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Top News**Satellite Sharing****FCC Releases Receiver Principles, Other Drafts for April 20 Commissioner Votes**

The FCC's proposed policy statement on receivers lays out core principles to "help inform the Commission's future actions and stakeholder expectations about interference from spectrally and spatially proximate sources," according to a draft released Thursday for the commissioners' April 20 open meeting. The draft draws on recommendations in a 2015 report by the FCC's Technology Advisory Council.

Also before the commissioners is a draft order on non-geostationary orbit (NGSO) fixed satellite service (FSS) interference protection that would sunset interference protection processing round systems have from later-approved ones after 10 years and an order and NPRM on revised rules targeting Chinese carriers still operating in the U.S. (see 2303290068), among other items. Chairwoman Jessica Rosenworcel also proposes ambitious new rules for wireless emergency alerts.

"Receiver characteristics, especially the dynamic range of desired and undesired power over which receivers are designed to operate, can be as important as transmitter characteristics in enabling efficient spectrum use and co-existence among different services," says the draft receiver item. It warns of potential future rules, saying the agency may consider "whether spectrum users should be expected to make improvements to transmitters and receivers over time to mitigate the potential for harmful interference."

The relatively short 14-page draft notes the potential benefits of better receivers: "The properties of receivers, and their immunity to out-of-band interference in particular, offer an increasingly promising pathway to manage spectrum needs in a balanced and comprehensive way."

Among the principles delineated are that "interference and harmful interference are affected by the characteristics of both the transmitting service(s) and nearby receiving service(s) in frequency, space, and/or time." Operators, users and makers are "expected to consider how to accommodate a changing RF environment as services are deployed more closely in spectral distance." The FCC advocates "data-driven regulatory approaches to promote co-existence."

The FCC shouldn't regulate receiver performance but instead turn its current receiver proceeding into an NPRM, said Commissioner Nathan Simington at the 2023 Free State Foundation event this week. By "just putting something on paper about the receiver characteristics that are expected" the agency will have opened a public, organized discussion on the topic instead of "just allowing them to be tested and stuff behind the scenes," Simington said.

The FCC "is just not technically equipped to mandate receiver standards" and would need to hire 100,000 engineers to be able to do so, Simington said. However, spectrum is a limited resource, he said. "And so to what degree do we have to defer forever to incumbent services that have superannuated receiver quality?"

Security Audit

The security item starts with an order requiring a one-time collection of foreign ownership information from holders of international Communications Act Section 214 authorizations. It seeks comment on

rules requiring carriers to renew these authorizations every 10 years, “or in the alternative,” requiring periodic updates “enabling the Commission to review the public interest and national security implications of those authorizations based on that updated information,” the security draft says. It seeks comment on how the application process could be improved.

“The overarching objective of this proceeding is to adopt rule changes that will enable the Commission, in close collaboration with relevant Executive Branch agencies, to better protect telecommunications services and infrastructure in the United States in light of evolving national security, law enforcement, foreign policy, and trade policy risks,” the draft says: Records show there are about 7,000 international section 214 authorization holders, “though we estimate the more accurate number is closer to approximately 1,500 active” holders.

The information collected will allow the commission to better determine the number and whether they have reportable foreign ownership, the draft says. “The information will enable the Commission to identify those authorization holders that are no longer in business or are in business but discontinued service under their international section 214 authority.”

The FCC’s proposed NGSO FSS sunset provision got significant disagreement among satellite operators (see 2204270015). In the draft order, the agency says protection of earlier-round NGSO FSS systems “must ensure a stable environment for continued service and investment but should not hinder later-round systems indefinitely.” It says it chose the 10-year span partly because many later-round systems will be near or past their nine-year full deployment milestone.

The draft order also would limit the use of default spectrum-splitting to NGSO FSS systems approved in the same processing round and mandate that systems approved in later processing rounds coordinate with earlier-round systems or demonstrate they will protect them. Later-round systems would have to submit an interference analysis using a degraded throughput methodology to show they will protect earlier-round systems if there’s no coordination agreement.

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The agency also put out an accompanying draft Further NPRM that asks about how to come up with a degraded throughput methodology and about capping aggregate interference from later-round NGSO FSS systems into earlier-round systems.

WEA Enhancements

The WEA draft Further NPRM proposes a number of enhancements, including that alerts be made available in the 13 most commonly spoken languages in the U.S. other than English. It proposes to enable alerting authorities to send thumbnail-sized images through WEA “which would be particularly beneficial in the context of AMBER Alerts” and allow authorities to send links to “location-aware maps.” The alerting draft proposes giving authorities control over how mobile devices present the WEA audio attention signal or vibration cadence.

The draft proposes establishing an FCC-hosted WEA database. “At present, to access information about WEA’s availability in their jurisdictions, alerting authorities and the public must review all of the WEA election letters filed with the Commission,” it notes: “Even then, those letters are often unclear about whether a Participating ... Provider participates in whole or in part and their level of support for WEA geographically and on different types of mobile devices.”

