

Communications Daily

The authoritative news source for communications regulation



A service of WARREN COMMUNICATIONS NEWS

THURSDAY, MARCH 19, 2020

VOL. 40, NO. 54

Top News

As FCC's Pai, NAB's Smith Seek Pause in TV Blackouts, Some MVPDs on Board	2
COVID-19's Threat to 911 May Be Inside the Call Center	4
Senate Dems Eye Broadband Resiliency Language, Distance Learning Grants in Next COVID-19 Bill	6
Virus-Related Regulatory Review Changes Not Seen Having Big Impact on M&A	7
Sen. Paul Optimistic About FISA Revisions After Senate Extension	9
Epidemic Still Forcing Industry Cancellations, Accommodations.....	10

Comm Daily® Notebook

Wireline Bureau Waives Gift Rules in E-rate, RHC USF Programs Through September	11
---	----

Capitol Hill

Trump Renominates O'Rielly to FCC Term Ending in 2024.....	12
--	----

Wireline

Wireline Bureau Slows Jaguar Review at DOJ Request	12
New Submarine Cable Outage Reporting Rules Effective April 20.....	12

Wireless

NARUC President Urges FCC to Lift Wireless Data Caps, End Overage Fees.....	13
Consumer Groups Seek Changes to Proposed HAC Rules	13
Microsoft Details Actions FCC Could Take Now on Pandemic	13

Internet

White House Credits Tech Industry for Online Teaching Website.....	14
Alphabet's COVID-19 Project Takes Pause	14

State Telecom

Maryland General Assembly Passes Digital Tax Bill.....	14
Telemarketing Banned During New York State of Emergency	15

Telecom Notes

FCC Should Mandate Unlimited Lifeline Minutes, NCLC Urges	15
Waive Access Stimulation Rules to Allow Conference Calling Surge, Inteliquent Asks.....	15

Consumer Electronics

Purdue Researchers Develop Multiplayer VR Approach for Smartphones.....	16
---	----

Broadcast

Trump Administration Partners With Ad Council, Broadcasters on Coronavirus PSAs 16

Media Notes

Platform Content Liability Likely to Face Ongoing Fights, Lawyers Say 17

Satellite

Sirius XM Details 6 GHz Concerns in Calls With Commissioner Aides 17

Communications Personals 17

Top News**ACA Backs Pai Request****As FCC's Pai, NAB's Smith Seek Pause in TV Blackouts, Some MVPDs on Board**

Some communications stakeholders are on board with calls to halt retransmission consent blackouts for the next 60 days during the COVID-19 pandemic. Tuesday, FCC Chairman Ajit Pai made such a [request](#), and ACA Connects quickly [endorsed](#) it. NAB CEO Gordon Smith in Q&A with us Wednesday made a similar request and supported broadcasters doing their part. After he spoke, some cable operators made similar comments.

“It’s important that everyone work together during this difficult time,” an NCTA spokesman emailed us. “Members will continue to work cooperatively with broadcasters during this emergency to avoid any disruption of programming to our customers.” Cox Communications will “work with programmers to make sure no signals are pulled during this time of crisis,” its spokesperson emailed.

Communications challenges posed by the coronavirus prompted Smith to seek help from cable and satellite TV providers and social media (see [2003180030](#)). He wants social media platforms to work with broadcasters to combat what he called fake news. He said the platforms can also work with newspapers on such an initiative.

“Broadcasters don’t want to see service interruptions of any kind,” Smith said Wednesday in a C-SPAN interview for *The Communicators*, answering our questions. “Hopefully, our friends on the cable and satellite side will kind of stand down.” In past crises, TV stations have a “history of doing that and I have no reason to believe that won’t continue,” Smith said. The interview will be posted [here](#) and televised.

Pai had urged TV stations to work with MVPDs to avoid retrans disruptions during the next 60 days, and asked broadcasters to air public service announcements featuring celebrities plugging social distancing. In a conference call Monday, the FCC said, Pai “asked broadcasters to work with cable and satellite operators to avoid service disruptions during the next 60 days, such as by agreeing, if necessary, to short-term extensions to expiring retransmission consent agreements.” FCC spokespeople declined to comment Wednesday.

ACA Connects endorsed Pai’s “suggestion that broadcasters and MVPDs work to maintain a ‘quiet period’ to avoid disruption during this national emergency. We will ask our members to respect this quiet period and expect that they will do so.” The small-cable operator group didn’t comment further Wednesday.

NCTA declined to comment. AT&T, owner of DirecTV, and Dish Network didn't comment, nor did Altice, Charter Communications or Comcast.

Smith's point is "broadcasters will be reasonable in these situations, and he hopes/expects the pay-TV providers to do the right thing, too," his spokesperson emailed us later. The representative cited Dish and Cox Media Group suspending a blackout.

Dish restored CMG's Northwest Broadcasting two dozen-plus stations, it announced Tuesday. Dish "is committed to ensuring that our customers have access to critical local news coverage regarding COVID-19," said Senior Vice President-Programming Andy LeCuyer in a statement. CMG didn't comment Wednesday.

The American Television Alliance consortium of pay-TV operators, with [members](#) including many major MVPDs like AT&T, is "mindful of the unprecedented situation facing our country," emailed ATVA Executive Director Mike Chappell. "We trust the broadcasters will join us in doing what we can to protect the public." AT&T had referred us to ATVA.

Fox began offering Fox News Channel and the company's TV stations free. "Partnering with our pay-TV partners," the programmer will make the channel and stations "available to all of their customers, regardless of their specific package, at no additional fee," it [announced](#). The company will stream that content for free. It's "partnering with the Ad Council" and NAB to "air public service announcements about coronavirus across our platforms." Pai seeks that from all broadcasters. Fox News Media CEO Suzanne Scott and Fox Television Stations Chief Jack Abernethy thanked "our distribution partners, who played an important role in helping make" the "news sources available more broadly."

