

Reminder: Federal Communications Commission – November and December Filings

Chip Yorkgitis, Winafred R. Brantl

November 6, 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. Revisions to November 1, 2024, Form 499-Q Quarterly Telecommunications Reporting Worksheet (due December 16, 2024)

Carriers and providers of interstate and international telecommunications that seek to revise their November 1, 2024, Form 499-Q filing must do so within 45 days of the Form 499-Q filing deadline.

As a reminder, Form 499-Q filers are required to submit the form electronically through USAC’s E-File system, available at <https://www.usac.org/service-providers/>.

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

Citizens Broadband Radio Service (“CBRS”) Regulations Update. On August 5, 2024, the FCC adopted a [Notice of Proposed Rulemaking](#) in GN Docket No. 17-258 requesting comment on steps to update the technical and service rules and recommendations for “further innovations and improvements to the 3.5 GHz band,” sometimes referred to as “CBRS 2.0.” Following publication in the [September 6, 2024, Federal Register](#), comments are due on **November 6, 2024**, with replies due on **December 5, 2024** (extended in a September 27, 2024, [Public Notice](#) from October 7, 2024, and November 5, 2024, respectively).

2024 Section 706 Report. On September 6, 2024, the FCC issued the [Eighteenth Section 706 Report Notice of Inquiry](#) (“NOI”) in GN Dkt. No. 24-214, requesting comments for use in developing the report to Congress regarding the status of advanced telecommunications capability. Specifically,

the NOI seeks comment regarding “potential additional metrics as well as potential data sources by which to measure them” and “objective data and other evidence, as well as methodologies and analytical frameworks, to assist us in evaluating the universal service goals for broadband.” Comments were due on October 7, 2024, and reply comments are due on **November 6, 2024**.

Robocall Mitigation Database Effectiveness. On August 7, 2024, the FCC adopted a [Notice of Proposed Rulemaking](#) (“NPRM”) in WC Dkt. No. 24-213 and MD Dkt. No. 10-234, seeking comment on proposed steps to “promote the highest level of diligence when providers submit required information to the Robocall Mitigation Database, and technical solutions that the Commission could use to identify data discrepancies in filings – and require them to be corrected – before they are accepted by the system.” The NPRM also requests comment on how to increase provider accountability for compliance and the accuracy of submissions, as well as additional proposals to increase the effectiveness and benefits of the database. After publication in the [September 12, 2024, Federal Register](#), comments were due on October 15, 2024, with reply comments due on **November 12, 2024**.

Consumer Broadband Data Caps. On October 15, 2024, the FCC issued a [Notice of Inquiry](#) in WC Dkt. No. 23-199, seeking comment on the imposition of data caps for fixed and mobile broadband internet access services (“BIAS”), consumer experiences with these caps and the resulting effects on competition. Comments are due on **November 14, 2024**, with reply comments due on **December 2, 2024**.

Artificial Intelligence (“AI”) and Robocalls. On August 8, 2024, the FCC released an [NPRM and Notice of Inquiry \(“NOI”\)](#) in CG Dkt. No. 23-362. The NPRM seeks comment on the FCC’s proposals to continue and enhance consumer protections from abuse of AI-assisted robocalling balanced while at the same time protecting “positive uses of AI.” The NOI requests submissions addressing potential for technologies to strengthen consumer protections from unwanted or illegal robocalls and robotexts. Following publication in the [September 10, 2024, Federal Register](#), and issuance of a concurrent [Public Notice](#), comments on both the NPRM and NOI were due on October 10, 2024, with reply comments on both the NPRM and NOI now due on **November 15, 2024** ([extended](#) from October 25, 2024).

Incarcerated People's Communications Services (“IPCS”) Provider Compliance Requirements. On September 11, 2024, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau issued a [Public Notice](#), in WC Dkt. Nos. 23-62 and 12-375, seeking to “refresh and expand upon the record regarding the annual reporting and certification requirements for providers of [ICPS].” Following publication in the [October 3, 2024, Federal Register](#), comments were due on November 4, 2024, with reply comments due on **November 18, 2024**.

Review of FCC Rules Adopted in 2013. On August 9, 2024, the FCC issued a [Public Notice](#), announcing its review of rules adopted in 2013 “that have or will have a significant economic impact on a substantial number of small entities.” Comments are requested regarding whether these rules should be retained in their current form, revised, or eliminated altogether to minimize that economic impact. Following publication in the [September 17, 2024, Federal Register](#), comments are due on **November 18, 2024**

All-In Pricing - Petition for Reconsideration. On May 17, 2024, the Texas Coalition of Cities for Utility Issues and certain other government entities filed a [petition for reconsideration](#) of the FCC’s March 19, 2024, [Report and Order](#) in MB Dkt. No. 23-203 concerning “all-in pricing” for cable and satellite television service. Specifically, Petitioners request “clarification that payments used for the

capital costs of public, educational, or governmental (PEG) facilities that are required by a franchise agreement are not "franchise fees" as defined in Section 622(g)(2) of the Cable Act, codified at 47 U.S.C. § 542(g)(2)." Following publication in the [November 1, 2024, Federal Register](#), oppositions to the Petition are due on **November 18, 2024**, with any replies to oppositions due on **November 28, 2024**. (NOTE: ten days following the deadline for oppositions is Nov. 28; the recent Federal Register publication states replies are due November 12th; we have not, as of the date of this alert, seen a correction).