The draft also proposes minimum reliability requirements. “We note that our rules already require WEA messages to be delivered to 100 percent of the target area,” the item notes: “We are concerned that this requirement is not sufficient to ensure that the public can rely on their Participating ... Provider to deliver to them promptly the WEA messages intended for them every time, including when they enter the alert’s target area after the alert’s initial transmission.”

“While WEA has been helpful for many, there remain gaps that limit its effectiveness,” the draft says: “Notwithstanding the potentially lifesaving benefits WEA can offer, some alerting authorities hesitate to use WEA because they do not understand or have confidence in how the system will perform in their jurisdictions during an emergency.”

LPTV Rules Update

The draft low-power TV order on the agency’s April agenda would update rules for LPTV and translators to reflect the digital transition. The draft would require LPTV stations to comply with station identification requirements but not translators, and require a minor modification permit for all LPTV station relocations. LPTV stations are currently allowed to relocate less than 500 feet without a permit. The order would also update the coordinates used to determine land mobile radio protections, and update the FCC rules for assigning LPTV call signs.

'Close a Perceived Loophole'

Commissioners will consider an order that would “close a perceived loophole” in current rules on access stimulation by extending the rules to IP enabled service (IPES) providers’ terminating traffic, said a fact sheet. “Despite multiple orders and investigations making clear the commission will not tolerate access arbitrage, some providers continue to manipulate their call traffic or call flows in attempts to evade our rules,” the draft item said. The order, if adopted, would require IPES providers to calculate the ratio of their terminating and originating call volumes. The draft item noted most commenters “agree that the IPES provider is in the best position to calculate its own traffic ratios,” but the order would require providers to “include in their traffic ratios all calls made to and from telephone numbers they receive directly from a numbering authority.” IPES providers would also be subject to the same terminating-to-originating traffic ratio triggers as local exchange carriers.

The draft order would adopt USTelecom’s proposal to remove “two-way voice” and “real-time” from the definition of an IPES provider to avoid potential loopholes. The definition would also include

“entities that receive terminating traffic, regardless of whether they also originate traffic,” and amend the definition of an intermediate access provider to include IPES providers that “may receive traffic from an intermediate access provider.” The commission would give providers 45 days to comply with the rules following the effective date.

Frequency Allocation Revisions

The FCC also released a draft order amending part 2 of the commission’s [frequency allocation](#) table, “primarily” decisions from the 2019 World Radiocommunication Conference and an NPRM proposing modifications based on the 2015 WRC. The NPRM tees up changes to service rules, including for the amateur radio, aviation, cable television relay, fixed microwave, private land mobile and satellite services, and for broadcast auxiliary and TV broadcast auxiliary stations, the draft says. — *Howard Buskirk, Monty Tayloe, Matt Daneman, and Gabriella Novello*

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November Finish

NTIA Chief Says Agency Understands Need for Spectrum Pipeline

NTIA Administrator Alan Davidson assured attendees at an NTIA listening session on a national spectrum strategy Thursday the administration understands the need for concrete action and a spectrum pipeline for 5G and 6G. Twenty other speakers signed up to offer comments, which covered all the usual spectrum issues, from the importance of unlicensed and dedicated license spectrum to evolving sharing technologies to the potential role for THz spectrum.

We need to “build a pipeline of spectrum that meets the needs of the private sector as well as our federal users,” Davidson said. The administration plans to identify 1500 MHz for “future potential repurposing—an ambitious but achievable goal,” he said. “Government missions, from weather observation to defending the Pacific, are more spectrum reliant every day,” he said.

Technology can provide some of the answers “by accessing bands we’ve never used before, by making more efficient use of current spectrum bands and by developing exciting new sharing technologies,” Davidson said. The U.S. “will continue to be the world leader in advanced wireless technology,” he said: “It’s absolutely essential.”

“We are doing this because strategic planning is important,” said Umair Javed, chief counsel to FCC Chairwoman Jessica Rosenworcel. “Having a national strategy means the ability to look up from the trivial and view the essential, to address causes rather than symptoms, to see the woods rather than trees,” he said. Javed noted spectrum management is “getting harder, much harder.” He wants a “reset in the way we think about spectrum.”

“The point of the strategy is to identify the bands to study, not to finish the studies, it just takes too long,” said Scott Harris, NTIA director-national spectrum strategy, this week at a Free State Foundation conference: “We will identify the bands for intensive study, based on what the public has to say, what our friends in the federal agencies have to say, what our friends at the FCC have to say.”

NTIA “will spend up to two years” on studies for the bands identified, Harris said. He said despite his long experience in industry he didn’t appreciate how much work is required for the kinds of studies that NTIA will need. You need to know more than that there are radars in a band, he said: “You need to know the precise location of every one,” where it’s pointed, “how many times during the day it’s turned on and when during the day and at what power.”

Work on the strategy will be completed by mid-November, Harris said at the end of the listening session. “We have a very ambitious internal timeline,” he said.