NAB Show

The spreading virus had prompted NAB to cancel its annual show in Las Vegas, which Smith Wednesday described as a "huge loss." The association is "going to do our best to replace that week's time with a digital platform," Smith said of the convention. He forecast an "enhanced NAB Show New York [in](#) October, where our attendees can kind of kick the tires of new technology and content ideas."

The association is "calculating the impact" from not going forward with NAB Show, which Smith noted usually gets about 100,000 attendees in some million square feet. The "agonizing" decision was made "before there was tremendous insistence by the government that [Americans] cancel" such gatherings, Smith said. Our report on the cancellation is [online](#) in front of our pay wall, where we have put some of our other coverage of the epidemic.

NAB staff is teleworking even as the group is moving its headquarters from Washington's Dupont Circle area to the neighborhood where the Nationals play baseball, Smith said: The relocation is "on track." The move to "the new building is slated for April 6," when it "will be ready to enter," the spokesperson emailed. "We'll be monitoring the coronavirus situation between now and April 6 to determine if the actual move-in is appropriate, or whether an extension of telecommuting is warranted for the time being."

Smith would have asked Pai on stage during NAB Show questions including about ownership restrictions that don't apply to social media platforms, the trade group executive said. "We do need scale to compete with these new entrants in communications." He thinks "it's in the interest of social media to have relationships that have economic value" and include broadcasters and newspapers "to get localism. They

need to [increase] the integrity of their platforms.” He would like to see “a more earnest effort” than tech companies have made. He said “a lot of falsehoods” and “slanders occur” and “spread like a virus” online.

Many News Media Alliance member newspapers “have lifted subscriber paywalls and have developed special, free coronavirus-related newsletters,” emailed Senior Vice President-Public Policy Paul Boyle. “Digital readership is up about 30 to 50% from this time last year.” It’s “not necessarily translating into dollars as advertisers are beginning to pull back,” he noted.

The Internet Association, Facebook, Google and Twitter didn’t comment on working with newspapers and broadcasters. — *Jonathan Make*

[Share Article](#)

'Closed Environment'

COVID-19's Threat to 911 May Be Inside the Call Center

Keeping 911 call takers safe is critical to maintaining emergency call systems during the U.S. COVID-19 outbreak, said stakeholders in interviews this week. APCO, the National Emergency Number Association and National Association of State 911 Administrators (NASNA) leaders are less worried about a potential surge in calls as there might be in a hurricane. Wider deployment of next-generation 911 would give call takers and responders more flexibility, they said.

APCO members are “extremely concerned” about maintaining staff to respond to 911 calls at public safety answering points, said Senior Counsel Mark Reddish. “A crisis in staffing” preceded the pandemic “in 911 centers throughout the country,” with high attrition, he said. “Then you think about having a forced quarantine and maybe losing 25% or more of your staff—that’s what makes people so anxious.”

	<p>EDITORIAL & BUSINESS HEADQUARTERS 2115 Ward Court, N.W., Washington, DC 20037</p>	<p>Business</p>
<p>(ISSN 0277-0679) PUBLISHED BY WARREN COMMUNICATIONS NEWS, INC. Jonathan Make Executive Editor Howard Buskirk Associate Managing Editor</p>	<p>Albert Warren Editor & Publisher 1961–2006</p>	<p>Sheran Fernando Chief Operating Officer Brig Easley Exec. VP-Controller Gregory E. Jones Director of IT Services Annette Munroe Director of Operations Katrina McCray Office Manager Loraine Taylor Administrative Assistant</p>
<p>Warren Communications News, Inc. is publisher of Communications Daily, Warren’s Washington Internet Daily, Consumer Electronics Daily, International Trade Today, Export Compliance Daily, and other specialized publications.</p>	<p>Paul Warren Chairman and Publisher Daniel Warren President and Editor Jonathan Make Executive Editor Paul Gluckman Executive Senior Editor Howard Buskirk Executive Senior Editor Rebecca Day Senior Editor Matt Daneman Senior Editor Monty Tayloe Associate Editor Adam Bender Associate Editor Jimm Phillips Associate Editor Monica Hogan Associate Editor Karl Herchenroeder Assistant Editor Debra Rubin News Editor</p>	<p>Sales</p>
<p>Send news materials to newsroom@warren-news.com</p>	<p>Michael Feazel Consulting Editor</p>	<p>William R. Benton Sales Director Bruce Ryan Account Manager Jim Sharp Account Manager Lisa Price Account Manager Matt Long Account Manager Matt Peterson Account Manager</p>
<p>Follow <i>Communications Daily</i> on Twitter: https://twitter.com/Comm_Daily</p>	<p>International Trade Today</p>	<p>Phone: 202-872-9200 Fax: 202-318-8984 https://warren-news.com Email: info@warren-news.com</p>
<p>Follow Warren Communications News on Facebook: https://www.facebook.com/WarrenCommunicationsNews</p>	<p>Tim Warren Managing Editor Brian Feito Deputy Managing Editor Mara Lee Associate Editor Ian Cohen Associate Editor</p>	<p>Advertising Sales Representation by Richard Nordin, Group Nordin Phone: 703-819-7976 Fax: 202-478-5135 richard@groupnordin.com</p>
<p>Copyright © 2020 by Warren Communications News, Inc. Reproduction in any form, without written permission, is prohibited.</p>		
<p>Copies of this issue may be purchased for \$50 each by contacting sales@warren-news.com.</p>		
<p>By using our email delivery service, you understand and agree that we may choose to use a tracking service to ensure electronic delivery accuracy and monitor copyright compliance. This service provides us certain technical and usage data from any computer that opens the Executive Summary or the complete newsletter. We will not share this information with anyone outside the company, nor will we use it for any commercial purpose. More information about our data collection practices is at https://communicationsdaily.com/privacy.</p>		

An influx of calls isn't as much of a concern as “ensuring you have appropriate staffing levels,” said NENA 9-1-1 and PSAP Operations Director April Heinze: most PSAPs can't support remote working.