Incarcerated People's Communication Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services. On July 22, 2024, the FCC released a [Further Notice of Proposed Rulemaking](#), in WC Dkt. Nos. 23-62 and 12-375, requesting additional comment on the goal to establish permanent rate caps for video incarcerated people's communications services ("IPCS") that are just and reasonable, and at the same time ensure fair compensation to IPCS providers. In particular, comment is requested concerning the video IPCS marketplace. Following publication in the [September 20, 2024, Federal Register](#), and FCC issuance of a [Public Notice](#), comments were due on October 21, 2024, with reply comments due on **November 19, 2024**.

Strengthening Customer Service. On October 23, 2024, the FCC released a [Notice of Inquiry](#) ("NOI") in CG Dkt. No. 24-472, seeking comments on a wide range of customer service issues for cable, direct broadcast satellite ("DBS") and telecommunications services. Specific topics for comment include: ease of customer cancellation; access to live support representatives; installations, outages and service calls; auto-renewal of service or price increases; and accessibility for individuals with disabilities and customers for whom English is a second language. The NOI also considers cable-specific issues including the potential effects of changes to franchising mechanisms (e.g., the shift in many jurisdictions from local to state-level franchising). Comments are due on **November 22, 2024**, with reply comments due on **December 9, 2024**.

5G Fund for Rural America Auction Participation - PRA Comments. In connection with the process of determining whether parties are qualified to participate in a 5G Fund auction, comment is requested concerning the FCC's proposed collection of information on Form 184, consisting of the information, disclosures, and certifications required by FCC Rules 1.21001(b) and 54.1014(a). Following publication in the [September 25, 2024, Federal Register](#), comments are due on **November 25, 2024**.

Protection of U.S. Data. On October 22, 2024, the Department of Justice ("DOJ") submitted for Federal Register publication a [Notice of Proposed Rulemaking](#) ("NPRM") in Dkt. No. NSD 104, in connection with the agency's plan to implement the February 28, 2024, [Executive Order 14117](#) (*Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern*). Building upon comments received earlier this year in response to an earlier Advanced Notice of Proposed Rulemaking, the NPRM proposes to establish "a new national-security program to prohibit or restrict U.S. persons from engaging in certain categories of data transactions with countries of concern and covered persons that pose unacceptable national-security risks of giving those countries or persons access to government-related data or bulk sensitive personal data." A summary of the proposed rule and a brief Q&A are available in a [Fact Sheet](#). Following publication in the [October 29, 2024, Federal Register](#), comments are due on **November 29, 2024**.

Safe Connections Act Order Information Collection - PRA Comments. On November 15, 2023, the FCC adopted a [Report and Order](#) in WC Dkt. Nos. 22-238, 11-42, and 21-450, including a

requirement for development and distribution of surveys to stakeholder groups that work directly with survivors. The purpose of these surveys is to facilitate evaluation of the Safe Connections Act program. Following publication in the [October 2, 2024, Federal Register](#), comments are due on **December 2, 2024**.

Next Generation 911 (“NG911”) Services – PRA Comments. On July 19, 2024, the FCC released a [Report and Order](#) to impel progress in the U.S. transition to nationwide NG911 service. PRA comments are requested regarding the notification and recordkeeping requirements adopted in the Report and Order. Following publication in the [October 15, 2024, Federal Register](#), comments are due on **December 16, 2024**.

Federal Agency Use of Personal Data. On October 16, 2024, the Office of Management and Budget’s Office of Information and Regulatory Affairs published a [Request for Information](#) (“RFI”) in the Federal Register, seeking public comment regarding “Federal agency collection, processing, maintenance, use, sharing, dissemination, and disposition of commercially available information (CAI) containing personally identifiable information (PII)” including, but not limited to, the implications of agencies’ use of artificial intelligence (“AI”) for privacy risks. Further development of considerations and submission instructions are provided in the RFI. Comments in Dkt. No. OMB-2024-0007 are due on **December 16, 2024**.

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](#).

* * *

This reminder is made available for informational purposes only and does not constitute legal advice to the reader. Kelley Drye does not assume an obligation to update the information provided herein or correct any inadvertent errors.

* * *

Attorneys in Kelley Drye's Communications Practice Group are experienced in addressing a full range of communications business and regulatory issues, providing investors, lenders, and communications companies with end-to-end guidance for the legal and practical aspects of ownership, asset and financing transactions, with a particular expertise in helping clients successfully negotiate their way through regulatory due diligence, any Federal, State, or local approvals that may be required, and national security reviews by the Executive Branch agencies (*e.g.*, Team Telecom and CFIUS reviews). For more information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#).