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Top News

Smaller Carriers Interested in 2.5 GHz Auction but Can't Outbid T-Mobile	2
Shippers Test Waters for Arctic Transit but Not Seen Driving Big Satcom Growth There.....	4
Minn. PUC Closes Frontier Virtual Separation Probe.....	5
'Little Political Appetite' for New Tariffs, US-China Commission Told	6
Musk Offers to Buy Twitter in Hostile Takeover Attempt	7

Capitol Hill

Raimondo Cites Broadband Money as Way to Address Equity Issues.....	8
---	---

Wireline

Incompas Seeks Clarification in Broadband Label Requirement.....	8
FCC Makes 'Preliminary' Broadband Fabric Available for Some Providers.....	8
Hamilton Relay Releases New Software for IP CTS Devices	9

Wireless

CTIA Concerned About Proposed Reporting Requirement for Wireless Alerts	9
FCC Says Speed-Test App Developers Can Start Submitting Them for Approval	9
Sennheiser Meets With Starks' Aide on Vacant Channel Proposal	9
T-Mobile to Report Q1 Results April 27 Before Market Opens	10

Internet

Ex-FTC Officials: Khan's Antitrust Strategies Likely to Fail	10
Google, Amazon, Microsoft Executives Join Presidential AI Committee	10

State Telecom

AG Asks DC Court to Reconsider Dismissing Amazon Antitrust Case.....	11
CPUC Proposes CASF Program Rule Changes	11
Okla. Senate Panel Clears Electric Co-op Bills.....	11

Broadcast

ATSC to Host NextGen Broadcast Conference June 7-9 in Detroit.....	12
Comments Due May 16 on Gray Channel Substitution	12

Media Notes

Charter, Sinclair Renew Carriage Agreement	12
--	----

Satellite

C-Band Clearing IRD Expenses Need Reimbursing, Intelsat Says	12
Viasat Providing Internet Access to Ukrainian Refugees in Slovakia.....	13

Communications Personals	13
---------------------------------------	----

Top News**Complex Band****Smaller Carriers Interested in 2.5 GHz Auction but Can't Outbid T-Mobile**

Early signs this week are that smaller carriers may be interested in pursuing licenses in the 2.5 GHz auction, which starts July 29, as they fill in their mid-band spectrum holdings. The biggest player in the auction is still expected to be T-Mobile, which already has a dominant position in the band since its buy of Sprint, and is using 2.5 GHz for its 5G rollout. The Rural Wireless Association had a webinar Thursday on the nuts and bolts of auction participation.

“Considering that a large number of phones have the 2.5 GHz already built in, the band becomes very interesting to a good number of bidders,” Recon Analytics’ Roger Entner told us: “It’s an easy capacity boost in high traffic areas.”

“Everyone has an appetite for spectrum, at the right price, and that is what is hard to know, as no potential bidders are revealing their economic bottom lines,” emailed New Street’s Blair Levin. “If there are markets where T-Mobile doesn’t see a strong strategic rationale for ‘paying up’ for the spectrum then it may let the small carriers win a bidding war,” he said: That’s most likely in “extremely rural locations where T-Mobile never thinks it’ll deploy 2.5GHz (or where it will deploy 2.5GHz but already have way too much of it given how sparse rural usage is and will be). Even in these areas, I imagine T-Mobile bids (I assume it bids in every market), so the small carriers will see competition in any market they bid in.”

If T-Mobile decides it wants the spectrum in any market “small carriers literally can’t beat them in a bidding contest,” Levin said. “Their respective purse sizes are just different orders of magnitude,” he said.

Sasha Javid, BitPath chief operating officer, expects “relatively robust participation from smaller carriers ... due to the county-sized licenses that will be available.” While “their participation will definitely create a more competitive auction,” T-Mobile, and possibly Dish Network, will likely wind up with most of the licenses, he said.

“The band is interesting to smaller carriers, because large carriers other than T-Mobile would not be able to assemble a useful footprint and so are unlikely to bid,” said spectrum consultant Tim Farrar. “With lower competition and fragmented licenses, smaller carriers would hope to be able to buy additional spectrum at a much lower price than in the recent C-band and 3.45 GHz auctions,” he said.