What to do if one or more 911 centers must be shut down is an important question, said NASNA Executive Director Harriet Rennie-Brown: “How are they going to start re-shifting that workload?” The concern is one infected staff member putting co-workers at risk, she said. Keeping 911 centers “clean and healthy” is critical “because that's always been a closed environment,” said Rennie-Brown, citing her experience as Michigan's 911 administrator during the H1N1 swine flu. Call takers should have their own headsets, she said.

To mitigate COVID-19 spread into the PSAP, some centers are restricting who can come on the floor, NENA CEO Brian Fontes said. Centers may have arrangements with other operations to handle call loads if a facility shuts, he said. Other steps include limiting staff travel, giving individual employees their own mice and keyboards, and increasing cleaning, said Reddish. Centers are referring to and sometimes revising continuity-of-operations plans, he said.

Reddish heard one center is considering quarantining healthy staff at work if someone is infected. The center has a kitchen and locker room, and cots would be provided, he said. It “isn't that an agency's about to do that tomorrow,” but it's about planning for an extreme situation and doing what you “need to do to continue serving the public and [first] responders.” Rennie-Brown said “everybody is looking at what their options are.”

“911 across the nation has been preparing with emergency management for the last few weeks,” said Heinze. Much planning was done for the 2003 SARS outbreak, she noted. It's “not very difficult to take those pre-plans and update them and move them forward.” Refresh call intake protocols and account for any adjustments to first responder dispatching, she recommended.

People were worried about personnel risk during 2014's Ebola outbreak, noted Reddish, who was a responder then. “What might be different about [coronavirus] is there is more a feeling of community risk.”

Sharing Information

“The big thing right now is the unknown,” so information sharing is critical, said Rennie-Brown. “People are hungry for reliable information.” State 911 administrators are coordinating resources for 911 centers, and NASNA [posts](#) guidance, she said. “Many 911 centers are reminding people that CDC.gov is the definitive place for accurate and up-to-date information on COVID-19.”

Public outreach that explains whom to call and when can help reduce non-emergency calls to 911, said Reddish. APCO set up a [webpage](#) and [forum](#).

NENA shared guidance on when to call 911: Do so “if you are exhibiting emergency warning signs of COVID-19 that may include a high fever, difficulty breathing/shortness of breath, persistent pain/pressure in the chest, confusion, or bluish lips/face.” Resources are [here](#).

Washington state's 911 office “has been in lock step with the WA Department of Health and Emergency Management Division,” said the office in a message shared with us by Rennie-Brown. “DOH has drafted guidance and questions that we have pushed out to our PSAPs to ask when they get a call with

potential infection.” The office reminded PSAPs to be prepared to invoke continuity-of-operations plans “because if one person tests positive in a PSAP it will likely be shut down even if only for a brief time.”

“We are following recommendations from the Oklahoma health department for 9-1-1 employees and putting out education material to management,” and ensuring PSAPs have emergency medical guide cards with additional questions, said the Oklahoma state 911 office in another email shared by NASNA.

NG-911

NG-911’s interoperability and ability to shift calls would give “a lot more flexibility in the face of the unknown,” said Rennie-Brown.

Most states don’t have NG-911 and it’s partly deployed in others. The technology would allow calls to be quickly routed if a center were hard hit, NENA’s Fontes said. Medical data points such as if the caller has a fever and is part of the vulnerable population could be associated with an NG-911 call, he said. “That would better prepare responders” and hospitals where the individual is going, he said.

If a 911 center doesn’t have enough staff or is shut down, it’s not simple to transfer calls elsewhere under the legacy system, said Reddish. “It’s not the case where calls dynamically get re-routed, necessarily.” Wider deployment of NG-911 would allow that, he said. Call takers can’t work remotely, though the idea of virtual call centers “gets kicked around” in NG-911 conversations, he said.

Alabama has an NG-911 network. Its next-gen core services and Emergency Services IP Network provider INdigital has a “pandemic policy routing” procedure and other network flexibility capabilities “so that we can keep our 9-1-1 calls answered ... even by someone not sitting in a PSAP, should a PSAP suffer an exposure,” said the Alabama 911 office in an email shared by Rennie-Brown.

APCO implemented employee travel restrictions and is allowing remote working “to reduce close interaction with others,” CEO Derek Poarch emailed members and others Wednesday. “There will be representatives of key departments on a rotational basis in the office every day from 8 a.m. to 4 p.m. EDT.” — *Adam Bender*

[Share Article](#)

McConnell: 'We Aren't Leaving'

Senate Dems Eye Broadband Resiliency Language, Distance Learning Grants in Next COVID-19 Bill

Senate leaders looked ahead Wednesday to plans for a third funding package aimed at economic losses and a possible recession caused by the COVID-19 pandemic. The chamber approved the House-passed Families First Coronavirus Response Act (HR-6201) on a 90-8 vote, sending it to President Donald Trump for signature. Senate Minority Leader Chuck Schumer, D-N.Y., continued his push for any additional funding legislation to also address pandemic-related infrastructure issues, including broadband capacity and distance learning resources (see [2003170014](#)).

“We’re going to pass [HR-6201], but its imperfections will just make our more comprehensive package more urgent,” said Senate Majority Leader Mitch McConnell, R-Ky., before the final vote. “So we aren’t leaving—everybody understand that—we aren’t leaving, until we deliver.” Schumer said the econ-

omy “will get better” if the U.S. “can curb this virus,” but “if you ignore the public health crisis with the equipment and infrastructure and personnel that is needed in many more numbers than we’ve ever seen, the economy won’t get better.”

