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Top News

'Shortsighted and Detrimental'

FCC Releases 5.9 GHz Order; Auto Industry Promises a Fight

The FCC released its draft order Wednesday reallocating the 5.9 GHz band to sharing with Wi-Fi and cellular vehicle-to-everything, with no set-aside dedicated to short-range communications (DSRC). Other items were also posted. The order is considered a win for wireless ISPs and Wi-Fi advocates. ITS America said it will fight. The Department of Transportation is reviewing the order, a spokesperson said.

Also released were a draft order creating a unified licensing option for satellites and blanket-licensed earth stations and a draft NPRM allowing fixed satellite service (FSS) downlinks in the 17.3-18.8 GHz band. A draft order clarifies and amends the statute of limitations for filing a cable TV carriage complaint and another draft order changes the telecom relay service (TRS) contribution base.

“Finally, after many years of discussion and debate, the FCC will vote on Nov. 18th,” Chairman Ajit Pai said at a virtual event Wednesday (see [2010280043](#)). “We’re hoping to promote Wi-Fi and automotive safety at the same time in a way that we haven’t seen in the last two decades.” The extra 45 MHz for Wi-Fi will be a “tremendous boost” for unlicensed, “and this is not just a theory,” he said.

A Further NPRM would propose technical rules to allow outdoor unlicensed operations across the Wi-Fi allocation, addresses transitioning all ITS operations to a 25 MHz swath. It would ask whether to “allocate additional spectrum for ITS applications in the future.”

Automaker interests were upset.

Concerns

“While we appreciate the need to allow C-V2X in the band, it is extremely shortsighted and detrimental to the millions of people who travel on U.S. roads every day for the FCC to reallocate 45 MHz of spectrum from transportation safety to unlicensed devices,” [said](#) ITS America President Shailen Bhatt. The

group “intends to pursue all available avenues to protect public safety in communities across the country by preventing such action,” he said.

“Safety advocates, General Motors and the transportation community urged” the FCC “to preserve the entire 75 megahertz for V2X and transportation safety, regardless of which technology is used,” GM said in a statement. “We further encouraged the FCC to ensure that these potentially lifesaving technologies can operate without interference and at scale in order to help save lives. Yet, the FCC continues to move towards jeopardizing roadway safety.”

The draft order emphasizes that DSRC licensees will have “spectrum sufficient ... to continue existing operations and deploy those same services at scale.” The FCC would find, “as supported by many of the commenters, that reserving the entire 5.9 GHz band for possible additional services by DSRC (or C-V2X) is not the most efficient or effective use of that band, nor is it in the best public interest to do so.” It says 118 DSRC licenses are active in the commission’s database.

DSRC deployments “are limited to particular geographic areas, and most of the vehicles that have on-board units are limited to certain fleet units (e.g., buses and police cars) and are being tested for specific traffic safety and related applications in those particular areas,” the draft says: “Deployments for the most part have been limited to government-funded demonstration projects.” The draft cites growing use for other technology. It says 30 MHz is sufficient to support intelligent transportation systems. ITS is “designed to reuse spectrum geographically, so we are confident that 30 megahertz is sufficient to deploy ... services at scale,” the draft says.

ITS has other dedicated spectrum available “in the 76-81 GHz band for vehicular radars ... which does not rely on use of the 5.9 GHz band,” the draft argues: “Commercial cellular services and frequently updated databases can provide important roadway-related information—indeed, Wi-Fi operations in the 5.9

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GHz band could take the place of many of the non-safety-related applications contemplated for ITS.” ITS licensees will be restricted to use of the 5.850-5.895 GHz part of the band a year after the order takes effect.

“We wholeheartedly support this exciting new allocation of unlicensed spectrum. For too long it has gone grossly underutilized,” emailed Louis Peraertz, Wireless ISP Association vice president-policy. “Consumers and those in the digital divide will reap the windfall of innovative new services provided by WISPs and others, which will soon populate that fallow band.” NCTA looks forward to working with FCC members “on this important item,” [said](#) President Michael Powell.