The band offers desirable mid-band spectrum, but carriers have to be prepared for complexities going in, speakers said on the RWA webinar.

Most major vendors offer a “plethora” of radios that use 2.5 GHz, and handsets are widely available for 4G and 5G, said David Fritz, Nokia senior consulting engineer. This isn’t like C-band “where it may take some time for development of radios as well as clearing of incumbents,” he said. Fritz warned 2.5 GHz is complex. “What you need to do is look at this band on a channel-by-channel basis to understand where the existing authorizations are, where is the white space,” he said. Bidders have to “really understand if I bid on a county what is available, what is not available and what is contiguous or not contiguous,” he said.

“Do your due diligence now,” said Womble Bond’s Bob Silverman. “This is the time to start looking at how you’re going to participate and where you want to participate,” he said.

Rural Focused

Earlier this week, carrier executives said at the Competitive Carriers Association conference the band should see lots of interest.

“We like this auction” because it’s “rural focused” and county-sized licenses are “important to us,” said Brigid Riordan, CEO of Cellcom parent company Nsight. The Wisconsin-based provider doesn’t like larger partial economic area-sized licenses, she said. “We always have to look at spectrum whenever there’s an auction and we’ll definitely be participating in this one, hopefully,” she said: “We look at everything that we can possibly get our hands on.”

Appalachian Wireless CEO Allen Gillum is also pleased the FCC is offering county-size licenses and plans to participate in the auction. “We’ve had to invest quite a lot of money outside of the network area that we’ve got,” he said. “We do have enough spectrum ... but we had to invest quite a bit of money upfront.”

“2.5 is really very appealing spectrum, and we were very happy with the way the FCC has set this up,” said Grant Spellmeyer, UScellular vice president-government affairs. “We have participated in almost every major auction in the last 20 years, and I’m sure we’ll take a good, hard look at this,” he said.

The FCC made the right decision to hold an ascending-clock auction, said Steve Sharkey, T-Mobile vice president-government affairs-technology and engineering policy. “It really came out to be a good format that will work well” for competitive carriers, he said.

Sharkey said the auction should be a success despite questions around the pending Sept. 30 expiration of FCC auction authority, and whether it will be extended by Congress (see 2203220066). “The auction will start and move forward, it’s really the timing of the extension,” he said: “The best case would be for

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the Congress to do an extension now so that everybody knows going into the auction that the authority is there and that there's no cloud over the auction at all."

Wireless ISPs are likely to be the main contenders for the band, beyond T-Mobile, predicted MoffettNathanson's Craig Moffett. "Mid-band spectrum is a scarce commodity for WISPs, and 2.5 GHz has much better propagation characteristics than most of what's available," he said: "The chopped up nature of the geographic licenses makes it hard to use for traditional mobile service for anyone other than T-Mobile."

If the FCC had adopted a simultaneous multi-round format, more small carriers would have been likely to participate, said Digital Progress Institute President Joel Thayer. "The FCC's decision to go with an ascending clock auction will still provide smaller carriers with a lot of opportunities to participate meaningfully, but it's undeniably an uphill battle for them to compete with T-Mobile here," he said. Thayer said it's positive the auction is "getting off the ground." — *Howard Buskirk*

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Cruise Industry: 'We Want More'

Shippers Test Waters for Arctic Transit but Not Seen Driving Big Satcom Growth There

The shipping industry is increasingly testing extended use of Arctic waters as climate change makes them more accessible for longer periods of time, but that likely won't be a big emerging market for satellite nautical connectivity, satellite connectivity experts told us. Bandwidth demands, particularly by cruise ship operators, are skyrocketing.

Climate change, and better access through the Northwest Passage across the top of Canada, or through the North Sea Passage across the top of Russia, can shave thousands of kilometers in shipping, cutting fuel costs and time, said Joshua Flood of Valour Consultancy. The Northwest Passage is open briefly during the summer and the North Sea route in parts of August and September, but there are predictions that by 2040, the North Sea route could be open year-round, he said.