Senate Democrats’ \$750 billion proposal for the additional funding bill pushes for aid for distance learning resources because “students and teachers of K-12 institutions and colleges are telling us they do not have enough resources to teach and learn remotely over the Internet,” said a follow-up memo from Schumer we obtained. It calls for “distance education capacity grants for under-resourced [historically black colleges and universities], Tribal colleges, and [minority-serving institutions] that need to quickly switch to online education formats but struggle with the digital divide.”

“There is a great need for resilient infrastructure that is localized and resilient for this crisis and the next one,” Schumer’s memo said. That would include “broadband build-out to assist those Americans working and conducting their personal business from home, individuals seeking telemedicine, and students learning remotely.” Coronavirus-related broadband funding “could be coupled with an emergency injection into the Universal Service Fund and cap increases provided to the E-Rate, Lifeline and the Rural Health Care programs.”

The proposal memo mentions a need for legislation to “require the FCC to waive existing E-Rate rules to allow schools to issue Wi-Fi hotspots or devices to students who lack internet access at home.” The FCC Wireless Bureau allowed Rural Health Care and E-rate program participants to seek through Sept. 30 “improved connections or additional equipment for telemedicine or remote learning during the coronavirus outbreak.” That lets healthcare providers, schools and libraries get improved capacity, Wi-Fi hot spots, networking gear, and other equipment and services (see [2003180054](#)).

Senate Democrats “propose a new program modeled after the Department of Education’s [Enhancing Education Through Technology (E2T2)] ed-tech program” to “address those students, including university-level, without devices.” The E2T2 program provided funding to promote the use of technology for student learning before Congress defunded it in 2011.

The memo also seeks “special considerations within FCC and Department of Agriculture programs to help better bridge the gap in available, reliable Internet connectivity in Indian Country. With schools potentially implementing tele-education and the increased need for telemedicine as physicians are required to focus on COVID-19 response, immediate and flexible funding is needed by tribes to ensure none of their citizens are left behind.” Tribal colleges and universities “should also be eligible for USDA funds as other land grant universities are provided resources,” the memo said. — *Jimm Phillips*

[Share Article](#)

FTC, DOJ Slowdowns

Virus-Related Regulatory Review Changes Not Seen Having Big Impact on M&A

Regulatory reviews of mergers and acquisitions aren’t expected to face major COVID-19-related slowdowns despite FTC suspension of early terminations (see [2003130075](#)) or DOJ Antitrust Division [announcing](#) it will seek extra time to complete its review work and leaving the door open to extending that timeline further, experts told us. Few deals necessitate second information requests by DOJ and that extra

time won't materially change how transactions play out, said Holland & Knight antitrust lawyer David Kully, former chief of the DOJ radio and TV M&A section.

Early terminations have sometimes been slowed by government shutdowns, though never turned off altogether, said Arnold & Porter antitrust lawyer Debbie Feinstein, formerly FTC Competition Bureau director. She said the lack of early terminations shouldn't translate into higher legal or other costs for combining companies, but the deals could run afoul of changing market conditions.

Most if not all FTC staff is set up to telework, a spokesperson emailed. The agency said it's "not unique in making adjustments to business as usual" given the pandemic. It said its investigations involve production of documents from the combining parties, plus documents from and interviews with third parties, and "companies right now are focused on taking care of their employees and maintaining business operations; their priorities right now often do not include producing documents and making personnel available for interviews." The agency said its staff "is fully operational but the Commission will not sacrifice the scope and thoroughness of its investigations due to current limitations and timing concerns. We are looking at each case individually and will seek to adjust timing as needed."

The FTC posted a series of early terminations this week before suspending further postings. They included FaceBank Group's [buy](#) of vMVPD fuboTV, Altice founder Patrick Drahi's [buy](#) of the Edward Walson 2011 Revocable Trust including Service Electric Cable TV of New Jersey, and Newhouse's [purchase](#) of mobile game developer Scopely.

Aside from seeking an extra 30 days in timing agreements to complete its transaction review, DOJ said it will do all meetings by phone or videoconference where possible, and all scheduled depositions will be rescheduled and done via videoconferencing. Antitrust Chief Makan Delrahim said the actions were to "protect the health and safety of its work force and the parties that appear before it" and should allow it to "continue to review transactions efficiently and effectively."

The pre-transaction regulatory notifications required under the Hart-Scott-Rodino Act start a 30-day clock ticking. Parties in noncontroversial M&As probably have an expectation the FTC and DOJ will do a review quickly and grant an early termination of that 30-day wait, meaning the deal can close within a couple of weeks, Kully said. Without early terminations, those noncontroversial deals will have to wait out the 30 days, he said. He said parties expecting a deal to sail through will need to account for that couple of extra weeks of wait time in their planning.

Kully said second information requests usually enter into timing agreements that give the DOJ and FTC more time to decide how to proceed, with the combining parties using that time to advocate against being sued and looking for ways to settle. He said parties likely would have given the extra 30 days DOJ says it will request regardless for more advocacy. He said the timing agreements in big deals often become fluid anyway.

Seth Bloom, former general counsel of the Senate Antitrust Subcommittee, said COVID-19 issues could slow the regulatory review process because going through thick stacks of documents can become more unwieldy when working remotely. COVID-19 issues also could be a problem for the combining parties having to produce the documents because that involves going into the office and poring through paperwork. — **Matt Daneman**

Daines, Leahy Weigh In**Sen. Paul Optimistic About FISA Revisions After Senate Extension**

Sen. Rand Paul, R-Ky., told us Wednesday he's optimistic about the bipartisan coalition pushing amendments for Foreign Intelligence Surveillance Act reauthorization (see [2003160065](#)). It's a "small miracle" the Senate is considering amendments after Majority Leader Mitch McConnell, R-Ky., tried to force a decision on the underlying bill through a cloture vote, Paul said.

"There's a bipartisan coalition between progressive Democrats who believe in civil liberties and libertarian Republicans who believe in civil liberties," Paul said. "The debate will hopefully be a more intelligent one once we're beyond" the COVID-19 peak and returning to normal.

