

Telecom Alert: Minnesota 911 Tariff Complaint; Data Privacy Bill; Broadband Data Collection Enforcement Advisory; Spectrum Innovation Act [Vol. XIX, Issue 25]

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Minnesota 911 Tariff Complaint

The Minnesota Public Utilities Commission ("PUC") issued a [Notice of Comment Period](#) on June 6 seeking input on whether it should open an investigation into 10 Local Exchange Carriers ("LECs") following a Department of Public Safety ("DPS") [Complaint](#) in May. The DPS recently engaged LECs to facilitate migration to new points of interconnection to support its Next Generation 911 transition. DPS agreed to pay case-based rates to compensate LECs for the cost of delivering 911 calls, but 10 LECs refused to migrate unless DPS paid charges based on tariffs the DPS considered "outdated." The PUC is seeking comments and reply comments relating to the potential investigation by July 8 and July 29, respectively.

Bipartisan Federal Data Privacy Bill Released

On June 3, House and Senate leaders released a discussion draft of the [American Data Privacy and Protection Act](#). The Act governs the collection, processing, and transfer of "covered data" by entities subject to the jurisdiction of the Federal Trade Commission (FTC), non-profits, and telecommunications common carriers, and the term "covered data" is broadly defined to include information that identifies or is linked or reasonably linkable to an individual or a device that identifies or is linked or reasonably linked to an individual. The Act imposes a duty to ensure that data collection is reasonably necessary, proportionate, and limited, a duty to implement reasonable policies, practices, and procedures for collecting, processing, and transferring covered data, and heightened security measures for sensitive data. The Act also requires that covered entities provide privacy policies, prohibits targeted advertising to individuals under age 17, and includes individual rights to access, delete, correct, and export data. Large data holders would be required to ensure their algorithms do not violate consumers' civil rights. Violations would be treated as an unfair or

deceptive act or practice under the FTC Act, and the Act also provides a private right of action. The Act would largely preempt state privacy laws, with some exceptions.

Broadband Data Collection Enforcement Advisory

Last week, the FCC issued an [Enforcement Advisory](#) reminding facilities-based providers that a failure to timely file the required data in the new Broadband Data Collection (“BDC”) system may lead to enforcement action ([Vol. XIX, Issue 23](#)). Providers may begin submitting their data on June 30, 2022 and must complete their submissions by September 1, 2022. The Commission established a base forfeiture of \$15,00 per violation for providers that file materially inaccurate or incomplete information.

Spectrum Innovation Act of 2022 Amended

On June 15, Congressman Bob Latta (R-OH) offered an [Amendment in the Nature of a Substitute](#) to the Spectrum Innovation Act of 2022 ([Vol. XIX, Issue 18](#)) which was unanimously agreed upon. The Act would authorize an auction of 200 MHz of spectrum in the 3.1-3.45 GHz band for non-federal and shared federal and non-federal use. If passed, the proceeds from the auction will be used to fund Next Generation 911 (“NG911”) grants and the Secure and Trusted Communications Network Reimbursement Program.

Gregory Kunkle, Casey Lide, Thomas Magee, Tracy Marshall, Kathleen Slattery Thompson, Sean Stokes, and Wesley Wright also contributed to this article.

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