Two major cargo shippers, Maersk and Cosco, have experimented with some Arctic-route transit, Flood said. But maritime shipping operators are more cost-oriented than performance-oriented for connectivity, and they aren't a particularly lucrative potential market, Flood said. Low earth orbit constellations coming online that are explicitly targeting maritime markets, such as OneWeb and Telesat's Lightspeed network, are focused more on the cruise ship industry or offshore energy, he said. Data demands for the nautical passenger segment are such that it "will take whatever they can get," Flood said: "They complain about it—we want more." He said there might be some increased cruise ship traffic around the Arctic, but it won't substantially drive much bigger data demands in that region. Marlink [announced](#) an agreement last month to use more of Intelsat's C- and Ku-band capacity to provide connectivity services for cruise and shipping customers globally.

When Telesat began designing its Lightspeed constellation several years ago, one goal was polar coverage, said Manik Vinnakota, Telesat global product and commercial director, in an interview. Polar coverage lets it target northern Canadian communities, which often lack good connectivity, and enables mobile services such as commercial aviation connectivity and energy exploration for its enterprise customers, he said. About a third of Telesat's capacity will be dedicated to satellites on polar orbits, he said. Lack of polar region coverage is "one big pain point" for geostationary orbit services, as shipping or aviation customers often want global coverage, he said.

Most non-geostationary orbit (NGSO) mega constellations have or are planning some polar orbits, Vinnakota said. He said nautical connectivity, particularly for cruise ships, could drive some increased de-

mand in the Arctic region, but aviation could be a bigger driver as flight traffic between North America and Asia increases. There also could be increased demand for capacity and services aimed at government, with more surveillance of traffic across and through the Arctic, he said.

The pandemic walloped the cruise industry, but its rebound has “accelerated tremendously” and bandwidth demands are up significantly, well eclipsing what they were pre-COVID 19, said Pierre-Jean Beylier, Eutelsat head-connectivity services, this week in a nautical connectivity webinar. The amount of bandwidth being delivered to any given cruise ship “is enormous now,” often in excess of 1 Gb, he said. A ship might get that connectivity solely from a satellite or constellation, but in most cases it needs a diversity of satellites from multiple networks, plus some connectivity from terrestrial networks if near shore, he said. He said with passengers’ increased use of applications like Zoom, TikTok and Instagram, cruise ships are edging closer and closer to needing symmetrical bandwidth.

Cruise companies increasingly want to be able to share bandwidth among their ships in a dedicated area, instead of having dedicated beams per ship, which creates operational challenges, Beylier said. He said cruise operators are starting to look at NGSO operators and their lower latency. He said the number of modems and access points on ships is increasing, which gives cruise operators options such as multiple operators providing connectivity to a given ship. — *Matt Daneman*

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Oversight to Continue

Minn. PUC Closes Frontier Virtual Separation Probe

The Minnesota Public Utilities Commission will keep watching Frontier Communications, said members, as they closed an investigation into the company’s “virtual separation” at a partially virtual meeting Thursday. Union officials urged commissioners to keep docket 21-186 open due to their concerns about Frontier investment and workforce levels. Commissioners adopted a decision seeking more information on those subjects in existing Frontier service-quality docket 18-122, where they said oversight will continue.

The PUC launched a probe last year into what virtual separation meant for Frontier’s long-term investment in the state (see [2108260052](#)). The Communications Workers of America (CWA) raised concerns nationally during Frontier’s bankruptcy reorganization review about virtual separation, saying it could mean separating fiber deployment from copper operations, possibly to some areas’ detriment.

Commissioners voted 4-0 to close the investigation and require Frontier to provide information in the separate service-quality docket about its fiber and other investment plans and on what happens with federal infrastructure money. Frontier must also disclose how it will “deploy sufficient staffing and resources including technician staffing to maintain service quality” after the Jan. 22 expiration of Frontier and Minnesota’s service-quality settlement (see [1910170052](#)). The first report is due 60 days after the order, and annually on Feb. 1 thereafter. Quarterly reports currently required by the settlement will also become annual and due that day, commissioners agreed.

It’s important for transparency “that the commission do what we can in terms of reporting in the service quality docket to try to encourage Frontier to be upfront and share information with the commission, with the public and with the [state Commerce Department] about their plans for investment in Minnesota,” said PUC Chair Katie Sieben. Commissioners Joseph Sullivan, Matthew Schuerger and John Tuma supported Sieben’s motion. Commissioner Valerie Means was absent.