McConnell said the Senate will consider amendments from Paul and Sens. Mike Lee, R-Utah., and Steve Daines, R-Mont. Lee introduced legislation with Sen. Patrick Leahy, D-Vt., that would prohibit "collection of business records without a warrant if law enforcement would require a warrant for the same search" (see [2003100031](#)).

Daines introduced legislation with Sen. Ron Wyden, D-Ore., that would ban "warrantless collection of geolocation information by intelligence agencies" (see [2001230029](#)). Paul's amendment would bar the government from surveilling an American citizen without warrant and would prohibit the government from using FISA data against American citizens. Exact language for the amendments wasn't available.

Lee's amendment addresses amicus revisions and exculpatory evidence, according to the *Congressional Record*. Daines told us his amendment would prevent the government from collecting web browsing data of Americans. "The federal government has no business sticking their nose in it. ... You'll see us fighting on about three different fronts here," he said. A Daines aide said it expands on the House-included prohibition to collect cell site location and GPS information under Section 215 to include a prohibition on collecting browsing and search history.

Whether any of the amendments gets the 60 votes required to pass is unclear, Paul told us. He said Lee's effort to revise amicus provisions isn't a "revolutionary" concept and could get 60 votes.

Senate Intelligence Committee Chairman Richard Burr, R-N.C., who objected to the amendments when they were filed, remains opposed. "I'd rather have straight reauthorization, but it doesn't look like it's in the cards," he told us. He supports the House-passed version, at a minimum.

A co-sponsor of Lee's bill, Sen. Kevin Cramer, R-N.D., said he supports "protections for individual liberty, not just political candidates". If it came down to it, he would support the House bill rather than let the authorities lapse. But reauthorizations don't come up often, so the Senate shouldn't pass up the opportunity to "do better," he said.

The Senate should have held a vote on the amendments three months ago, Leahy told us: "To wait for the very last second like we did makes no sense at all." Revisions to the underlying FISA program and changes specific to Section 215 shouldn't be "conflated," Senate Intelligence Committee Vice Chairman Mark Warner, D-Va., told us: "If Leader McConnell had kept us in on Friday, we could have gotten this done on Friday."

Senate Judiciary Committee Chairman Lindsey Graham, R-S.C., told us he doesn't support a probable cause determination to get business records, as proposed by Lee, "because you don't have that in the criminal law."

Legislation from Lee and Daines, as well as Paul's amendment, would be welcome additions to FISA revisions, said American Civil Liberties Union Senior Legislative Counsel Neema Singh Guliani. That the cloture vote in the Senate didn't succeed shows members are looking for significant change, she said: The proposals are "reasonable and workable." The three key points up for debate, she said, will be: limiting USA Freedom Act Section 215 authority, revising amicus provisions, and altering how FISA authorities apply to Americans. — *Karl Herchenroeder*

[Share Article](#)

MGM Closes Las Vegas

Epidemic Still Forcing Industry Cancellations, Accommodations

The telecom and other high tech communities continued to respond to COVID-19 with telework and cancellation and postponement of events, or moving them virtual.

- NARUC is "taking the pandemic seriously" and is canceling or postponing all scheduled events through May, [said](#) President Brandon Presley Wednesday. To help minimize the internet "disruption" and better enable access to online services "via mobile rather than fixed broadband," Presley asked the FCC "to require wireless carriers to lift data caps and drop data overage charges on wireless plans. I urge telecommunications companies to work proactively with communities to ensure that students left out of school are not left behind academically."
- The FCC Advisory Committee on Diversity and Digital Empowerment (ACDDE) will host a "wholly telephonic and electronic" meeting April 28, said a [public notice](#) Wednesday. The meeting will include reports from the Access to Capital, Digital Empowerment and Inclusion, and Diversity in the Tech Sector working groups, the PN said. The meeting is moving to a virtual format "in light of travel restrictions and other concerns affecting members of the ACDDE and FCC staff" from the increasing number of COVID-19 cases, it said.
- Fletcher Heald transitioned all staff to telework Wednesday, emailed the law firm. Attorneys and staff are reachable by email and their office phone numbers, it said. "We are closely monitoring the FCC and will let you know of any changes to deadlines or operating requirements as soon as they become available."
- The 23rd Cable Hall of Fame event April 30 in New York is postponed to a date in the fall soon to be determined, said the Cable Center Wednesday. "The health and safety of our Cable Hall of Fame attendees, honorees, and community is always our highest priority," it said.
- The 3rd U.S. Circuit Court of Appeals won't change its oral argument schedule, but parties with COVID-19 concerns can file motions asking to appear by audio conference, [said](#) the court Wednesday. Most staffers in the clerk's office are working remotely, it said. The D.C. Circuit [said](#) Tuesday that in-person oral arguments were being suspended, with decisions about oral argument via teleconference, postponements or other issues to be handled case by case.

- Nokia postponed its April 8 “annual general meeting” to a “later stage” in keeping with the Finnish government’s ban on public gatherings of more than 10 people, [said](#) the company Wednesday. The event will be rescheduled “as soon as it is practically possible,” it said. “Nokia strongly advocates for measures to allow fully virtual general meetings to enable efficient shareholder participation.”
- MGM Resorts completed the rolling closure of hotels and casinos nationally with Tuesday’s shutdown of all Las Vegas properties, emailed the company Wednesday. “We regret the dire choices we have had to make,” it said. An attendee of the Women in Power Summit March 5-8 at the Mirage in Las Vegas tested positive for the coronavirus after returning home to New York, MGM [announced](#) last week. The Southern Nevada Health District in Clark County, which includes Las Vegas, [reported](#) 42 confirmed cases of COVID-19 through Tuesday, including one death. Only four confirmed cases were in the area March 11 when NAB announced the cancellation of its April 18-22 event at the Las Vegas Convention Center (see [2003110036](#)).
- U.S. Citizenship and Immigration Services suspended in-person visits at its field offices and support centers “at least” until April 1 “to help slow the spread” of COVID-19, [said](#) the agency Wednesday, when the ban took effect. It will automatically reschedule appointments when it “again resumes normal operations,” it said.
- The National Association of State Chief Information Officers canceled its May 3-5 midyear conference in National Harbor, Maryland, to comply with government mandates against large public gatherings. “The safety and health of our members is of the utmost importance to NASCIO and, although the cancellation is disappointing, it is absolutely necessary,” it [said](#) Tuesday. — *Paul Gluckman, Matt Daneman, Rebecca Day, Karl Herchenroeder, and Monty Tayloe*

