

Telecom Alert: \$950k Settlement for 911 Outage; FCC Adopts UAS Rules; FCC Adopts 5G Fund Rules; Fifth Circuit Stays USF Ruling [Vol. XXI, Issue 36]

Article By:

Wesley K. Wright

Timothy A. Doughty

Sean Stokes

Eric P. Gotting

Casey Lide

\$950,000 Settlement for 911 Outage

The FCC [announced](#) a \$950,000 settlement with AT&T to resolve an investigation into whether the company violated the Commission's rules by failing to deliver 911 calls and failing to timely notify 911 call centers of an outage. Due to inadvertent disablement of a portion of AT&T's network during testing on August 22, 2023, an outage lasting over an hour resulted in 400 failed 911 calls in Illinois, Kansas, Texas, and Wisconsin. The FCC requires all 911 calls be delivered to public safety call centers and that providers notify the call centers of outages they experience. AT&T will be required to implement a three-year compliance plan.

FCC Adopts UAS Rules

The FCC [adopted](#) new rules to enable operations in the 5 GHz spectrum band for wireless communications necessary to control the flights of uncrewed aircraft systems ("UAS"). UAS operators will be able to obtain direct frequency assignments in a portion of the 5030-5091 MHz band for non-networked operations. Dynamic frequency management systems ("DFMS") will be used to manage and coordinate access to the spectrum by providing temporary frequency assignments to requesting operators. Before the DFMS is in operation, an interim access mechanism will allow operators to submit a request to the FAA, and upon FAA authorization, register online with the FCC.

FCC Adopts 5G Fund Rules

The FCC [adopted](#) new rules to target investment for the deployment of 5G mobile wireless broadband services in rural communities, reigniting the 5G Fund for Rural America (“5G Fund”). In Phase 1 of the 5G Fund, the Commission will use a multi-round reverse auction to distribute up to \$9 billion for voice and 5G mobile broadband service in rural areas. The 5G fund also now includes up to \$900 million in incentives to incorporate Open Radio Access Network (“Open RAN”) technology in 5G Fund-supported networks. The areas eligible for 5G Fund Phase I support have been modified to include areas in Puerto Rico and the U.S. Virgin Islands, and the rules proportionally increase the 5G Fund budget for Tribal communities.

Fifth Circuit Stays USF Ruling

The U.S. Court of Appeals for the Fifth Circuit issued a stay of the court’s decision to overturn the mechanism the FCC uses to assess and collect contributions for the Universal Service Fund (“USF”). In July, the Fifth Circuit found that the USF, and its management by the Universal Service Administrative Company (“USAC”), violated the nondelegation doctrine and the Appointments Clause of the Constitution. The stay will remain in effect until October 1, 2024, unless the FCC files a petition for a writ of certiorari to the Supreme Court on or before September 30, 2024.

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