

# Reminder: Federal Communications Commission – October and November Filings

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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. 911 Annual Reliability Certifications (due October 15, 2024)

Covered 911 service providers (as defined in Commission Rule 9.19(a)(4)) must certify annually regarding their compliance with the requirement to take reasonable measures to provide reliable 911 service with respect to: (i) 911 circuit diversity; (ii) central office backup power; and (iii) diverse network monitoring. Certifications shall be filed through the Commission’s online portal at <https://apps2.fcc.gov/rcs911/>. Instructions regarding whether one must file, how to file the report, and how to register new users in the portal are provided in the [Public Notice](#).

#### B. Form 499-Q Quarterly Telecommunications Reporting Worksheet (due November 1, 2024)

Carriers and providers of interstate and international telecommunications, including, but not limited to, common carriers, interconnected Voice over Internet Protocol providers, providers offering interstate telecommunications for a fee on a non-common carrier basis, and payphone providers that are aggregators, in almost all cases are required to file the FCC Form 499-Q on a quarterly basis. Carriers and providers must report their actual and projected end user and carrier’s carrier interstate and international revenues for each calendar quarter by filing the Form 499-Q.

The Form 499-Q filing reporting historical revenue for prior period July 1 through September 30 of 2024 and projected revenues for upcoming period January 1 through March 31 is due to the Universal Service Administrative Company on or before **November 1, 2024**.

Carriers and providers do not have to submit the Form 499-Q if they are not required to contribute directly to the universal service support mechanisms, including but not limited to carriers and providers whose annual interstate and international revenues will be *de minimis* or which are international-only carriers and providers.

**Note:** Post-filing revisions to this Form 499-Q filing, if any, must be filed within 45 days after November 1, 2024; *i.e.*, by **December 16, 2024**.

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

**Petitions for Reconsideration of the E-Rate Hotspot Order.** On September 24, 2024, the FCC issued a [Public Notice](#) in WC docket 21-31 requesting comment on petitions for reconsideration of the [Report and Order](#) released on July 29, 2024, which authorized "the equitable distribution of Wi-Fi hotspots and services to students, school staff, and library patrons" through the E-Rate program. Petitions were filed by the [Los Angeles Unified School District](#) and, jointly, by the [Schools, Health & Libraries Broadband \(SHLB\) Coalition](#), the [Open Technology Institute at New America \(OTI\)](#), the [Benton Institute for Broadband & Society](#), the [Consortium for School Networking \(CoSN\)](#), and [Common Sense Media](#), seeking greater flexibility than provided under the Report and Order, including support for "cost-effective options that are functionally equivalent to commercially available mobile wireless services and Wi-Fi hotspots" and purchase of hotspots on a standalone basis (SHLB et al); and "to remove the hotspot requirement and to allow schools, under the E-Rate program, to purchase commercially available cellular broadband services that connect directly to computing devices." (Los Angeles Unified School District). Following publication in the [September 30, 2024, Federal Register](#), comments are due on **October 15, 2024**, with reply comments due on **October 25, 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 are due on **October 15, 2024**, with reply comments due on **November 12, 2024**.

**The 5G Fund for Rural America.** On August 29, 2024, the FCC released a [Second Further Notice of Proposed Rulemaking](#) in GN Dkt. No. 20-32, seeking comment on whether the FCC should require that winning bidders in the 5G Fund Phase I auction demonstrate, within the long-form application process, that they have obtained Tribal government consent(s) for any access necessary to deployment of network facilities using their 5G Fund support on Tribal lands within the area(s) of their winning bid(s). Following publication in the [September 17, 2024, Federal Register](#), comments are due on **October 17, 2024**, with reply comments due on **November 1, 2024**.

**Broadband Data Collection mobile challenge process.** On September 17, 2024, the Broadband Data Task Force and the Office of Engineering and Technology issued a [Public Notice](#) in ET Dkt. Nos.

24-2 and 22-152, and WC Dkt. No. 19-195, requesting comment on the application of Georgia Institute of Technology for its mobile speed test application, proposed for use in the Broadband Data Collection mobile challenge process. Comments, which should be filed in ET Dkt. No. 24-2, are due on **October 17, 2024**, with reply comments due on **November 1, 2024**.