Other Drafts

Given the increase in the past 10 years in satellites offering Ka-band service in the U.S., there’s seemingly a need for more such spectrum for FSS earth stations supporting high-throughput satellites, says a [draft NPRM](#). It responds to an SES petition last year for allowing FSS downlinks in the 17.3-17.7 GHz band on a protected basis (see [1903060036](#)). The NPRM proposes creating an extended Ka band of 17.3-18.3 GHz downlinks, 18.8-19.4 GHz downlinks, 19.6-19.7 GHz downlinks, 27.5-28.35 GHz uplinks and 28.6-29.1 GHz uplinks. There would be power limits on the uplinks that are applicable to geostationary FSS transmissions in the conventional Ka band.

Better aligning satellite and earth station licensing will make processing faster and cut down on unnecessary filings, says the [draft order](#). The order would align the buildout periods for earth stations and satellites in the same network, and cut some reporting requirements for satellite and earth station licensees. Foreign satellite operators could get unified grant of U.S. market access and blanket-licensed earth station operating authority. Unified licensing won’t be available in any band shared with upper microwave flexible-use systems, it says. The draft doesn’t change the default out-of-band emissions rules for satellite services.

A carriage complaint [draft order](#) would clarify the one-year statute of limitations begins to run when a defendant MVPD denies or fails to acknowledge either a request for program carriage or a request to negotiate for program carriage. It would align the statute of limitations for good-faith retransmission consent, program access and open video system (OVS) complaints. It also would set up a 180-day “aspirational shot-clock” for circulating to the FCC a ruling on review of an initial administrative law judge decision in program access, program carriage and OVS proceedings. Commissioner Mike O’Rielly urged changes to the program carriage complaint process in January (see [2001280065](#)).

An NPRM would propose to expand the TRS fund contribution base for two forms of internet-based TRS—video relay service and IP relay service. “This rule change would ensure fair treatment of intra-state and interstate service providers and users in TRS funding and the long-term sustainability of the TRS Fund,” the [draft](#) says. — *Howard Buskirk and Matt Daneman*

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Democrats Criticize GOP Motives

Wicker Encouraged by Zuckerberg's Comments on CDA S. 230

It’s encouraging Facebook CEO Mark Zuckerberg endorsed the concept of “more specific rules” in Communications Decency Act Section 230, Senate Commerce Committee Chairman Roger Wicker,

R-Miss., told us. “We may be getting somewhere.” Wicker noted it’s not an endorsement of the Republican bill pushing the concept (see [2009220064](#)).

Congress should update Section 230 to make sure it’s working as intended, Zuckerberg testified. Facebook supports “ideas around transparency and industry collaboration,” he said. Google CEO Sundar Pichai and Twitter’s Jack Dorsey also testified.

Dorsey said Twitter agrees with goals of legislation from Sens. John Thune, R-S.D., and Brian Schatz, D-Hawaii, seeking to provide more transparency about content moderation decisions (see [2006240059](#)). Twitter is voluntarily publishing more information about the decisions it makes, the CEO noted.

There’s agreement about the need for more transparency on algorithms, Thune told reporters: Wednesday’s hearing will hopefully lead to voluntary action from the platforms or legislation. Thune said he spoke with Zuckerberg about the legislation and hopes Twitter is open to it: “I think they realize that they’ve got to do something here,” because they’re losing the trust of the public and Congress.

The conversation is broader than Section 230, said ranking member Maria Cantwell, D-Wash., citing privacy and news market issues: This is “one of many, many conversations” the committee will have about these issues. Wicker agreed there will be more hearings. Cantwell and Democrats repeatedly blasted Republicans for holding this six days before the election, claiming the GOP is attempting to bully the tech companies. Schatz called it “an embarrassment,” and rather than question the CEOs, he used his seven minutes to berate Republicans about alleged attempts to tip the election in their favor.

Wicker asked reporters when Democrats “thought the hearing would be,” noting the vote to subpoena the corporate chiefs was unanimous and bipartisan (see [2010010042](#)). Commerce has been seeking the testimony for “over a year,” Wicker said, saying the gathering was scheduled as soon as possible.

Congress should be “very thoughtful” about changes to Section 230 and the consequences, testified Pichai. All sides share the goal of “free access to information” for everyone, he said. Congress should be “mindful that undermining Section 230 will result in far more removal of online speech and impose severe limitations on our collective ability to address harmful content and protect people online,” said Dorsey.

Biased?

Conservatives largely focused on allegations of anti-conservative bias. Mike Lee, R-Utah, asked the executives to name one person or entity with liberal politics that their company has labeled or blocked. Twitter has taken action against House Democrats, said Dorsey. Pichai listed several groups Google has denied advertising to. Zuckerberg couldn’t name examples. Lee called disparity between treatment of conservative and liberal points of view “enormous.”

