Public Notices. On December 6, 2024, the Wireless Telecommunications Bureau issued two Public Notices related to the coordination of commercial space launch and reentry operations in the 2025-2110, 2200-2290, and 2360-2395 MHz bands. In [ET Docket No. 13-115](#), the Bureau proposes and seeks comment on certain licensing and coordination procedures for the new commercial Space Launch Service adopted in the Second Report and Order in that proceeding. In a new [WT Docket No. 24-687](#), the Bureau proposes and seeks comment on the mechanism and criteria for selecting the third-party frequency coordinator for the new commercial Space Launch Service. An FCC Order allocating the 2360-2395 MHz band on a secondary basis for commercial space launch and reentry is expected before December 25, 2024, and the Public Notices seek comment with regard to coordination in that band as well. Comments in response to the two Public Notices will be due thirty days after publication in the Federal Register which has not occurred as of the date of this alert, meaning that the comments will be due **on or after January 21, 2025**.

III. SELECT ONGOING FILING REQUIREMENTS

Pro Forma Assignments and Transfers

Assignments of Authorization and Transfers of Control can be filed either as *pro forma* applications or non-*pro forma* applications.

A pro forma assignment or transfer is one in which the form of ownership changes but actual control of the license remains with the same entity or person. Most *pro forma* assignments and transfers may be approved under streamlined Forbearance procedures in the case of most telecommunications carriers (*e.g.*, Section 214 authorization holders, wireless licensees (excluding those with installment payment or designated entity issues) and earth station licensees). Unlike non-pro forma assignments and transfers of control, where there is a substantial change in direct or indirect ownership or control, *i.e.*, a *de jure* or *de facto* change introducing a new party or person with a controlling interest, requests regarding *pro forma* changes where the ultimate control and ownership remains the same do not require prior FCC approval provided that the parties **notify the FCC of the change within 30 days**. Note that private licenses are not subject to forbearance such that FCC advance approval generally is required for *pro forma* transfers and assignments of private licenses.

Substantive Assignments, Transfers, Modifications and Section 310(b) Petitions

Pursuant to a recent [Public Notice](#), new, additional requirements are now in effect for all applications for assignment, transfer or license modification, in connection with international Section 214 authorizations and submarine cable landing licenses, where applicants have direct or indirect foreign ownership above threshold levels (generally 10% or more equity or voting interests, or based upon other FCC-recognized indicia of control). The requirements also apply to petitions for declaratory ruling related to foreign ownership under section 310(b) of the Communications Act. Parties making such filings must submit responses to a set of "Standard Questions" to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the "Committee") prior to, or concurrent with, filing their application with the FCC and also must submit a copy of their FCC application to the Committee within three business days after filing. Additional information and the Standard Questions (which vary by category of applicant) are available on the Office of International Affairs ("OIA") dedicated [webpage](#).

Additionally, specified certifications and point of contact information must now be included in all applications involving international Section 214 authorizations or submarine cable landing licenses (regardless of ownership) as well as petitions for declaratory ruling relating to foreign ownership. Details for this required content are available at the OIA dedicated [webpage](#).

Change in FCC Form 499 Filer Information

Filers must update their registration information, including a DC Agent for Service of Process in accordance with these instructions to the FCC Form 499-A. Filers must file updated information within one week of the contact information change. Filers wishing to update Preparer information, headquarters address, billing contact information, or DC Agent for Service of Process, can submit either an FCC Form 499-A or an FCC Form 499-Q or, for billing-related matters only, email USAC's billing department. Filers wishing to update any other information must submit a revised FCC Form 499-A. For more information, see <https://www.usac.org/service-providers/contributing-to-the-usf/making-revisions/>.

Filers that cease providing telecommunications must deactivate their Filer ID with USAC by submitting a letter with termination date and information on their successor entity to USAC. Filers must also update their CORES ID information with the Commission

Filers must file within 30 days of the date that the company ceases to provide telecommunications service or telecommunications.

FCC: <https://apps.fcc.gov/cores/userLogin.do>

USAC: www.usac.org/service-providers/contributing-to-the-usf/manage-your-499-id

Change in Robocall Mitigation Plans

A voice service provider that has not fully implemented the STIR/SHAKEN call authentication framework for all calls must submit a robocall mitigation plan pursuant to 47 CFR § 64.6305(b). Any provider that makes a change in any of the following information **must submit a revised robocall mitigation plan within 10 business days of the change**. See 47 CFR § 64.6305(b)(5).

- Its certification as to the implementation of STIR/SHAKEN in its network;
- The extension(s) that apply to its implementation of the STIR/SHAKEN framework;
- The specific reasonable steps the voice service provider has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program;
- Its commitment to respond to all traceback requests and law enforcement requests for information on illegal robocalling; and
- The provider's business name, d/b/a name(s), former name(s), its legal address and contact information for one person within the company responsible for addressing robocall mitigation-related issues.

The link for submitting a revised robocall mitigation plan is available [here](#).

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Attorneys in Kelley Drye's Communications Practice Group are experienced in addressing a full range of communications business and regulatory issues, including contracts and disputes, among other matters, surrounding access by providers of telecommunications, video service providers, and broadband service providers to commercial and residential multi-tenant environments. For more information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#).