Frontier supported closing the docket on virtual separation, which was “independent of investment decisions” and a company exercise to better understand costs and assign them more accurately state by

state, General Counsel Kevin Saville told commissioners. Frontier will actively seek federal broadband funding, which it hopes will let it expand into parts of Minnesota that today aren't economically viable, he said. Frontier "vastly improved" service quality over the last two years and now meets 11 of 13 metrics, said Saville: The carrier expects to meet a metric on restoring service in 24 hours by Q2 2022 and to comply with a trouble-report rate metric this year.

Saville cautioned the PUC about investigating spending in the service-quality docket. "Frontier is not a rate-of-return company," he said. "Our investments in the state ... really aren't something that the commission has jurisdiction [over]." The PUC's service-quality authority is focused on phones, not broadband, he said. However, Frontier will respond to any information requests by the PUC or state Commerce Department, he said.

Union officials complained about Frontier cutting jobs. Frontier hasn't invested enough in the state and its filings don't provide enough information about investment plans, CWA Local 7270 President Caron Turnquist told the PUC: Frontier infrastructure is "old" and "broken down." The International Brotherhood of Electrical Workers worries the company will soon return to pre-settlement workforce levels, said Todd Ingalls, IBEW Local Union 949 business representative. — *Adam Bender*

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'Fresh' Section 301 Probe

'Little Political Appetite' for New Tariffs, US-China Commission Told

Direct negotiations with China are, "at this point, unlikely to yield meaningful results" in curbing Beijing's unfair trade practices, Emily Kilcrease, senior fellow at the Center for a New American Security, told the U.S.-China Economic and Security Review Commission in [written testimony](#) at a hearing Thursday. "China has little incentive to commit to binding rules that will require structural changes to a system they believe works for their economic and political objectives," she said.

In the context of "unsuccessful direct engagement" with China, the U.S. "will need to rely more heavily on defensive measures to mitigate the harm of China's practices," said Kilcrease. A "fresh" Section 301 investigation "may be under consideration" at the Office of the U.S. Trade Representative "to focus specifically on China's subsidies practices," she said. About five months of "unduly difficult" talks with the Chinese since the fall failed to get them to fix their phase one "commitment shortfalls," USTR Katherine Tai told the House Ways and Means Committee this month (see [2203300051](#)).

What "remedial action" would emerge under a new Section 301 investigation "remains unclear," said Kilcrease. There's "little political appetite" in the U.S. or among its allies "for further tariff escalation," she said. One benefit of a new Section 301 investigation may be that it would allow the Biden administration to "adjust" the existing tariffs on Chinese imports, she said.

USTR "will be forced to issue an opinion this spring on whether or not to renew the initial tranche of tariffs, which will otherwise automatically expire," said Kilcrease. July 6 is the fourth anniversary of the List 1 tariffs taking effect on Chinese imports, and the 1974 Trade Act requires their expiration after four years unless they're extended through a notice and comment rulemaking (see [2203120001](#)).

The Information Technology and Innovation Foundation thinks USTR should craft a new Section 301 investigation into China's cloud services restrictions and its other unfair digital trade practices, "as these are among the most clearly egregious examples whereby China targets U.S. firms," Stephen Ezell, vice president-global innovation policy, [told](#) the commission. "An investigation could be broad and include other Chinese digital/cyber sovereignty initiatives, such as discriminatory cybersecurity regulations."

Beyond using Section 301 tools, the U.S. can work with “like-minded countries” to create a “collective ‘bill of particulars’ that enumerates the vast extent of Chinese innovation-mercantilist policies,” and does so “in great detail,” said Ezell. The U.S. and its allies “can also collaborate in advocating for improved transparency and surveillance” at the World Trade Organization, he said, “which matters because the lack of transparency in Chinese trade-related policymaking acts as a considerable, and growing, nontariff barrier to trade.” — *Paul Gluckman*

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'Distractions Ahead'

Musk Offers to Buy Twitter in Hostile Takeover Attempt

Elon Musk offered to buy Twitter Thursday and take it private, saying he wants to transform the platform and defend free speech. The Tesla CEO and Twitter shareholder [announced](#) his bid through an SEC [filing](#), in which he offered to buy 100% of Twitter at \$54.20 per share, estimating the value of the company at \$43.4 billion.