CTIA expects five times more traffic on U.S. networks by 2027 than today, said CTIA General Counsel Tim Power. “But we have no plan as a nation to provide commercial access to spectrum to make that possible,” he said: “We need to act now, need to act decisively.” Just promising to identify 1,500 MHz isn’t enough, he said: “We need a specific target for commercial mid-band, a specific one for 5G use, and we need to commit to more than studying if we want to lead,” he said.

“China is moving aggressively to supplant our wireless leadership” and the threat won’t go away, Power said. China is deploying 5G using mid-band and has made 460 MHz available, he said. The U.S. offers 270 MHz and that includes the “very low power” citizens broadband radio service spectrum, he said.

NTIA also heard from representatives of industries concerned about preserving their access to spectrum.

Concerns Raised

Edward Hahn, senior engineer at the Air Line Pilots Association, spoke of the fight over C-band use for 5G (see [2303200069](#)). “Pilots are trained to trust their aircraft instruments and safety systems that have dramatically reduced passenger and flight crew deaths,” Hahn said: “A national spectrum strategy should proceed carefully to ensure that the performance of aircraft systems, including safety systems, is not compromised.” The FAA should have final say on aviation safety, he said.

Utilities Technology Council and Edison Electric Institute representatives cited their concerns about unlicensed use of the 6 GHz band (see [2211030066](#)). Utilities rely on communications “to ensure the safe, reliable and secure delivery of energy and water or other essential services,” said UTC General Counsel Brett Kilbourne. Utilities lack sufficient, reliable spectrum to meet “their increasing communications needs,” he said. The groups urged more coordination with the Department of Energy.

Consultant Renee Leduc, representing the American Meteorological Society, urged the FCC and NTIA to hire experts knowledgeable about how science uses passive bands.

Spectrum discussions inevitably turn to economics or the race for technological leadership, said Jennifer Warren, Lockheed Martin vice president-civil and regulatory affairs. Don’t forget the contributions of the air and defense industries, she said. “We design, develop and manufacture the most advanced and effective ... capabilities around the world,” she said. The importance of national security is too often the last thing discussed, but it should be the first, Warren said: “The vast majority of the national security ecosystem is spectrum dependent.”

Elizabeth Andrion, Charter Communications senior vice president-regulatory affairs, suggested an examination of the 7 GHz band for sharing. “Keep DOD operations there, but there are places where Wi-

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Fi could be used—this would enable the next generation of Wi-Fi,” she said. On the licensed side, Charter believes licensed use is possible in the lower 3 GHz band, she said.

Cable operators need spectrum to bring more competition for millions of subscribers, said Becky Tangren, NCTA associate general counsel. Spectrum allows NCTA members to “enable millions of Wi-Fi hot spots, fixed wireless broadband and, most recently, mobile wireless services,” she said.

The session was the first of two, with the second to be April 11 at the University of Notre Dame in Indiana (see [2303150066](#)). Responses to a request for comments are due April 17. Harris said NTIA plans meetings with groups and companies that ask to further discuss the strategy. On Thursday, Austin Bonner, White House Office of Science and Technology Policy assistant director-spectrum and telecom policy, shared the dais with Harris and Derek Khlopin, NTIA deputy associate administrator, listening while speakers presented. — *Howard Buskirk*

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Maritime Connectivity Consolidation

An SES/Intelsat Deal Seen Raising Anti-Competitive Challenges

Intelsat and SES are talking about combining, as a key area of business for both—maritime connectivity—will soon face new low earth orbit (LEO) competitors. Competition and antitrust issues could be a big hurdle for any deal to clear. SES confirmed this week it’s in talks with Intelsat about a possible deal.

A combined SES/Intelsat would instantly have a maritime connectivity customer base of about 13,000 vessels, making it a big rival of market leader Inmarsat, which has around 14,000, said maritime research consultant Joshua Flood of Valour Consultancy. SES has a sizable presence in cruise ship connectivity, which is far more lucrative than cargo ship connectivity, he said. It also has shipping giant Maersk as a customer, he said.

LEO operators like SpaceX’s Starlink and OneWeb “are really going to shake up the tree” in maritime connectivity, Flood said. He said Intelsat/SES discussions are likely about trying to consolidate their position and compete against LEO disruption. The lucrative passenger ship business is particularly interested in faster bandwidth and more data capacity, he said.

A deal would let the combined companies reduce capital spending and better use satellites not fully utilized now, said Armand Musey, Summit Ridge Group president. There also are economies of scale, and the two combined would have better scale and financial ability to become more vertically integrated, he said. But a deal could face big antitrust concerns, he said.

SES and Intelsat are both active in video delivery—an application that doesn’t have LEO competition, Musey said. Viasat/Inmarsat faced regulatory concerns on the basis of reduced competition in in-flight connectivity, and SES/Intelsat would increase that consolidation in the in-flight connectivity market, he said. The European Commission said in February it was investigating possible anti-competitive effects of Viasat/Inmarsat in the in-flight connectivity space (see [2302130038](#)). Musey said the maritime marketplace might also raise anti-competitive concerns.