Ron Johnson, R-Wis., asked the witnesses if their workforces are split evenly between party lines or if they are closer to about “90%” liberal. Zuckerberg and Pichai said their companies tend to be left-leaning based on geographical location. Dorsey said the political makeup of the workforce isn’t something Twitter focuses on.

The White House likely played a role in holding the hearing so close to the election, said Jon Tester, D-Mont. Richard Blumenthal, D-Conn., called this an attempt to “bully and browbeat” social media platforms into making content moderation decisions more favorable to one party. Deb Fischer, R-Neb., denied

Schatz's characterization it's a "sham." She called it an opportunity to gain clarity about platform policies, which are integral to the democratic process. Cantwell suggested the event could have been held later. Republicans are politicizing what shouldn't be a partisan topic, said Amy Klobuchar, D-Minn.

Google is abusing its power by manipulating search algorithms, but Twitter has shown the most egregious examples of bias through its handling of the *New York Post's* Hunter Biden story (see [2010140064](#)), said Ted Cruz, R-Texas. Twitter lacks power to affect elections, said Dorsey, noting people have choice over their communication channels. Twitter policies are focused on allowing freedom of speech, he told Cruz, who called the response "absurd."

Republicans repeatedly pointed to Twitter's lack of moderation over the Iranian ayatollah's anti-Israel tweets. It's strange Twitter flagged tweets from President Donald Trump but allowed tweets from the ayatollah saying Israel should be "wiped off the map," said Cory Gardner, R-Colo. Wicker drew attention to a tweet from FCC Chairman Ajit Pai recounting four tweets from the Iranian supreme leader that Twitter didn't label (see [2005290058](#)). All four tweets glorified violence, calling for destruction of the "Zionist regime," said Wicker. Those posts didn't violate Twitter's terms, Dorsey told Wicker, calling the comments "saber rattling" and geopolitical speech. It's important for users to hear from world leaders, said Dorsey. That's "very telling information," Wicker said.

Senate Intelligence Committee Vice Chairman Mark Warner, D-Va., echoed Democrats in a statement, saying a conversation about Section 230 is needed. He said it should be "thoughtful and not serve as a cudgel to cow the platforms into continued inaction regarding efforts to manipulate their services 6 days ahead of the election." Ron Wyden, D-Ore., said the GOP's obsession with "forcing private companies to print misinformation, lies and hate speech is unconstitutional and lays bare how little this is about Section 230 and how much it is a transparent attempt to work the refs a week before the election."

House Commerce Committee Chairman Frank Pallone, D-N.J., and Communications Subcommittee Chairman Mike Doyle, D-Pa., [pressed](#) Pai on whether President Donald Trump's administration directly pressured him to seek the Section 230 FCC rulemaking. Both lawmakers earlier called the action a "blatant" attempt to aid Trump's reelection bid (see [2010190037](#)). "The American people deserve to know what conversations, if any, have transpired between you, your office and the White House to ensure the integrity of the FCC," Pallone and Doyle wrote Pai. "Since Congress' enactment of CDA 230, the FCC has played no role in implementing or interpreting this provision. It wasn't until online platforms began fact-checking" Trump's social media "content that he and his Administration began an aggressive campaign to persuade the FCC to dictate how online platforms moderate content." The Trump administration appears "willing to

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retaliate against those who do not get in line with its agenda,” given the withdrawal of Commissioner Mike O’Rielly’s renomination, the lawmakers said.

The FCC didn’t comment now. Asked by us and other reporters after commissioners’ monthly meeting Tuesday, Pai wouldn’t say if the agency’s next action on 230 would be an NPRM. He declined to say when he might circulate some type of draft. — *Karl Herchenroeder*

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Ruling Before Auction?

FCC Defends C-Band Clearing to DC Circuit

Challengers of the C-band clearing order (see [2007220003](#)) and a panel of federal judges discussed whether the FCC did enough by ensuring 200 remaining megahertz are enough for incumbent satellite operators’ future needs, in oral argument Wednesday. With the FCC auction in December, there’s a hope and expectation that the expedited argument will mean the U.S. Court of Appeals for the D.C. Circuit will rule by then, though the court hasn’t signaled any specific timing, a lawyer involved in the legal challenge told us.

