

The FCC's Packed September Meeting Agenda Includes Focus on IoT Spectrum and Robocall Prevention

September 16, 2021

The FCC released a [full agenda](#) for its next Commission Open Meeting, scheduled for September 30, 2021. The agency will consider a Notice of Proposed Rulemaking ("NPRM") to improve the Wireless Network Resiliency Cooperative Framework ("Framework") and outage reporting. The FCC will next address an Order on Reconsideration to vacate a 2020 order that permits states to lease spectrum in the 4.9 GHz band (designated for public safety use) to third parties for non-public-safety use and a Further NPRM ("FNPRM") to adopt a nationwide framework for the 4.9 MHz band that would allow for public safety and non-public safety uses. The FCC will also consider adopting a Public Notice that would describe the process for the Office of Engineering and Technology ("OET") to approve automated frequency coordination ("AFC") systems, which must be used when performing certain unlicensed operations in the 6 GHz band. Rounding out spectrum issues, the FCC will consider a Notice of Inquiry ("NOI") focused on whether there is adequate spectrum to support the Internet of Things ("IoT"). The FCC will then shift its attention to two FNPRMs regarding robocalls. One FNPRM would propose that voice service providers block autodialed calls to numbers on the Public Safety Answering Points ("PSAP") Do-Not-Call registry and seek alternative ways to protect PSAPs from robocalls and security threats. The other robocall-related FNPRM would propose that gateway providers take action to prevent robocalls that originate outside of the U.S. on U.S. numbers. Next, the FCC will address another NPRM to clarify that Tribal libraries are eligible to receive support under the E-rate program. The FCC will close its meeting by considering a Second Report and Order that would adopt standard questions to be answered by applicants with reportable foreign ownership that seek the Commission's approval to obtain or modify certain licenses or to complete transactions involving those licenses.

You will find more information about the items on the September meeting agenda after the break:

Promoting More Resilient Networks - The [NPRM](#) would seek comment on various issues related to improving the reliability and resiliency of communications networks during emergencies and natural disasters. The NPRM focuses on whether the Framework (a wireless industry agreement aimed at providing mutual aid during emergencies, ensuring municipal and consumer readiness and communicating about service restoration) can be improved, such as by expanding participation, increasing the scope of participants' obligations or codifying industry disaster-based coordination obligations. The NPRM would also seek comment on enhancing information provided to the FCC during disasters and network outages through the Network Outage Reporting System and the Disaster Information Reporting System. In addition, the NPRM would ask about communications resilience strategies to mitigate the impact of power outages, including coordination between communications providers and power companies and the use of backup power during disasters.

Reassessing 4.9 GHz Band for Public Safety – The [Order on Reconsideration](#) would grant requests by public safety organizations to vacate a 2020 order that permits states to lease spectrum in the 4.9 GHz band (designated for public safety use) to third parties for non-public-safety use. The Order on Reconsideration would also lift a freeze on 4.9 MHz licenses to allow incumbent licensees to modify licenses or seek new permanent fixed sites. The [FNPRM](#) would propose to establish a nationwide framework for the 4.9 GHz band to maximize public safety while promoting interoperable communications and interference protection throughout the network. Areas for comment would include how to protect public safety users from harmful interference, the use of the Universal Licensing System or another database to maintain relevant technical data, adoption of consistent technical standards to foster interoperability of equipment using the band and giving public safety users priority. The NPRM would also seek comment on how to manage the band, incentivize public safety licensees to use the latest commercially available technologies and allow non-public safety use of the band without jeopardizing public safety operations.

Authorizing 6 GHz Band Automated Frequency Coordination Systems - The [Public Notice](#) would set forth a process for the OET to authorize AFC systems, which are required to operate standard-power devices in the 6 GHz band. Specifically, unlicensed standard power devices that operate in the 6 GHz band are required to check an AFC system prior to operating to avoid harmful interference to incumbent operations. The Public Notice would explain the approval process for AFC system operators, which would include conditional approval, a public trial period and an opportunity for public comment. The Public Notice would provide detailed information about the content of AFC system proposals and request that such proposals be submitted no later than November 30, 2021 (although proposals will be accepted after that date).

Spectrum Requirements for the Internet of Things - The [NOI](#) (which is required to be issued by The William M. (Mac) Thornberry National Defense Authorization Act for FY 2021 (Pub. L. No. 116-28) (the “Act”)) would seek comment on whether there is sufficient spectrum available for current and future IoT needs. As directed by the Act, the NOI would ask for comment on how to ensure that adequate spectrum is available for the increased demand for the IoT, whether regulatory barriers would prevent accessing any additional needed spectrum and the roles of licensed and unlicensed spectrum for supporting the IoT.