How a combined Intelsat/SES would compete with Starlink isn’t clear, given SpaceX is more efficient on a per-bit basis, Musey said. SES’ O3b LEO system and its mPower medium earth orbit system will give it more capacity, but the fact its user antenna sizes are particularly large has somewhat limited the market for O3b, he said.

In a call with analysts, Telesat CEO Dan Goldberg said news of the talks wasn’t surprising, nor is the M&A activity going on in satellite. He said such a deal would be part of the latest satellite industry

cycle of consolidation, happening alongside the pending Viasat/Inmarsat transaction and Eutelsat buying OneWeb. Intelsat/SES would be “a good thing for the industry” and help rationalize supply, he said. —

Matt Daneman

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'Strategic Delay'

NAB, Standard/Tegna Broadcasters Push Back on FCC Motion to Dismiss

The U.S. Court of Appeals for the D.C. Circuit should take up the Standard/Tegna broadcasters' appeal of the FCC's HDO, said NAB in an amicus filing Thursday. “This Court should treat this order according to its intent and effect—a de facto final denial of the license application—and hear the appeal,” NAB said in the [brief](#) filed late Thursday. Refusal to act is itself an agency final action, said the Standard/Tegna broadcast parties in a [filing](#) opposing the FCC's motion asking the U.S. Court of Appeals for the D.C. Circuit to dismiss their appeal (see [2303280072](#)). The FCC Media Bureau's action “on gossamer evidence” injects “untenable unpredictability into license transfer applications,” NAB said.

[NAB has historically held back](#) from weighing in on specific deals, but CEO Curtis LeGeyt vocally condemned the HDO earlier this month. “Unappointed FCC staff have sent this proposed deal to regulatory purgatory, depriving the Commissioners the opportunity to participate in decisions that carry significant implications for broadcast stations and their viewers and listeners,” he said in a release Thursday. “Public interest review is not a mechanism for regulating licensee business contracts and employment practices,” the filing said. The Media Bureau's “significant departure” from FCC precedent “means in practice that no party contemplating an investment in broadcast stations can, with any certainty, predict how the FCC will process its license transfer,” NAB said. “The broadcast industry cannot tolerate this kind of unpredictability.” The trade group also filed a motion Thursday seeking permission to file the amicus brief.

“An agency that lets a subordinate forbid any agency pronouncement until the private activity at issue becomes moot has necessarily said its piece,” said Standard General, Tegna and Cox Media Group. The broadcasters also [pushed](#) the court to consolidate their appeal proceeding with their petition for mandamus, while the FCC's administrative law judge issued an order setting the case's initial status conference for April 26. The broadcasters have said their deal will break up May 22 due to expiring financing.

“First principles of finance teach that no financing commitment in this world can endure until the eschaton,” said the Standard/Tegna broadcasters in their opposition filing. “Rational actors in the marketplace require a foreseeable horizon,” they said. The court should treat the FCC's hearing designation order as reviewable final order because the FCC is “frustrating judicial review by pretending that the matter is still under ongoing consideration.” The FCC [told](#) the court Thursday it won't reply to the broadcaster opposition filing and the agency is “content to rest on the arguments” in the motion to dismiss.

[Denying the applications through “strategic delay”](#) instead of a formal denial doesn't make the decision less final, the broadcasters said. “That the particular expedient the Commission has chosen to kill the broadcasters' deal are covert, rather than overt, does not permit it to escape this Court's review.”

[The Standard/Tegna broadcasters](#) also urged the court to consolidate the appeal and mandamus proceedings and apply an expedited briefing schedule to both over the FCC's objections. If the court doesn't allow an expedited briefing schedule for the appeal case, the timing restrictions will mean case can't proceed, the broadcasters said. The court shouldn't “artificially limit the options that will be available to it at the conclusion of the case,” the broadcasters said. The court should consider the issues in “a single streamlined proceeding” rather than “duplicative briefing tracks,” the broadcasters said.

Meanwhile, FCC ALJ Jane Halprin issued an initial case order Wednesday for the FCC hearing proceeding that's the subject of the D.C. Circuit appeals. The parties are required to submit proposed briefing schedules by April 19, with a status conference to establish the actual schedule to be held in person at the FCC April 26, the order said. The Standard/Tegna broadcasters told the D.C. Circuit the conference timing is an additional indicator the hearing process is intended to kill the deal. "The ALJ set an *initial* status conference for one month out," said the broadcasters. "The ALJ hearing can serve no purpose other than delay." — *Monty Tayloe*

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Pluto?

Carr, Simington, Others Talk Broadband, Edge Regulation at FSF Event

FCC regulations on broadcasting, telephony and accessibility will "become increasingly hollow shells of themselves" unless Congress decides to what degree the FCC should "move into the app ecosystem," said Commissioner Nathan Simington at this week's Free State Foundation Conference. Panelists at the event, including Commissioner Brendan Carr, also discussed broadband deployment and definitions, and the agency's spectrum authority. The FCC "isn't currently regulating the edge space, but that doesn't have to last forever," Simington said.