Twitter confirmed in a statement it received an “unsolicited, non-binding proposal” from Musk to acquire all outstanding common stock. The board of directors “will carefully review the proposal to determine the course of action that it believes is in the best interest of the Company and all Twitter stockholders.” Former FCC Chairman Ajit Pai [drew](#) attention to the news Thursday.

Musk spoke about the offer Thursday during a TED conference appearance. He said it’s important for Twitter to be an “inclusive arena for free speech.” He suggested the company open its algorithms so there’s no “behind-the-scenes manipulation.” He noted he’s not sure if he will “be able to acquire it.” Musk said he’s not concerned about the economics of the deal, but having a public platform is “extremely important to the future of civilization.”

The offer is a 54% premium over the day before Musk began investing in Twitter and a 38% premium over the day before his investment was publicly announced, he said: “My offer is my best and final offer and if it is not accepted, I would need to reconsider my position as a shareholder.”

The offer follows Musk’s reversal in joining the company’s board earlier this month. Twitter CEO Parag Agrawal said in a [memo](#) to the company the reversal was “for the best.” He noted Sunday that Twitter will remain open to input from Musk, the company’s biggest shareholder. He asked the company to “tune out the noise” and stay focused on the work: “There will be distractions ahead, but our goals and priorities remain unchanged. The decisions we make and how we execute is in our hands, no one else’s.”

Musk said in his SEC filing he believes in the potential of Twitter as a platform for free speech around the world. Since the initial investment, he said he realizes the company “will neither thrive nor serve this societal imperative in its current form. Twitter needs to be transformed as a private company.” Twitter has “extraordinary potential. I will unlock it,” he wrote. Rather than play a “back-and-forth” game, Musk said he “moved straight to the end” with a high price shareholders will “love.” If the deal isn’t accepted, he said he would need to consider his position as shareholder, “given that I don’t have confidence in management nor do I believe I can drive the necessary change in the public market.” Musk said the offer isn’t a “threat.” It’s “simply not a good investment without the changes that need to be made.”

Musk is making clear Twitter “needs a wholesale tear-down to the foundation, its leadership must be removed, and the politically discriminating ideologues running day to day operations must be replaced,” Gettr CEO Jason Miller [said](#) Thursday.

Gab CEO Andrew Torba offered Musk a board seat on his conservative platform and equity in the company if Musk sold his Twitter shares and invested \$2 billion into Gab. Torba [noted](#) Gab has its own servers, saying the next “big leap of censorship” will be at the ISP level. Twitter “has legacy problems that Gab doesn’t,” he wrote. — *Karl Herchenroeder*

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Capitol Hill

Raimondo Cites Broadband Money as Way to Address Equity Issues

Commerce Secretary Gina Raimondo cited a need to “make sure we change” the ongoing lack of broadband in tribal and rural communities during a Thursday White House event to roll out Biden administration equity action plans. Commerce aims to address “digital inequalities to promote not only the availability of reliable, affordable high speed broadband access but also the adoption and meaningful use of broadband for all Americans,” the department’s action plan [said](#). It cited the rollout of the Office of Minority Broadband Initiatives within NTIA’s Office of Internet Connectivity and Growth as an early accomplishment of that goal. The White House cited NTIA’s implementation of more than \$48 billion in connectivity money from the Infrastructure Investment and Jobs Act as one way the administration is acting to address equity, [noting](#) the money will “help close the digital divide, particularly for rural and Tribal communities.” DOD, meanwhile, is “advancing the safe and equitable use of” AI technology “to mitigate algorithmic bias by investing in agency-wide responsible AI development and investing in the development of a more diverse AI workforce, including through partnerships with Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs),” the White House said.

