

What's New in Wireless - March 2024

Article By:

Angela Y. Kung

Christen B'anca Glenn

The wireless industry has revolutionized the way we connect, from facilitating teleworking, distance learning, and telemedicine to allowing the American public to interact virtually in almost all other aspects of their daily lives. Leading policymakers – federal regulators and legislators – are making it a top priority to ensure that the wireless industry has the tools and resources it needs to keep pace with this evolving landscape. This blog provides monthly updates on actions by federal regulatory bodies responsible for communications policy and Congressional efforts to support wireless connectivity. And this month we highlight the FCC's grant of the remaining licenses won in the auction for spectrum in the 2.5 GHz band.

Regulatory Actions and Initiatives

The FCC Grants All Remaining 2.5 GHz Band Licenses. Following enactment of the [5G SALE Act](#), the FCC's Wireless Telecommunications Bureau ("WTB") released a [Public Notice](#) on February 29, 2024, announcing the grant of 7,156 licenses for spectrum in the 2.5 GHz band, the auction for which concluded nearly two years ago on August 29, 2022, to T-Mobile License LLC ("T-Mobile"). A list of the licenses, sorted by market, is available [here](#). Two days prior, the WTB and the Office of Economics and Analytics (together, the "Bureaus") released a [Memorandum Opinion and Order](#) denying AT&T Services, Inc.'s ("AT&T's") petition to deny T-Mobile's long-form application for its 2.5 GHz licenses. The Bureaus found that AT&T's petition did not contain specific allegations sufficient to show that AT&T is likely to suffer competitive harm from the grant of the licenses to T-Mobile. Nevertheless, the Bureaus imposed T-Mobile's voluntary divestiture commitments, for the relinquishment of certain spectrum in Hawaii, as a condition to their approval of T-Mobile's long-form application and grant of the licenses.

The WTB also released a [Public Notice](#) on February 27, 2024, announcing that it has granted two applications for spectrum licenses in the 2.5 GHz band: one filed by Quick Current-Iowa LLC and the other filed by Quick Current-Nebraska LLC. A list of the licenses, sorted by licensee, is available [here](#), and a list of the licenses, sorted by market, is available [here](#). The FCC has now processed all long-form applications and issued all licenses won during the auction – the last spectrum auction conducted by the FCC before its authority to conduct spectrum auctions expired a year ago on March 10, 2023.

Wireless Spectrum

FCC Announces Start of the Enhanced Competition Incentive Program. On February 15, 2024, the WTB released a [Public Notice](#) announcing that it will begin accepting assignment and lease applications from wireless spectrum licensees to participate in the Enhanced Competition Incentive Program (“ECIP”). The ECIP establishes incentives for wireless licensees to make underutilized spectrum available by partitioning, disaggregating, and leasing their spectrum to small carriers, Tribal Nations, and entities serving rural areas in exchange for certain benefits such as longer or more relaxed buildout requirements. Licensees may now file an application seeking ECIP benefits by electronically filing FCC Form 603 (for assignments, partitions, and disaggregations) or FCC Form 608 (for lease arrangements). Applications that were filed, or have not yet been consented to, prior to February 15, 2024, are not eligible for processing under the ECIP, nor can they be amended to take advantage of the ECIP. Those applicants will be required to withdraw their applications and re-file if they wish to seek ECIP benefits.

The FCC Grants Relief for 3.5 GHz Band Spectrum Users in California and Hawaii. The WTB released an [Order](#) on February 8, 2024, conditionally granting Google’s [request](#) for a precautionary, limited, and conditional emergency waiver of the rules that require Environmental Sensing Capabilities (“ESCs”) in Dynamic Protection Areas (“DPAs”) to detect and protect federal incumbent users in the 3.5 GHz band from harmful interference. The WTB noted that recent rainstorms and high winds in California have caused widespread power outages that could cause certain DPAs to be “activated.” It therefore granted Google a waiver to treat these DPAs as “inactive” for the duration of the waiver authority, relieving its ESC of the detection requirement. The WTB added that grant of the waiver will also allow Google to provide uninterrupted service to hundreds of Citizens Broadband Radio Service Devices that provide critical broadband, IP telephone, and television services.

In addition, the WTB and the Office of Engineering and Technology released a [Public Notice](#) approving the new ESC sensor deployment and coverage plans of CommScope, Federated Wireless, and Google. CommScope, Google, and Federated Wireless are now authorized to operate their ESC sensors in certain DPAs in Hawaii. CommScope, Federated Wireless, and Google must operate in conjunction with at least one Spectrum Access System (“SAS”) that has been approved for commercial deployment and provide the FCC with a notification that affirms that their sensors are constructed and operational and that includes the name(s) of the approved SAS before they may provide commercial services.