Carr condemned the "pluto-ing" of the FCC on tech and technology, citing the agency's recent loss of spectrum authority. The FCC should play a lead role in freeing up spectrum to maintain U.S. global wireless leadership, he said. Ceding that role to authoritarian regimes would mean "the future looks a lot worse" for the U.S., he said. Congressional action could resolve concerns about the FCC coming into conflict over spectrum authority, said Simington.

On other conference panels, several broadband experts raised concerns about potential overbuilding through the broadband, equity, access and deployment program and other federal funding. "We have a big problem on overbuilding," said former FCC Commissioner Mike O'Rielly. There's also the issue of ensuring the FCC's broadband maps adequately reflect where broadband is and to ensure money is "going to the places where it needs to go," said Public Knowledge CEO Chris Lewis. There should be a focus on delivering broadband to the unserved, said Rick Chessen, NCTA senior vice president-law and regulatory policy. "If we don't close this digital divide once and for all with the money that we have then shame on us," Chessen said.

Setting quality standards for broadband is "important to make sure that households have what they need," Lewis said. O'Rielly raised concerns about technologies other than fiber being "ignored," saying it's "going to have an impact on the next 10 or 15 years of technological development." Clint Odom, T-Mobile vice president-strategic alliances and external affairs, noted that new mid-band spectrum is "dead in the water," saying it can "achieve speeds comparable to fiber optics so we need to get this fixed."

The affordable connectivity program should focus on those without connectivity rather than subsidizing existing internet users, said both Carr and Simington. The first step to deciding the program's future should be gathering "hard data" on who's benefiting from it, Carr said. The BEAD program is overly focused on fiber, Carr said. There should be room for scenarios "where fixed wireless makes sense," he said. "I don't think fiber to the home should be the default model going forward."

Any technology that can provide speeds and latency needed for common, everyday usage needs to be considered "broadband" for program eligibility and in policies, Duke University economics professor Michelle Connolly said. The former FCC chief economist said the FCC increased the broadband definition over time as a means of excluding satellite coverage, which didn't matter when latency issues made

satellite not relevant. She said that's changing due to the emergence of low earth orbit constellations like SpaceX's Starlink. She said common internet usage like Netflix or Zoom group calls generally don't require anything above 15 Mbps downloads, even as there's a push to move the definition of broadband from 25/3 Mbps to 100/5 Mbps or 100 Mbps symmetrical. Increasing the definition of speed lets government say there's a higher level of unserved and underserved populations, she said. But it also raises the likelihood that government spending will go to places that have perfectly good internet service that nonetheless doesn't qualify as broadband, she said. She said the commission rejected SpaceX's Rural Digital Opportunity Fund Phase I auction long-form application (see [2208100050](#)) because the agency realized "it wouldn't look good" if it ended up giving a company money to provide service where it already provides service.

The U.S. Supreme Court's major questions doctrine established by the 2022 *West Virginia v. EPA* would likely derail attempts to bring back Title II net neutrality rules, said Carr. The doctrine—which argues that Congress can't delegate authority over questions of major economic or policy consequence to agencies—"fundamentally changes the litigation risk and likelihood of that being sustained on appeal," Carr said. The case would be "ultimately fatal toward efforts to go back down this path," he said. — **Monty Tayloe, Gabriella Novello, and Matt Daneman**

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Biden Wants \$400M More

Cruz Urges Senate Agriculture Revamp ReConnect Before Adding New Funds

Senate Commerce Committee ranking member Ted Cruz, R-Texas, urged Agriculture Committee leaders Thursday to "consider" making changes to the Agriculture Department's ReConnect program before allocating it "any new funding" as part of the 2023 farm bill. Cruz noted his priority of "rigorous oversight of the massive amounts of federal taxpayer money—calculated at over \$175 billion—dedicated to broadband over the last five years" via the Infrastructure Investment and Jobs Act and other legislation. Cruz and Communications Subcommittee ranking member John Thune, R-S.D., in recent months repeatedly raised concerns about broadband spending (see [2301260055](#)).

Biden's FY 2024 budget request for USDA proposes "\$400 million in new funding" for ReConnect, which is "misguided given the unprecedented amount of federal broadband money already available," including "\$2 billion in appropriated funding that ReConnect has not yet spent" and NTIA's IIA-funded \$42.5 billion broadband, equity, access and deployment program, Cruz said in a [letter](#) to Senate Agriculture Chairwoman Debbie Stabenow, D-Mich., and ranking member John Boozman, R-Ark., that we obtained. Adding new funding "exacerbates the inefficiencies and coordination challenges that have resulted from multiple federal agencies administering overlapping broadband programs. This risk is especially acute with ReConnect, which lacks necessary guardrails to prevent subsidized overbuilding: Pursuant to the IIA, ReConnect allows projects to be funded even when 50% of service locations already have broadband."