[Share Article](#)

Comm Daily® Notebook

Wireline Bureau Waives Gift Rules in E-rate, RHC USF Programs Through September

The FCC Wireline Bureau waived gift rules through Sept. 30 for the E-rate and Rural Health Care programs to help schools, libraries and healthcare providers better respond to COVID-19 outbreaks, in an [order](#) Wednesday on docket 02-60 (see [2003180048](#)). Waivers in the healthcare program are limited to providers involved in screening and treatment of COVID-19 or mitigating its spread, the order said. The E-rate waiver is limited to eligible entities adjusting to school or library closures due to COVID-19, regardless of the USF program’s funding year. The FCC will monitor whether extensions are needed. “By waiving certain FCC rules today, we are giving service providers the chance to step up and give health care providers more tools to fight the ongoing pandemic and serve patients more effectively,” Chairman Ajit Pai [said](#). He encouraged “service providers and equipment makers to partner with schools and libraries to provide mobile hotspots and other broadband-enabled devices to students to help bridge the digital divide during the coronavirus pandemic.” Such efforts could complement the agency’s work with Congress to appropriate funds for a remote learning initiative and a COVID connected care pilot, Pai said, adding such programs would allow the agency to use federal funds to support in-home equipment for patients and students affected by the pandemic. The agency’s Connected Care pilot remains in the rulemaking stage, and it sought comment on whether the program should subsidize patient monitoring equipment and broadband

to the home (see [1906190013](#)). Commissioner Jessica Rosenworcel called the gift waivers a smart step. “But let’s not confuse generosity for justice,” she [said](#). “We need a national plan to ensure that everyone is connected during these unprecedented days.” She wants the FCC to use its “universal service powers” to provide hotspot loans to students caught in the homework gap, and connectivity for telehealth services to support treating coronavirus patients and those quarantined. Stakeholders for USF programs supporting anchor institutions expect a spike in telehealth (see [2003060036](#)) and online learning (see [2003170014](#)) this year. The Schools, Health & Libraries Broadband Coalition asked the FCC to waive the gift rules, in a letter Tuesday (see [2003170014](#)). The gift ban was in place to prevent undue influence in the competitive bidding process, SHLB Executive Director John Windhausen told us. SHLB views this as “a timely step,” he emailed Wednesday. “The coronavirus is putting online learning and telemedicine in high demand ... We hope the FCC will continue to be proactive.” —*MH*

[Share Article](#)

Capitol Hill

Trump Renominates O’Rielly to FCC Term Ending in 2024

President Donald Trump renominated FCC Commissioner Mike O’Rielly Wednesday to another five-year term, the White House announced in a [notice](#) of nominations it sent to the Senate (see [2003180069](#)). O’Rielly’s new term would end June 30, 2024. His current term ended in June 2019, but he can remain on the commission until this Congress ends at the beginning of 2021. The action had been thought likely given he had support of Senate Communications Subcommittee Chairman John Thune of South Dakota and other prominent Capitol Hill Republicans (see [1910250039](#)). He has had the backing of Senate Majority Leader Mitch McConnell, R-Ky. —*JP*

[Share Article](#)

Wireline

Wireline Bureau Slows Jaguar Review at DOJ Request

The FCC Wireline Bureau is withholding streamlined review of ownership transfer from Jaguar Communications to MetroNet Holdings at the request of DOJ, the Department of Homeland Security and DOD, said a public [notice](#) Wednesday in docket 20-37.

[Share Article](#)

New Submarine Cable Outage Reporting Rules Effective April 20

Modified FCC rules for reporting submarine cable infrastructure outages updated in December (see [1912270049](#)) will take effect April 20, [says](#) Thursday’s *Federal Register*. The FCC said it’s narrowing the scope of reportable outages and clarifying the definition of “outage.”

[Share Article](#)

Wireless

NARUC President Urges FCC to Lift Wireless Data Caps, End Overage Fees

The FCC should require wireless carriers to lift data caps and drop data overage charges on wireless plans due to the novel coronavirus, NARUC President Brandon Presley [said](#) Wednesday. Telecom companies should “work proactively with communities to ensure that students left out of school are not left behind academically.” The COVID-19 pandemic “heightened attention to the digital divide that exists in many communities,” he said. Presley praised NARUC members for acting to stop service disconnections (see [2003170005](#), [2003160035](#) and [2003130065](#)). FCC Chairman Ajit Pai “has already exhorted companies with low-income broadband programs like Connect2Compete to expand and improve them (for example, by increasing speeds to 25/3 Mbps and expanding eligibility) and those without to adopt such programs,” a spokesperson emailed. “He also called on broadband providers to relax their data cap policies in appropriate circumstances, on telephone carriers to waive long-distance and overage fees in appropriate circumstances, on those that serve schools and libraries to work with them on remote learning opportunities, and on all network operators to prioritize the connectivity needs of hospitals and healthcare providers.” Presley and fellow Mississippi Public Service Commission members separately urged unlimited mobile and satellite data in a Tuesday [letter](#) to the Satellite Broadcasting and Communications Association, and in an identical letter that day to CTIA. The wireless industry is “focused on keeping Americans connected, and our members have taken significant and innovative steps to meet that challenge,” said CTIA Senior Vice President-External and State Affairs Jamie Hastings. SBCA didn’t comment.