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Wireline

Incompas Seeks Clarification in Broadband Label Requirement

Incompas asked FCC Consumer and Governmental Affairs Bureau staff to “clarify the purpose” of the agency’s forthcoming consumer broadband labels and the term ISP “to clarify who is required to provide the broadband labels,” [said](#) an ex parte post on Thursday in docket 22-2 (see [2203100059](#)). Incompas said providers offering business data services or broadband to enterprise and government customers shouldn’t be required to provide labels because “[t]hese are sophisticated customers that negotiate their contracts and know exactly which services they are receiving.” The group also asked that E-rate and rural healthcare program providers be excluded from the requirement because their customers “participate in the competitive bidding process where they specify the exact services they need.” Give providers the option to add symmetrical speeds and reliability to the label, Incompas added. “These two service qualities have become very important for customers and would permit competitive providers to distinguish their services,” the group said, backing an online glossary of terms housed on the FCC’s website.

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FCC Makes 'Preliminary' Broadband Fabric Available for Some Providers

Fixed broadband service providers can now access a “preliminary version” of the FCC’s broadband serviceable location fabric, [said](#) a Wireline Bureau, Broadband Data Task Force, and Office of Economics and Analytics public notice Thursday in docket 19-195 (see [2204060046](#)). Access is currently limited

to providers that “filed fixed broadband deployment data in past Form 477 filings,” the notice said. Also Thursday, FCC staff issued [guidance](#) for state, local and tribal governments to submit verified broadband availability data through the broadband data collection system.

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Hamilton Relay Releases New Software for IP CTS Devices

Hamilton Relay notified the FCC of a “substantive change” to two of its IP captioned telephone services, in a [letter](#) posted Thursday in docket 03-123. Hamilton released a new software update for its Mobile CapTel App for iOS and Android devices that included “a redesigned and updated user interface.” It also released a similar update for its web-based IP CTS software.

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Wireless

CTIA Concerned About Proposed Reporting Requirement for Wireless Alerts

CTIA raised concerns about an FCC proposal that would require carriers to report and measure the performance of wireless emergency alerts, in a Further NPRM set for a commissioner vote next week (see [2203310065](#)). A CTIA representative spoke with an aide to Chairwoman Jessica Rosenworcel, said a [filing](#) posted Thursday in docket 15-91. “According to the Commission’s 2021 Nationwide WEA Test Report, the test WEA was received by the overwhelming majority of respondents with a compatible device that opted into the test—approximately nine out of ten—within two minutes of transmission,” CTIA said: Proposals to require carriers to track delivery or display of WEAs “do not appear to be compatible with the foundational cell-broadcast technology used to meet the public safety mission of WEA and may undermine the voluntary nature of the WEA program as directed by Congress.”

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FCC Says Speed-Test App Developers Can Start Submitting Them for Approval

Third-party speed test app developers can immediately start submitting their apps to the FCC Office of Engineering and Technology for review and approval, OET and the FCC Broadband Data Task Force said in a Thursday docket 22-152 [notice](#). OET said it will try to complete its review of proposals received by June 9, “in advance of the FCC’s publication of the initial versions of the broadband availability maps required under the Broadband DATA Act.” The timetable will allow “third-party apps, in addition to the FCC Speed Test app, to be made available to consumers and other entities to begin submitting mobile challenge and crowdsource data ... once the mobile broadband availability maps are published,” the notice said.

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Sennheiser Meets With Starks' Aide on Vacant Channel Proposal

Wireless mic maker Sennheiser completed its rounds of FCC commissioners’ offices, meeting with an aide to Commissioner Geoffrey Starks on the vacant channel issue (see [2204120061](#)). The FCC is expected to deny a petition for reconsideration by the company of a December 2020 order closing the agency’s 2015 vacant channel NPRM (see [2204060068](#)). “Sennheiser has repeatedly demonstrated that this spectrum that is essential for wireless microphones is in short supply and at risk of disappearing entirely,” said a [filing](#) posted Thursday in docket 12-268.

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T-Mobile to Report Q1 Results April 27 Before Market Opens

T-Mobile will host its Q1 earnings call April 27 at 8 a.m. EDT, [said](#) the carrier Thursday. This is a change for T-Mobile, which customarily released quarterly results and held the call after the markets closed. The [AT&T](#) and [Verizon](#) Q1 calls are set for April 21 and 22, respectively, both also before the markets open.