ReConnect's "current evaluation criteria are skewed to favor certain partisan political objectives, distracting from the goal of bringing broadband to rural America," Cruz said. "For example, USDA's rules discriminate against non-union labor, and favor projects that are run by municipal governments, commit to net neutrality principles, and share their networks with competitors at wholesale rates. Before giving any new funds to ReConnect, Congress should reform the program or at the very least demand that USDA fix its evaluation criteria, so the selection of projects is based on serving unserved households rather than advancing partisan priorities like net neutrality."

USDA and Senate Agriculture didn't comment.

Cruz, Thune and House Communications Subcommittee Chairman Bob Latta, R-Ohio, cited their broadband oversight goals during the Free State Foundation's Tuesday conference. "Rigorous oversight" of federal broadband programs is needed "to ensure that taxpayer money is being used to" bring service "to truly unserved areas and not simply wasted on subsidized overbuilding," Cruz said in a [prerecorded video](#). He also plans to hold federal agencies "accountable when they abuse vague statutory provisions to pursue partisan policy goals like broadband rate regulation and government-owned networks."

"We've got to get" FCC and NTIA officials in to testify before House Communications about their broadband spending, Latta told FSF. He also cited concerns about the FCC's revised broadband coverage map and wants lawmakers to further ease permitting restrictions. Thune told FSF he began his own review in December of all federal broadband programs' oversight of funding disbursements (see [2212060067](#)) because of the "spider web of bureaucracy" that's resulted in there being "more than 130 federal broadband programs" across 15 agencies. He wants to "ensure there's stringent oversight of how these taxpayer funds are being spent." — *Jimm Phillips*

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Comm Daily® Notebook

USAC Estimates \$2.94B FY 2023 Total Demand for E-Rate

The Universal Service Administrative Co. told the FCC Wireline Bureau the estimated demand for E-rate support during FY 2023 will be \$2.94 billion. About \$1.66 billion is for category one services and \$1.28 billion for category two services, USAC said in a [letter](#) posted Thursday in docket 02-6. The estimate is based on the total amount of funding requests received by March 28, USAC said.

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White House Formally Withdraws Sohn FCC Nomination

President Joe Biden formally withdrew Gigi Sohn's FCC nomination Thursday, the White House said, more than three weeks after Sohn announced she had asked Biden to remove her

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from Senate consideration amid perceptions a handful of Democrats would join chamber Republicans to stall her confirmation process for a third consecutive year (see [2303070082](#)). Several names of potential candidates to replace Sohn have circulated since she first announced her exit, including: former acting NTIA Administrator Anna Gomez, ex-Wiley; Narda Jones, chief of staff to FCC Chairwoman Jessica Rosenworcel; NASA Chief of Staff Susie Perez Quinn; FCC Consumer and Governmental Affairs Bureau Chief Alejandro Roark; National Hispanic Foundation for the Arts Chairman Felix Sanchez; and Treasury Department Capital Projects Fund Director Joseph Wender. Lawmakers are hoping Biden soon renominates incumbent Commissioner Geoffrey Starks to ensure the FCC at least maintains its current 2-2 partisan tie (see [2303100050](#)). Senate Commerce Committee ranking member Ted Cruz, R-Texas, noted in a [recorded video](#) for Free State Foundation's Tuesday conference that he will continue to ensure "our agencies are led by fair and impartial regulators, rather than by partisan ideologues with a penchant for censoring conservative speech," a reference to his criticism of Sohn's views on conservative media outlets (see [2302140077](#)).

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Capitol Hill

Eshoo, Whitehouse Refile Bill to Update Calm Act Ad Loudness Curbs

Sen. Sheldon Whitehouse, D-R.I., and Rep. Anna Eshoo, D-Calif., refiled the Commercial Advertisement Loudness Mitigation Modernization Act Thursday to update the 2010 Calm Act's bar on excessively loud TV ads. [The measure](#), which Eshoo and Whitehouse first filed last year, would extend the 2010 law's excessively loud ad bar to streaming services and would strengthen the FCC's ability to investigate and enforce violations. The measure would require a study analyzing the existing law's effectiveness in moderating ad loudness. The FCC Media Bureau at Eshoo's behest sought comment in 2021 on whether the FCC needs to update its existing Calm Act implementation rules (see [2104200001](#)). ACA Connects and NCTA argued the FCC doesn't need to change its rules because existing enforcement is working as intended (see [2106040065](#)). "Since the law was enacted, new popular streaming services have recreated the practice of loud ads because the old law doesn't apply to them, and consumers continue to complain about loud ads on broadcast, cable, and satellite TV," Eshoo said in a statement. "We're updating the legislation for the benefit of consumers who are tired of diving for the mute button at every commercial break, regardless of what platform they use." Eshoo's office cited support from Consumer Reports.