**Spectrum Leasing / Subleasing Arrangements: FCC Form 608 - PRA Comments.** The FCC seeks comment on its proposal to revise multi-purpose Form 608 for the purpose of confirming that satellite service operators and terrestrial service providers seeking to enter lease agreements in order to offer supplemental coverage from space (“SCS”) do so in compliance with the rules that govern SCS operations. Following publication in the [September 18, 2024, Federal Register](#), comments are due on **October 18, 2024**.

**Maritime Radiocommunications Equipment Performance Standards.** On September 5, 2024, the Wireless Telecommunications Bureau (“WTB”) issued a [Public Notice](#) in Rulemaking 11765, seeking comments regarding appropriate updates to “the performance standards for maritime radiocommunications equipment incorporated by reference in part 80 of the Commission’s rules.” Commenters are asked to address which performance standards should be updated and to what standard. The comment cycle is intended to refresh the record in this proceeding for changes to performance standards since the 2016 [Petition for Rulemaking](#) of the Radio Technical Commission for Maritime Services. Comments are due on **October 21, 2024**, and reply comments are due on **November 4, 2024**.

**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 are due on **October 21, 2024**, with reply comments due on **November 19, 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 9, 2024, with reply comments on both the NPRM and NOI due on **October 25, 2024**.

**Low Power TV and TV Translator Stations Rule Revisions - PRA Comments.** In the [October 2, 2024, Federal Register](#), PRA comments were requested for proposed revisions to information collections under Part 74 rules as follows: Section 74.787 (Digital Licensing); Section 74.790 (Permissible Service of Digital TV Translator and LPTV Stations); Section 74.794 (Digital Emissions); and Section 74.796 (Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation). Comments are due on **November 1, 2024**.

**NGSO-GSO Spectrum Sharing.** On October 2, 2024, the FCC issued a [Public Notice](#), in Rulemaking 11990, requesting comment on the SpaceX [Petition for Rulemaking](#), filed August 9, 2024, seeking "

[r]evision of the Commission's Rules to establish more efficient spectrum sharing between NGSO and GSO Satellite Systems" The petition proposes that the FCC sunset "outdated limitations on new technology" to retain necessary protection of GSO FSS and BSS networks without harming non-GSO FSS deployment. Comments are due on **November 1, 2024**. (Also please note that on October 3, 2024, the FCC placed on its items being considered on circulation, a draft Second Report and Order containing [Chairwoman Rosenworcel's proposed revised spectrum sharing rules](#) for NGSO fixed-satellite service systems.)

**U.S. Data Center Growth.** On September 4, 2024, the National Telecommunications and Information Administration ("NTIA") issued a [Request for Comment on Bolstering Data Center Growth, Resilience and Security](#) ("RFC") (Dkt. No. 240823-0225), seeking comment "on the challenges surrounding data center growth, resilience and security in the United States amidst a surge of computing power demand due to the development of critical and emerging technologies. [The RFC] focuses on identifying opportunities for the U.S. government to improve data centers' market development, supply chain resilience, and data security." Comments are due on **November 4, 2024**. There is no provision in the RFC for reply comments.

**E-Rate Program: Wi-Fi Hot Spots & Services.** On July 29, 2024, the FCC adopted a [Further Notice of Proposed Rulemaking](#) (with an August 8, 2024 [Erratum](#)) in WC Dkt. No. 21-31 seeking comment "on the most effective means to ensure that limited E-Rate program funds are being used effectively and efficiently, and that Wi-Fi hotspots and services are being used for educational purposes and are not going unused." Following publication in the [August 20, 2024, Federal Register](#), comments were due on October 4, 2024, with reply comments due on **November 4, 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 are due on **November 4, 2024**, with reply comments due on **November 18, 2024**.

**Broadband Data Collection ("BDC").** On July 12, 2024, the FCC released a [Fourth Further Notice of Proposed Rulemaking](#) ("NPRM") in WC dockets 19-195 and 11-10, seeking comment regarding "proposed changes to the availability data filing process, as well as possible amendments and clarifications to several of our data-validation rules." Following publication in the [August 15, 2024, Federal Register](#), comments were due on October 7, 2024 with reply comments due on **November 5, 2024** ([extended](#) from September 16, 2024 and October 15, 2024, respectively).

**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**.

**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**.

### **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](http://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 such as the proper classification of novel fiber-based and wireless communications services – whether they qualify as information services, telecommunications service, non-regulated telecommunications, or otherwise -- and can advise companies and investors in the ramifications of these classifications and available strategies to structure services to eliminate or minimize the burdens of applicable regulation. For more

information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#).