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Internet

Ex-FTC Officials: Khan's Antitrust Strategies Likely to Fail

FTC Chair Lina Khan has unrealistic views about the agency's authority, and her bold strategies to modernize antitrust policy are likely to fail, former agency officials told an Information Technology and Innovation Foundation event Thursday. Khan's attempts to revamp the FTC's antitrust policies through rulemakings tied to unfairness authority is a "dead end," said ex-FTC Commissioner Maureen Ohlhausen, now at Baker Botts. Khan is basing her decisions on overly broad interpretations of the FTC statute, an approach that resulted in the Supreme Court's decision against the agency in the *AMG* case (see [2104270086](#)), said Ohlhausen. Pursuing many rulemakings will also mean far less staff for enforcement, she said. "This is a recipe for more political control, less public input" and "probably slower rulemakings," said Howard Beales, a Consumer Protection Bureau director under President George W. Bush, now at George Washington University. The current administration is deploying a cleanup strategy in response to years of lax antitrust enforcement, said American Antitrust Institute President Diana Moss: There's credible evidence antitrust enforcers should be paying close attention to the debate of whether there's observable increases in market concentration. Enforcers largely have the tools they need to enforce merger control, she said, arguing the problem is that the consumer welfare standard's broad standards have been underutilized. There isn't a "single feature" of current antitrust law that Khan "doesn't hate," said George Washington University law professor Richard Pierce. He noted Khan's attempts to streamline the FTC's Magnuson-Moss rulemaking procedures because the average timeline for such a rule is about eight years. The agency is subject to Mag-Moss procedures, as opposed to processes under the Administrative Procedure Act, which take anywhere from one to three years. It would be "foolish to go down that road" because the Mag-Moss prospects are so "unpromising," he said.

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Google, Amazon, Microsoft Executives Join Presidential AI Committee

Executives from [Google](#), [Amazon](#), [Microsoft](#) and [IBM](#) will join President Joe Biden's artificial intelligence advisory committee, the Commerce Department [announced](#) Thursday. Commerce announced the

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appointment of 27 members to the National Artificial Intelligence Advisory Committee, which advises the president and the National AI Initiative Office. Google Vice Chair James Manyika, Amazon Web Services Vice President-Database, Analytics and Machine Learning Swami Sivasubramanian, Microsoft Vice President Ashley Llorens, IBM Chief Privacy Officer Christina Montgomery and BSA|The Software Alliance CEO Victoria Espinel made the list.

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State Telecom

AG Asks DC Court to Reconsider Dismissing Amazon Antitrust Case

The D.C. Superior Court should reconsider dismissing an antitrust complaint against Amazon, said D.C. Attorney General Karl Racine (D) Thursday in case 2021 CA 001775 B. Judge Hiram Puig-Lugo orally dismissed Racine's complaint at a hearing last month (see [2203210046](#)). Racine [asked](#) the court to reconsider or, alternatively, allow D.C. to amend its complaint or receive a written decision. The court "erred by "misinterpreting and misapplying the plausibility standard" from the 2007 case *Bell Atlantic v. Twombly* and 2009's *Ashcroft v. Iqbal*, "ignoring or failing to accept as true detailed factual allegations in the complaint," and "incorrectly applying *Twombly* and *Iqbal* where there was direct evidence of agreement," wrote Racine. The AG added a proposed amended complaint adding more allegations about anticompetitive effects from Amazon allegedly artificially inflating consumer prices through restrictive contract provisions and agreements. Amazon didn't comment.

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CPUC Proposes CASF Program Rule Changes

The California Public Utilities Commission may vote on May 19 to modify various account rules under the California Advanced Services Fund. Wednesday's [proposed decision](#) in docket R.20-08-021 would update program rules for the Broadband Public Housing Account, Broadband Adoption Account and Rural and Urban Regional Broadband Consortia Account in response to a \$6 billion broadband package and three other 2021 state laws. Changes would include expanding eligibility for public housing grants and increasing that program's minimum speed requirement to 25 Mbps download and 3 Mbps upload, from 6/1 Mbps today. For the adoption program, the proposal would double allowable reimbursement for take-home devices to \$300, increase the current one-device-per-household limit to two and expand eligible program costs to include hot spots, modems, switches and computer warranties. The CPUC would increase maximum grants for regional consortiums to \$200,000 from \$150,000 annually. The commission proposed setting about a \$72.6 million budget for CASF that would include about \$30.9 million for the infrastructure program, \$19 million for adoption, \$10.7 million for consortiums, \$10 million for public housing and \$2 million for tribal technical assistance.