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Klobuchar, Lee Introduce Bill Targeting Tech Ad 'Monopolies'

[Bipartisan legislation](#) introduced Thursday by Senate Antitrust Subcommittee Chair Amy Klobuchar, D-Minn., and ranking member Mike Lee, R-Utah, [attempts](#) to eliminate "conflicts of interest" that allowed platforms like Google and Facebook to "manipulate ad auctions and impose monopoly rents on a broad swath of the American economy," as expected (see [2303070070](#)). Sponsors of the Advertising Middlemen Endangering Rigorous Internet Competition Accountability (America) Act include Sens. Ted Cruz, R-Texas; Richard Blumenthal, D-Conn.; Marco Rubio, R-Fla.; Elizabeth Warren, D-Mass.; Eric Schmitt, R-Mo.; Josh Hawley, R-Mo.; Lindsey Graham, R-S.C.; JD Vance, R-Ohio; and John Kennedy, R-La. The bill bars digital ad companies "from owning more than one part of the digital ad ecosystem if they process more than \$20 billion in digital ad transactions." Conflicts of interest are so "glaring" in ad markets that "one Google employee described Google's ad business as being like 'if Goldman or Citibank owned the NYSE,'" said Lee. "This lack of competition in digital advertising means that monopoly rents are being

imposed upon every website that is ad-supported and every company—small, medium, or large—that relies on internet advertising to grow its business.” He noted a similar bill introduced in the 117th Congress, the Competition and Transparency in Digital Advertising Act, had the support of groups including Heritage Action for America and Public Knowledge. “There is nothing American about Congress dictating the size, shape and structure of competitive businesses,” [said](#) Computer & Communications Industry Association President Matt Schruers. “Gerrymandering rules around one group of businesses for the benefit of another is neither good competition policy nor responsible economic policy.”

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Wireline

ATIS Seeks FCC Action on Unused Toll-Free Numbers

[ATIS asked the FCC to direct the Toll Free Numbering Administration](#) to release the nearly 16,000 “833” toll-free numbers into the spare pool as soon as possible so they can be available to businesses that wish to use the numbers,” (see [2206290051](#)), per an ex parte [filing](#) posted Thursday in docket 17-192. Meeting with an aide to Commissioner Brendan Carr, the group also sought an “equitable allocation method under which the unassigned “800” TFNs would be made eligible for allocation but with an allocation limit of 125 numbers” per responding organization.

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FCC Commits More Than \$2.8M in Additional ECF

[The FCC committed more than \\$2.8 million](#) in additional Emergency Connectivity Fund support Thursday. The new funding will support 15 schools, five libraries and one consortium, said a [news release](#). “With today’s funding round, we continue our progress in providing students the online access they need to connect with their teachers and keep up with schoolwork,” said Chairwoman Jessica Rosenworcel.

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Wireless

ASSHTO Seeks Changes to Revised FCC 4.9 GHz Rules

[The American Association of State Highway and Transportation Officials](#) filed a petition Thursday asking the FCC to rework part of revised rules for the 4.9 GHz band, which commissioners approved 4-0 in January (see [2301180062](#)). [ASSHTO asked](#) the FCC to reconsider decisions to “1) establish a national spectrum plan for the 4.9 GHz band, 2) appoint a single Band Manager to administer frequency coordination, 3) incentivize use of the latest commercially available technologies, and 4) facilitate secondary uses beyond public safety.” The band “must be preserved for use by state and local agencies to enhance public safety,” the group said in docket 07-100.

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CTIA Urges Approval of HAC Testing Waiver Request

[CTIA officials supported an ATIS petition](#) seeking a limited waiver of FCC hearing aid-compatibility rules (HAC), on which the FCC is seeking comment (see [2303230046](#)), in a meeting with an aide to FCC Chairwoman Jessica Rosenworcel. “CTIA urged the Commission to provide near-term relief in light of the flawed volume control testing methodology and upcoming compliance date of June 5 ... so

that consumers with hearing loss can benefit from new phones offering improved hearing aid compatibility features, including volume control,” said a filing posted Thursday in docket 20-3. [CTIA noted](#) the request reflects the thinking of the HAC Task Force, “a multi-stakeholder group of representatives from the hearing loss community, academia, testing labs, manufacturers of hearing aids and wireless handsets, and wireless service providers.” A limited waiver “would allow wireless handsets with volume control capabilities to be adequately tested so phones with volume control can be rated as HAC phones,” CTIA said: “The full HAC Task Force recommended that the Commission adopt a limited waiver of the testing methodology of the 2019 ANSI Standard that will objectively demonstrate that wireless handsets with volume control capabilities can benefit consumers.”

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Garmin Asks FCC to Approve Midland Radio Waiver Request

[Garmin International](#) asked the FCC to quickly approve a Midland Radio request for waiver of FCC rules for general mobile radio service (GMRS) devices in the 462 MHz band (see [2110120061](#)). “Garmin supports Midland’s request that GMRS radios be allowed to transmit text messages and GPS location information through digital data transmissions on GMRS frequencies,” said a [filing](#) posted Wednesday in docket 21-388: “Such short digital transmissions will not create excessive congestion or cause harmful interference to other GMRS or [family radio service] operations.”