Shielding 911 Call Centers from Robocalls – The [FNPRM](#) would propose to update the FCC’s rules governing the PSAP Do-Not-Call registry. Although the FCC adopted rules in 2012 to establish the registry as a means to protect PSAPs from unwanted robocalls, the registry has not been fully implemented due to security concerns associated with releasing PSAP telephone numbers to entities accessing the registry. The FNPRM would propose that voice service providers block autodialed calls to PSAP telephone numbers on the PSAP Do-Not-Call registry, as an alternative to allowing entities claiming to use autodialers to access the registry to identify telephone numbers that may not be called. In addition, the FNPRM would seek comment on whether autodialed calls and text messages continue to disrupt PSAPs’ operations, security risks associated with maintaining a centralized registry of PSAP telephone numbers, ways to address security issues (such as enhanced caller vetting and data security requirements) and alternative means to prevent robocalls to PSAPs (such as by utilizing other technological solutions or leveraging the National Do-Not-Call registry).

Stopping Illegal Robocalls From Entering American Phone Networks - The [FNPRM](#) would propose to require gateway providers to assist in the battle against illegal robocalls by applying STIR/SHAKEN caller ID authentication and other robocall mitigation techniques to calls that originate abroad from U.S. telephone numbers. The FNPRM would also seek comment on several other proposals aimed at mitigating robocalls, including the following requirements that would be

applicable to gateway providers: (1) responding to traceback requests within 24 hours; (2) blocking calls upon notification from the Enforcement Bureau that a certain traffic pattern involves illegal robocalling; (3) utilizing reasonable analytics to block calls that are highly likely to be illegal; (4) blocking calls originating from numbers on a do-not-originate list; (5) confirming that a foreign call originator using a U.S. telephone number is authorized to use that number; (6) including robocall mitigation obligations in contracts with foreign customers; and (7) submitting a certification regarding robocall mitigation practices to the Robocall Mitigation Database. In addition, the FNPRM would seek comment on a requirement that service providers block calls from gateway providers identified as bad actors by the FCC and on whether additional information should be collected by the Robocall Mitigation Database. The FNPRM would ask whether there are alternative means to stop illegal foreign-originated robocalls. Finally, while the rulemaking proceeding is pending, the FCC would not enforce the prohibition in Section 63.6305(c) of the FCC's rules on U.S.-based providers accepting traffic carrying U.S. NANP numbers that is received directly from foreign voice service providers that are not in the Robocall Mitigation Database.

Supporting Broadband for Tribal Libraries Through E-Rate - Pursuant to Section 254(h)(4) of the Communications Act of 1934, as amended, a library may not receive preferential treatment or rates (such as under the E-rate program) unless it is eligible for assistance from a State library administrative agency under the Library Services and Technology Act ("LSTA"). In 2018, the LSTA was amended to specifically include Tribal libraries as eligible for assistance from a State library administrative agency. The NPRM would propose to amend Sections 54.500 and 54.501(b)(1) of the FCC's rules to clarify that Tribal libraries are eligible for E-rate support. The NPRM would also seek comment on other measures to enable Tribal schools and libraries to gain access to the E-rate program and ways to increase participation in the E-rate program.

Strengthening Security Review of Companies with Foreign Ownership - The [Second Report and Order](#) would adopt standardized national security and law enforcement questions ("Standard Questions") to be answered by applicants with reportable foreign ownership as part of the Executive Branch review of certain applications filed with the FCC. The issuance of Standard Questions is the FCC's final step in implementing several reforms to formalize and streamline the FCC and Executive Branch review process consistent with Executive Order No. 13913 (April 20, 2020), which established a Committee for the Assessment of Foreign Participation in the United State Telecommunications Sector ("Committee" (formerly known as Team Telecom)) and set forth procedures and timelines for the Committee to complete its review. The Second Report and Order would include Standard Questions for the following types of applications when reportable foreign ownership (generally a 5 percent or greater equity and/or voting interest (indirect or direct) in the applicant) is present: (1) applications for a new or modified International Section 214 authorization or submarine cable landing license; (2) applications for assignment or transfer of control of an International Section 214 authorization or a submarine cable landing license; and (3) petitions for a declaratory ruling to permit foreign ownership in a broadcast licensee, common carrier wireless licensee or common carrier earth station licensee that exceeds the benchmarks in Section 310(b) of the Communications Act. There would also be a supplement to each set of questions to provide personally identifiable information for individuals with a reportable ownership interest, non-U.S. individuals with access to the applicant's facilities, corporate officers and directors, and a law enforcement point of contact.