[Share Article](#)

Consumer Groups Seek Changes to Proposed HAC Rules

The Hearing Loss Association of America and the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing at Gallaudet University said they support proposals in a January NPRM on whether the FCC should update its hearing aid standards (see [2001300041](#)), but other steps are needed. The FCC should “continue to require in-store testing of handsets for consumers with hearing devices,” the groups told an aide to Commissioner Mike O’Rielly. Until “100% of the handset offerings” are hearing-aid compatible, “in-store testing is a necessary first step for consumers to have a chance to ensure that the device they purchase is in fact compatible with their hearing devices.” The FCC should also require manufacturers and providers to “‘refresh’ and provide ‘differing levels of functionality’ for HAC handsets,” they said, in a [filing](#) posted Wednesday in docket 20-3.

[Share Article](#)

Microsoft Details Actions FCC Could Take Now on Pandemic

The FCC can take several steps to help with the coronavirus, including acting on an E-rate petition “clarifying that schools can wirelessly extend E-Rate subsidized connections to students at home,” Microsoft officials told an aide to Commissioner Geoffrey Starks, said a [filing](#) posted Wednesday in docket 02-6.

The FCC should also act on changes to the technical rules for TV white space devices provide an expected waiver of citizens broadband radio service transition requirements (see [2003160049](#)).

[Share Article](#)

Internet

White House Credits Tech Industry for Online Teaching Website

The White House credited the tech industry Wednesday for launching an online education website as part of the coronavirus response. Launched by the Software & Information Industry Association, [TechforLearners.org](#) provides a searchable online database to facilitate online teaching. The Office of Science and Technology Policy's COVID-19 technology initiative called for online resources last week. It's an "important resource," said Chief Technology Officer Michael Kratsios.

[Share Article](#)

Alphabet's COVID-19 Project Takes Pause

Alphabet's Project Baseline by Verily reached capacity and can't schedule more coronavirus testing "at this time," [said](#) its website Wednesday. Appointments will continue to expand through this program as Verily scales capacity "in the near future," it said. It referred visitors to CDC guidelines. Google sister company Verily posted Monday that Project Baseline was working to deliver COVID-19 testing in Santa Clara and San Mateo counties in California to the "highest risk populations as defined by the California Department of Public Health." Residents in the San Francisco Bay Area interested in getting tested were directed to an online screener, which appeared to exclude people who showed symptoms of COVID-19. Last week, President Donald Trump hailed a screening website Google was building, receiving widespread criticism for exaggerating its readiness. Sunday Google [blogged](#) it was working with the U.S. government on developing a website dedicated to COVID-19 education, prevention and local resources nationwide. That website hadn't launched Wednesday.

[Share Article](#)

State Telecom

Maryland General Assembly Passes Digital Tax Bill

Maryland's proposed digital tax passed the legislature 88-47 as the Maryland House concurred with the Senate-amended [HB-732](#), originally just a tobacco tax bill. Advertisers and others say a lawsuit over the measure is possible, if enacted (see [2003170057](#)). The bill would impose taxes on annual gross revenue from digital ad services, ranging from 2.5% to 10%, for companies exceeding \$100 million annual revenue. On the floor Wednesday, Del. Daniel Cox (R) asked if the proposed digital tax violates federal law. That would be up to the courts, but Maryland's attorney general was consulted, replied bill sponsor Del. Eric Luedtke (D). Cox asked how it would be taxed in Maryland alone. The state comptrol-

ler will determine that, said Luedtke. Lawmakers want the tax to help fund state education, but the plan “is more likely to result in legal bills than increased funding for education,” the Free State Foundation [blogged](#) Friday. The bill goes to Gov. Larry Hogan, a Republican who has said he’s generally against raising taxes.

[Share Article](#)

Telemarketing Banned During New York State of Emergency

Unsolicited telemarketing calls are now illegal in New York as a result of Gov. Andrew Cuomo (D) declaring a disaster state of emergency for COVID-19 until Sept. 20, due to a 2019 [change](#) to the state’s do-not-call statute, K&L Gates attorneys [blogged](#) Wednesday. “While the legislative history and the Governor’s announcement about the statute all speak to ‘residents’ and ‘individuals,’ so as to suggest that the intent is merely to limit telemarketing calls to residential customers, because the statute can be read to also restrict calls to businesses, it may be prudent to limit all telemarketing calls during the emergency disaster period,” [blogged](#) Harris Beach attorneys.

[Share Article](#)

Telecom Notes

FCC Should Mandate Unlimited Lifeline Minutes, NCLC Urges

The FCC should act immediately to ensure low-income Americans have telecom services they need as they practice social distancing during the COVID-19 outbreaks, said National Consumer Law Center attorney Olivia Stein. The FCC should require all Lifeline providers offer unlimited texting and voice minutes, she said, to help prevent unintentional spread of the virus. Low-income seniors have arrived at health-care centers without calling ahead when worried about using their minutes in Lifeline plans with monthly caps, she told viewers of a Broadband Breakfast livestream [video](#) Wednesday. Stein wants the FCC to use emergency authority to allow noneligible telecom carriers to provide broadband under Lifeline. “We’re looking into ways that Lifeline can be helpful in the public health response,” Commissioner Geoffrey Starks emailed. Commissioner Jessica Rosenworcel emailed that Lifeline can help the most vulnerable stay connected during this crisis, and the FCC can help by expanding minimum service standards and simplifying enrollment. The agency declined to comment. —*MH*

[Share Article](#)

Waive Access Stimulation Rules to Allow Conference Calling Surge, Inteliquent Asks

Inteliquent wants the FCC Wireline Bureau to assure the company it won’t fall under access stimulation rules for terminating high-volume incoming traffic “to support a massive surge in demand for conference calling services as the American people move en masse from work in the office to remote work during the COVID-19 pandemic,” it [petitioned](#), posted Wednesday in docket 18-155. It seeks waiver through June 1 and at 60-day intervals “as events warrant.”