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State Telecom

California Approves Privacy Rulemaking Package

The California Office of Administrative Law [approved](#) the California Privacy Protection Agency’s rulemaking package for the California Consumer Privacy Act Thursday (see [2302100032](#)). The regulations

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are effective immediately. They update existing CCPA regulations to “harmonize them with amendments” adopted under Proposition 24, “operationalize new rights and concepts introduced by the CPRA to provide clarity and specificity to implement the law; and reorganize and consolidate requirements set forth in the law to make the regulations easier to follow and understand.” They allow consumers to “knowingly and freely negotiate with a business over the business’s use of the consumer’s personal information, the CPPA said.

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Broadcast

Audio Description Comments Due April 28

Comments on the FCC’s proposed expansion of audio description requirements are due in docket 11-43 April 28, replies May 15, said a [public notice](#) Thursday. The NPRM, unanimously approved earlier this month, seeks comment on requiring audio description in all 210 U.S. broadcast markets (see [2303100043](#)). The proposal would maximize the amount of audio description the FCC can require under the 21st Century Communications and Video Accessibility Act.

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FCC Approves Low-Power Protection Act NPRM 4-0

The FCC unanimously approved an [NPRM](#) seeking comment on proposals for the agency to implement the Low Power Protection Act, which would create a window during which select low-power TV stations could convert to Class A (see [2303240052](#)). The proposals largely align with the LPPA, which restricted the window to stations that carry three hours per week of local programming in markets of 95,000 households or fewer. The NPRM tentatively concludes that translators won’t be eligible for the window, and neither will be the small number of LPTV stations that haven’t shifted to digital. The NPRM also seeks comment on possible alternatives to the Nielsen definition of a TV market, the designated market area, such as the metropolitan statistical areas (MSAs) and rural service areas (RSAs) proposed by the LPTV Broadcasters’ Association. “These classifications, which are based on population, appear to have nothing to do with market assignment information or determining television broadcast station markets, unlike Nielsen DMAs,” the NPRM says. “We seek comment on LPTVBA’s position and on any alternative means of delineating DMAs using a system of dividing television broadcast station licensees into local markets.”

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Media Notes

S&P Downgrades Paramount Global, Citing Streaming Losses

Citing a weakening overall economy, a sluggish advertising market and higher than previously forecast losses in its direct-to-consumer segment, S&P said Thursday it’s lowering its Paramount Global rating on senior unsecured debt from BBB to BBB-. Paramount Global didn’t comment.

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Satellite

Amazon Seeks ITU EPFD Temporary Waiver, Citing SpaceX

Since the FCC gave SpaceX a partial waiver letting it start operations before receiving a necessary ITU finding, Amazon’s planned Kuiper constellation should receive the same treatment, Amazon

told the International Bureau Wednesday. In an application for an amendment of its pending modification, [Amazon said](#) “uncertainty and delay” in the ITU process could threaten Kuiper deployment, so the commission should allow Kuiper to begin before receiving the usually needed equivalent power flux density findings from the ITU. It said it would take “all reasonable steps to eliminate any harmful interference” to geostationary orbit systems in frequency bands subject to ITU EPFD limits.

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MSS Allocation Would Alleviate Bottleneck, Say Kepler, Spire

[Kepler and Spire](#) continue to urge FCC support for a small-satellite mobile satellite service (MSS) spectrum allocation in the 2020-2025 MHz band. In an RM-11869 filing Thursday, [they recapped](#) a meeting with International Bureau staffers in which they said having 1 MHz for downlink and 4 MHz for uplink would help in alleviating spectrum bottlenecks faced by emerging MSS operators. The two petitioned for the allocation in 2020 (see [2012220049](#)).

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Communications Personals

Adtran Holdings promotes Adva’s **Uli Dopfer** to chief financial officer, effective May 1, to succeed **Mike Foliano**, retiring effective June 28 ... Communications & Power Industries promotes **Andrew Ivers** to CEO, effective May 31, succeeding **Bob Fickett**, who becomes executive chairman and strategic adviser ... Comcast names EmployBridge’s **Quiana Pinckney**, also ex-Home Depot, vice president-employee communications at its Central Division headquarters in Atlanta. Zebra Technologies promotes **Joe White** to chief product and solutions officer, filling role vacated when **Bill Burns** became Zebra’s CEO earlier this month ... Cyber resilience company Immersive Labs names **Eric Johnson**, ex-Interos, chief revenue officer, and **Julie Chapman**, former IBM and Adobe, senior vice president-customer experience ... Entertainment technology company Solotech taps Mels Studios & Postproduction’s **Martin Carrier** as president-live productions, Canada, effective April 24 ... Freedom Technologies promotes **Jay Chauhan** and **Colin Alberts** to senior vice president ... Twilio adds **Charlie Bell**, Microsoft executive vice president-security, compliance identity and management, to its board; **Richard Dalzell**, former Amazon chief information officer, won’t seek reelection to Twilio’s board ... Thunderbird Entertainment adds Nobul Technologies CFO **Lisa Coulman** to its board.

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