

Reminder: Federal Communications Commission – September/October 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. Revisions to August 1, 2024, Form 499-Q Quarterly Telecommunications

Reporting Worksheet (due September 16, 2024)

Carriers and providers of interstate and international telecommunications that seek to revise their August 1, 2024, Form 499-Q filing must do so within 45 days of the Form 499-Q filing deadline (*i.e.*, **September 16, 2024** because the forty-fifth day, September 15, 2024, falls on a Sunday).

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/>.

B. Annual FCC Regulatory Fees (due September 26, 2024)

The FCC collects annual regulatory fees from most federal licensees and other regulated entities to offset costs associated with the FCC’s enforcement, public service, policy, and rulemaking activities. Fees vary by type of licensee or operating entity. The FCC released a [Public Notice](#) on September 10, 2024, announcing that the deadline for payment of regulatory fees by licensees and other regulatees is **September 26, 2024**. Information regarding the fee schedule for providers of interstate and international telecommunications and telecommunications services, radio frequency spectrum licensees, broadcast licensees, satellite and earth station licensees, submarine cable operators, among others, and the payment process is provided in the [Public Notice](#). The 2024 Fee Schedule is set out in Appendix C to the September 6, 2024, [FY 2024 Regulatory Fees Report and Order](#) (“[Report and Order](#)”).

- **All regulatory fees are to be paid electronically through CORES.**
- **The FCC will not issue bills for the regulatory fees.** It is the payer's responsibility to pay the fees it owes based on the Commission's rules and the Report and Order (regardless of the amount posted in the CORES system).
- **Failure to meet the regulatory fee payment deadline will result in the assessment of late payment penalties, set by statute at 25%.** The FCC does not ordinarily waive late payment penalties.

C. 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 how to file the report and how to register new users in the portal are provided in the [Public Notice](#).

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

E-Rate Eligible Services List. On July 31, 2024, the Wireline Competition Bureau issued a [Public Notice](#) in WC Dkt. No. 13-184, seeking comment on the draft E-Rate Eligible Services list for funding year 2025. Comments were due on August 30, 2024, with reply comments due on **September 16, 2024**.

18 GHz Band Report. On August 16, 2024, the Space Bureau, the Wireless Telecommunications Bureau, the Office of International Affairs, and the Office of Engineering and Technology jointly issued a [Public Notice](#) in GN docket 24-248, seeking comments to "further develop the record for the 18.1-18.6 GHz band (18 GHz band)" in preparation for the upcoming report required to be submitted by May, 2025, pursuant to the National Spectrum Strategy ("NSS") Implementation Plan. In particular the Public Notice requests comment on current or potential future uses of the 18 GHz Band and the continuing validity of the "assumptions and analysis" underlying the related WRC-23 decision regarding inter-satellite service allocations in the 18 GHz Band. Comments were due on September 5, 2024, with reply comments due on **September 16, 2024**.

Internet Protocol Captioned Telephone Service ("IP CTS"). On May 31, 2024, TDIforAccess, Inc. ("TDI"), the National Association of the Deaf ("NAD"), and the Hearing Loss Association of America ("HLAA") filed a [Petition for Rulemaking](#) in CG Dkt. Nos. 13-24 and 03-123 in order to obtain reversal of a 2018 FCC decision to authorize IP CTS providers to rely entirely on automatic speech recognition ("ASR") to generate captions. Petitioners further request that the FCC (i) not certify any new ASR-only IP CTS providers pending the resolution of the rulemaking and (ii) complete the open proceeding on setting of "clear, technology-neutral performance goals and metrics for IP CTS." Following issuance of a [Public Notice](#) by the Consumer and Governmental Affairs Bureau on August 1, 2024, comments were due on September 3, 2024, with reply comments due on **September 16, 2024** and must reference RM-11987 as well as the above-referenced CG dockets.