Wireless Networks and Infrastructure

The FCC Releases a Draft Item that Would Facilitate Supplemental Coverage from Space. On February 22, 2024, the FCC released a draft [Order and Further Notice of Proposed Rulemaking](#) that would, if adopted, facilitate the deployment of Supplemental Coverage from Space (“SCS”). Specifically, the Order would provide a framework and technical and service rules that would allow a terrestrial provider to expand its coverage of wireless services through a lease agreement or arrangement with a satellite operator. The Further Notice of Proposed Rulemaking would seek comment on whether the FCC should modify requirements for routing SCS 911 voice calls and text messages, and it would seek comment on additional ways to improve the coexistence of radio astronomy and SCS. Comments and reply comments on the Further Notice of Proposed Rulemaking would be due 30 and 60 days, respectively, after publication in the Federal Register. The Commission will vote on the Order and Further Notice of Proposed Rulemaking at its open meeting on March 14.

The FCC Releases a Draft Order that Would Create a Voluntary Cybersecurity Labeling Program for IoT Products. On February 22, 2024, the Commission released a draft [Report and Order](#) (“Order”) that would, if adopted, establish a voluntary Internet of Things (“IoT”) cybersecurity labeling program (“IoT Labeling Program”) based on the criteria developed by the National Institute for Standards and Technology (“NIST”). The FCC IoT Cybersecurity Label (“FCC IoT Label”) would include the U.S. Cyber Trust Mark and a QR Code linking to a product registry with more information about the device. Initially, the IoT Labeling Program would be open to wireless consumer IoT products, including IoT devices and other product components. The FCC would establish a two-step process for certifying a device’s eligibility to bear an FCC IoT Label, involving product testing and approval by a Cybersecurity Labeling Administrator. The Commission will vote on the Order at its March open meeting.

The FCC Grants a Waiver, Allowing a Wireless Emergency Alert Test. On February 20, 2024, the FCC’s Public Safety and Homeland Security Bureau (“PSHSB”) released an [Order](#) granting a [request for waiver](#) filed by Huron County Emergency Management Agency (“Huron County”) of the Wireless Emergency Alerts (“WEA”) rules. The waiver will allow Huron County, which has experienced several natural and manmade incidents where WEA could have been used to protect the public, to conduct an end-to-end WEA test received by the public by default. The PSHSB subsequently [granted](#) Huron County’s [second waiver request](#), allowing Huron County to conduct the test on March 20, 2024 at 9:45 a.m. EDT – the same day that the State of Ohio will be conducting its annual Statewide Tornado Drill – promoting coordination between local, state, and federal agencies.

The FCC Grants Rip-and-Replace Extension Requests and Releases New Guidance on Rip-and-Replace Spending Reports. On March 1, 2024, the FCC’s Wireline Competition Bureau (“WCB”) released a [Public Notice](#) addressing seven Reimbursement Program extension requests under its streamlined process announced in [January](#). The WCB granted six-month extensions for all seven requests, including two that were a participant’s second extension – meaning those two participants have now received a one-year extension from their original deadlines. In most cases, the extension was based on a lack of funding materially affecting a participant’s ability to complete the required work, and in some cases, the basis was supply chain issues causing delays in the delivery of replacement equipment. To the extent any of these requests sought an extension on any other additional grounds, the WCB did not address them. As the WCB previously explained, under its streamlined process, petitions that do not involve complicated and/or controversial issues and are consistent with FCC precedent – *i.e.*, that offer the same basis as previous extensions – will be addressed by a public notice no more frequently than monthly. Petitions for reconsideration or applications for review of these extensions must be filed by March 30.

Relatedly, on February 9, 2024, the WCB released a [Public Notice](#) announcing that a new user guide has been published related to the Secure and Trusted Networks Reimbursement Program (“Reimbursement Program”). Specifically, new user guidance was released on the spending reports that must be submitted by participants in the Reimbursement Program. The new user guide is available [here](#) and can be found on the FCC’s [website](#).

Legislative Efforts

The House Introduces a Bill to Promote Wireless Broadband Deployment. On February 15, 2024, Representative Harshbarger introduced the [Wireless Broadband Competition and Efficient Deployment Act](#). If enacted, the bill would exempt a project for the collocation of a personal wireless service facility from environmental or historical preservation review, expediting wireless broadband deployment. The bill is currently in committee.

The Senate Introduces a Bill to Codify NTIA's Research and Engineering Laboratory. On February 8, 2024, Senator Tammy Duckworth introduced the [ITS Codification Act](#), which, if enacted, would amend the NTIA Organization Act to provide statutory authority for the Institute for Telecommunication Sciences – the telecommunications research and engineering arm of NTIA. The bill is currently in committee, and a similar [bill](#) was introduced in the House last year.

©1994-2025 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. All Rights Reserved.

National Law Review, Volume XIV, Number 66

Source URL: <https://natlawreview.com/article/whats-new-wireless-march-2024>