

Final 3.5 GHz Rules, Proposed Special Access Rules, Proposed RTT Rules, Unfair Billing Suit, UTC 2016

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Final 3.5 GHz Rules

Last week the FCC [adopted an Order on Reconsideration](#) reaffirming its new 3.5 GHz band rules. The Order resolved three outstanding issues regarding the FCC's Citizens Broadband Radio Service, which consists of a three-tiered access framework for the band (Incumbent Access, Priority Access, and General Authorized Access). First, the Commission announced it would take an engineering-based approach for determining when a Priority Access License is in use. Second, it stated it will adopt a flexible secondary market regime for Priority Access Licenses, and lastly it "adopts protections that will be tailored to the characteristics of each grandfathered earth station."

Proposed Special Access Rules

As predicted [last month](#), the FCC last week proposed a competitively-neutral regulatory scheme for interstate business data services, also known as "special access services." The proposal seeks to revise the Commission's special access rules based on several principles, including treating Ethernet and TDM-based services equally, limiting rate regulation, and detariffing special access services. The document also resolves the agency's investigation into existing special access tariffs filed by four major wireline carriers. The agency reportedly found that certain terms and conditions of special access tariffs were unjust and unreasonable and decreased facilities-based competition while inhibiting the transition to new technologies. The FCC has not released the text of the decision, but the agency provided some details as part of a [News Release](#).

Proposed Real-Time Text Rules

Last week, the FCC issued a [Notice of Proposed Rulemaking](#) to facilitate a transition from text telephone technology (TTY) to IP-based, real-time text (RTT) communication for people who are deaf, hard of hearing, speech disabled, and deaf-blind. The FCC's rules contain several requirements for compatibility with TTY technology, including that commercial wireless providers be capable of transmitting 911 calls from individuals who are deaf, hard of hearing, or speech disabled, through TTY technology. The FCC has granted several waivers of these rules recently, including one

filed on behalf of the [Competitive Carriers Association](#). The waivers granted temporary relief from these TTY requirements and recognized that RTT represents an acceptable technological alternative that enables real-time communication via text in IP-based networks. The NPRM would codify this recognition and, among other things, require Tier I wireless carriers to implement RTT by the end of 2017.

Amazon Unfair Billing Suit

A Federal Trade Commission's [request for Summary Judgment](#) against Amazon, Inc. was granted last week in a case related to unauthorized charges. The Order found that Amazon received many complaints from consumers about surprise in-app charges incurred by children within apps advertised as "free." The FTC originally filed its case against Amazon in July of 2014. The Order requires representations from the FTC and Amazon regarding the monetary relief Amazon owes customers as a result of its unlawful practices.

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