AI-Generated Content in Political Advertising. On July 25, 2024, the FCC released a [Notice of Proposed Rulemaking](#) in MB Dkt. No. 24-211, directed towards ensuring greater transparency regarding the inclusion of AI-generated content in political advertising. Proposals include requirements for certain licensees and regulatees to provide on-air announcements for political ads

that contain AI-generated content and to include a disclosure notice in their online political files for such ads. Following publication in the [August 5, 2024, Federal Register](#), comments were due on September 4, 2024, with reply comments due on **September 19, 2024**.

Reconfiguration of the Lower 900 MHz band. On April 16, 2024, NextNav Inc. ("NextNav") filed a [Petition for Rulemaking](#) (with a [supplement](#) on June 7, 2024) in WT docket 24-240 and RM-11989, proposing reconfiguration of the 902-028 MHz band in a manner that NextNav contends will enable deployment of a terrestrial network to complement (and back up) U.S. Global Positioning System while also providing 15 megahertz of low-band spectrum for use by mobile wireless networks. On August 6, 2024, the Wireless Telecommunications Bureau and Office of Engineering and Technology released a [Public Notice](#) seeking comment on all aspects of the NextNav proposals. Comments were due on September 5, 2024, with reply comments due on **September 20, 2024**.

Wireless Handset Unlocking. On July 19, 2024, the FCC released a [Notice of Proposed Rulemaking](#) in WT Dkt. No. 24-186, seeking comment on its proposal to require that mobile wireless services providers unlock handsets within 60 days after activation except where the provider determines during that period that the handset was purchased through fraud. Following publication in the [August 8, 2024, Federal Register](#), comments were due on September 9, 2024, with reply comments due on **September 23, 2024**. Paperwork Reduction Act comments on the proposed information collection requirements associated with the proposed rules are due on **October 7, 2024**.

Closed Captioning Rules. On July 18, 2024, the FCC released a [Further Notice of Proposed Rulemaking](#) in CG Dkt. No. 05-231, seeking comment on proposals to amend current rules to relieve certain video programmers and other providers of programming from FCC captioning registration and certification requirements. Following publication in the [August 2, 2024, Federal Register](#), comments were due on September 3, 2024, with reply comments due on **October 1, 2024**.

Telecommunications Certification Bodies: Equipment Authorizations. On May 23, 2024, the FCC adopted a [Notice of Proposed Rulemaking](#) in ET Dkt. No. 24-136, seeking comment on proposals to promote the national security and the integrity of the communications supply chain by strengthening requirements and oversight relating to telecommunications certification bodies and measurement facilities with respect to their role for equipment authorizations. Following publication in the [July 5, 2024, Federal Register](#), comments were due on September 3, 2024, with reply comments due on **October 3, 2024**.

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 are due on **October 4, 2024**, with reply comments due on **November 4, 2024**.

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 next 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 are due on **October 7, 2024**, and reply comments are due on **November 6, 2024**.

Broadband Data Collection (“BDC”). On July 12, 2024, the FCC released a [Fourth Further Notice of Proposed Rulemaking](#) 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 are now due on **October 7, 2024**, with reply comments due on **November 5, 2024** ([extended](#) from September 16, 2024, and October 15, 2024).

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.” Following publication in the [September 6, 2024, Federal Register](#), comments are due on **October 7, 2024**, and reply comments are due on **November 5, 2024**.

Artificial Intelligence (“AI”) and Robocalls. On August 8, 2024, the FCC released a [Notice of Proposed Rulemaking \(“NPRM”\) 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 are due on **October 10, 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**.

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**.

U.S. Data Center Growth. On September 4, 2024, the National Telecommunications and Information Administration (“NTIA”) issued a [Request for Comment \(RFC\) on Bolstering Data Center Growth, Resilience and Security](#) (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. This request 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**.

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.

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 radiofrequency spectrum allocations, radio system licensing, radio service operating and technical rules, coordination agreements between users, and interference resolution. For more information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#)