[Share Article](#)

Consumer Electronics

Purdue Researchers Develop Multiplayer VR Approach for Smartphones

Purdue University researchers created an approach for multiple players to interact with the same virtual reality game on smartphones using a Wi-Fi connection. It also provides a “better and more cost-effective option for single-player use,” [said](#) professor Charlie Hu, who led the Purdue team. Coterie manages the challenge of rendering high-resolution virtual scenes to meet the stringent quality-of-experience (QoE) of VR. Those include high frame rate and low motion-to-photon latency, the delay between the movement of the user’s head or game controller and the change of the VR device’s display reflecting the user’s movement, they said. The approach enables 4K-resolution VR on commodity mobile devices and allows up to 10 players to interact in the same VR application at a time, they said. VR apps using Coterie divided the heavy rendering task between the smartphone and an edge server over Wi-Fi in a way that reduces the load on the smartphone while allowing sub-frames rendered on both to be merged into the final frame within 16 milliseconds, satisfying the VR QoE, they said. Multiple players can share the same Wi-Fi with Coterie, which reduces the power draw and computation demand on each mobile device and provides a better user experience, researchers said. They also positioned the Coterie system for enterprise, education, health and entertainment applications.

[Share Article](#)

Broadcast

Trump Administration Partners With Ad Council, Broadcasters on Coronavirus PSAs

President Donald Trump’s administration is partnering with the Ad Council, broadcasters and digital platforms to air public service announcements to urge social distancing and personal hygiene practices in response to the COVID-19 pandemic. FCC Chairman Ajit Pai has urged broadcasters to air PSAs featuring celebrities plugging social distancing (see [2003170068](#)). Pai has also urged broadcasters to work with MVPDs to avoid retransmission consent-related service disruptions during the next 60 days, something that has support from some broadcasters and MVPDs (see [2003180036](#)). Surgeon General Jerome Adams, National Institute of Allergy and Infectious Diseases Director Anthony Fauci, White House Coronavirus Response Coordinator Debbie Birx and first lady Melania Trump will appear in the PSAs, the White House [said](#) Wednesday. ABC, iHeartMedia, NBCUniversal and ViacomCBS will be running PSAs coordinated with the Center for Disease Control and Prevention and Department of Health and Human Services, the White House said.

[Share Article](#)

It’s Against the Law...

... to copy, forward or disseminate this newsletter or its Executive Summary except as authorized by your subscription agreement. Federal copyright law (17 USC 101 et seq.) makes infringers liable for statutory damages awards of up to \$150,000 per issue copied.

Warren Communications News, Inc. frequently has taken action against individuals and firms that infringed our copyrights, and we will continue to do so. Firms should train and supervise their personnel to guard against illegal copying of this publication, which subsists primarily on subscription revenue. To monitor copyright compliance, we may choose to use a tracking service.

Media Notes

Platform Content Liability Likely to Face Ongoing Fights, Lawyers Say

The 9th U.S. Circuit Court of Appeals' ruling for Google and its YouTube subsidiary in Prager University's lawsuit (see [2002260046](#)) leaves open the broader issue of how courts will treat online platforms as speakers, Wiley lawyers Megan Brown, Boyd Garriott and Jeremy Broggi [blogged](#) Wednesday for the Washington Legal Foundation. The Supreme Court's *Manhattan Community Access v. Halleck* decision left the door open to the court finding sufficient state action in future First Amendment cases, they said. With doctrine unsettled, some platforms are focusing on self-regulation, they said. They said the Communications Decency Act's Section 230 immunity could go away in the face of bipartisan criticism and DOJ saying it's looking at ways of paring it back.

[Share Article](#)

Satellite

Sirius XM Details 6 GHz Concerns in Calls With Commissioner Aides

SiriusXM representatives [opposed a wireless industry push](#) for the FCC to license and sell the upper 6 GHz band, in meetings with aides to all commissioners expect Chairman Ajit Pai. The company uses 7.025-7.075 GHz frequencies as the only feeder link it has to transmit programming to satellite digital audio radio service satellites and control them. "The Commission licensed this spectrum to SiriusXM in 1997 as an essential element of its SDARS systems that are relied on by tens of millions of Americans, including for critical emergency information," the company said in a [filing](#) posted Wednesday in docket 18-295. The Wi-Fi Alliance also took a shot at the CTIA proposal. "It is remarkably ironic that, at a time when so many Americans are relying on low-cost Wi-Fi for bandwidth intensive telework, tele-school, tele-medicine and other accommodations necessary to meet the national COVID-19 crisis, CTIA argues that the Commission overestimated the need for unlicensed spectrum," the alliance [said](#): The current crisis "highlights how Americans have come to rely on Wi-Fi connectivity to conduct their lives." CTIA has "consistently recognized the need for both licensed and unlicensed spectrum, and supports making the lower portion of the 6 GHz band available for unlicensed use," responded Scott Bergmann, senior vice president-regulatory affairs: "The record in the FCC's proceeding simply does not support moving forward with all 1,200 MHz of spectrum in the band at this time, and we've therefore asked for the FCC to preserve its options regarding the upper portion of the band." Bergmann said contrary to some comments, CTIA is not asking that DOD has to move out of the upper 6 GHz band. —*HB*

[Share Article](#)

Communications Personals

Fox [agrees](#) to buy Tubi, with the latter's founder-CEO **Farhad Massoudi** to continue heading Tubi ... IHeartMedia promotes **Bridgett Knupp** to market president-Harrisonburg, Virginia ... Akamai appoints **Marianne Brown**, ex-Fidelity National Information Services, to board.

[Share Article](#)