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Okla. Senate Panel Clears Electric Co-op Bills

Two Oklahoma bills meant to empower rural electric cooperatives to provide broadband cleared the Senate Business, Commerce and Tourism Committee at a livestreamed hearing Thursday. The panel voted 11-0 for [HB-3835](#) setting maximum pole-attachment rates when cooperatives and communications companies can't agree to a negotiated rate. "All parties are giving up something," sponsor Sen. Brent Howard (R) told the committee. "None of them are real happy about it, but none of them are against it." The committee

later voted 11-0 for [HB-1123](#) prohibiting class-action lawsuits by landowners against companies seeking to expand usage of easements for broadband. On Wednesday in Kentucky, the House voted 73-22 and the Senate voted 20-14 to override a partial veto by Gov. Andy Beshear (D) of [HB-315](#). Beshear objected to an emergency clause in the bill to set up a state broadband office with \$300 million from the 2021 American Rescue Plan Act (see [2204120040](#)). —*AB*

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Broadcast

ATSC to Host NextGen Broadcast Conference June 7-9 in Detroit

ATSC is taking its annual member meeting and NextGen Broadcast Conference “on the road” for a June 7-9 run at the Westin Book Cadillac in Detroit, [said](#) President Madeleine Noland Wednesday. The event customarily is held late May in Washington’s Reagan Building. This year’s conference will feature a private-access “strolling dinner” reception June 8 at the Henry Ford Museum of American Innovation in Dearborn, she said. The in-person conference will also have a virtual component, as did last year’s when it was rescheduled in late August, [said](#) organizers. Michigan has three markets on the air with ATSC 3.0 services, they said—Detroit, East Lansing and Grand Rapids-Kalamazoo.

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Comments Due May 16 on Gray Channel Substitution

Comments are due May 16, replies May 31, in docket 22-146 on Gray Television’s channel substitution request for WMC-TV Memphis, [said](#) the *Federal Register* Thursday. Gray is seeking to change the station from Channel 5 to 30.

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Media Notes

Charter, Sinclair Renew Carriage Agreement

Charter Communications and Sinclair signed a renewed carriage agreement covering Sinclair’s local stations, Tennis Channel, 19 Bally Sports regional sports networks, Marquee Sports Network, and the YES Network, they [said](#) Thursday.

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Satellite

C-Band Clearing IRD Expenses Need Reimbursing, Intelsat Says

The FCC should make clear to the C-Band Relocation Payment Clearinghouse that integrated receiver/decoders compression technology is a reimbursable expense for satellite operators wholly independent of earth station registrations, Intelsat [said](#) in docket 18-122 Thursday. Its IRD equipment reimbursement request is pending before the Clearinghouse. It said IRDs are “absolutely necessary” for the C-band transition, and it consulted with its programmer customers to determine how many were needed before buying them in bulk.

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Viasat Providing Internet Access to Ukrainian Refugees in Slovakia

Viasat Community Internet sites are being set up in parts of eastern Slovakia, in partnership with the nation's Kosice region, to provide internet access to Ukrainian refugees there, Viasat [said](#) Thursday. Viasat Community Internet uses connectivity from a Viasat satellite to create a public Wi-Fi hot spot.

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Communications Personals

Commerce Department appoints 27 members to the National Artificial Intelligence Advisory Committee (see [2204140052](#)), including Google Vice Chair **James Manyika**, Amazon Web Services Vice President-Database, Analytics and Machine Learning **Swami Sivasubramanian**, Microsoft Vice President **Ashley Llorens**, IBM Chief Privacy Officer **Christina Montgomery** and BSA|The Software Alliance CEO **Victoria Espinel**.

ATSC board extends term for one year of **Luke Fay**, Sony Electronics senior manager-technical standards, as chair of its Technology Group 3, which oversees suite of ATSC 3.0 standards ... EBay hires Meta's **Eddie Garcia**, also ex-Travelzoo and Sam's Club, as chief product officer, effective Monday.

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