Judge Greg Katsas pressed Harris Wiltshire’s Chris Wright, representing small satellite operators (SSO), whether if the FCC decided that 200 MHz of C band would be adequate for satellite operators’ future use, that would close the book on appellants’ complaints. Wright said the FCC claims there’s not going to be any growing demand for continental U.S. service, but SSOs ABS Global, Empresa and Hispasat are looking at the international market of bringing video content to and from the U.S.

Stephen Diaz Gavin of Rimon, counsel for appellant satellite trucks operator PSSI, had an exchange with judges about whether the court owes deference to the FCC decision if the agency found it didn’t make a fundamental change to incumbent users’ licenses. Gavin said there’s substantial evidence to the contrary. But pressed, he acknowledged that if the FCC has substantial evidence, the court must defer to the commission. Gavin and Wright argued the FCC went beyond license modification powers given to it by the Communications Act’s Section 316, and taking away incumbents’ access to the 3.7-4 GHz band was a fundamental license change.

The FCC exercised its spectrum management authority based on direction by Congress and incumbents indicating they could still provide comparable service to customers using 200 MHz of C band with compression and other techniques, so the agency decision warrants deference, said commission lawyer Ashley Boizelle. She said FCC use of the comparable service standard is consistent with the Communications Act and court precedent.

Asked by Judge Justin Walker whether the FCC would back the court ruling out agency use of the existing customer standard going forward, since it seems arbitrary and capricious, Boizelle sidestepped the question. She said that potentially could be addressed in the future.

Counsel for incumbent C-band operator SES and for CTIA, both FCC amici, defended the \$9.7 billion incentive payments for accelerated clearing. SES counsel Paul Werner of Sheppard Mullin argued SSOs don’t have standing to challenge the accelerated payments since they’re not current and direct com-

petitors of the incumbents, but “paper networks” unlikely to launch C-band service. He said the incumbents will take on massive costs and face big logistical challenges and execution risks with the clearing. The FCC recognized that getting it done sooner than the end of 2025 would require incentivization, he said. Asked if SES’ conditional cross-petition of the C-band order should be dismissed, Werner said yes.

Wright and Katsas debated whether SSOs had notice of what the FCC would potentially do with its band-clearing order. Arguing “no,” Wright said the FCC previously consistently provided compensation, such as spectrum elsewhere, when taking away spectrum rights. But it was clear the regulator was moving satellite spectrum to 5G, Katsas said. Also hearing the case was Judge Robert Wilkins.

SSOs’ main concern is the FCC “has given a war chest to our competitors” in the form of the incentive payments and compensation for new satellites, which they can use to move into the intercontinental market like the SSOs, Wright said.

The wireless industry doesn’t want the FCC to be given a blank check to change licenses under Section 316, but arguments challenging the C-band order are missing that the commission’s acts are backed by intensive analysis and court precedent, said CTIA outside counsel Peter Karanjia of DLA Piper. — *Matt Daneman*

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Starks Supportive

Geotargeted FM NPRM Circulated

A proposal on changing FM booster rules to let radio stations geotarget content was circulated to the eighth floor, said FCC officials and a [release](#) from Commissioner Geoffrey Starks. The draft NPRM hews closely to an April petition from GeoBroadcast Solutions (see [2006040024](#)) and doesn’t focus on an additional proposal from a group of broadcasters seeking to be allowed to originate content on FM translators, an FCC official told us. Starks has repeatedly praised the proposal and did so again Wednesday: “I am pleased to support this innovative proposal, which could offer a potential lifeline to small, women, and minority broadcasters that are struggling to retain their listening audiences and earn advertising revenue at a time when consumers have multiple options.”

Zoned broadcast coverage, called ZoneCasting by GBS, uses several synchronized FM boosters to transmit targeted signals that are picked up by FM receivers as being a single signal. The petition asked the FCC to change language requiring FM boosters to broadcast the same content as their parent stations to allow substantially similar broadcasts to the main stream. Stations that use the tech would broadcast a single stream of content most of the time but shift certain coverage zones to targeted content for short periods multiple times a day—mostly localized ads, advocates for the tech said. The localized content could also be local news, local sports or specialized emergency alerts, the company said.

Starks’ statement “is encouraging news about our proposal to support the introduction of geo-targeting to the broadcast radio industry and help it remain competitive in the market,” said Bill Hieatt, GBS chief technical officer, in a release. GBS repeatedly compared its tech to TV’s ATSC 3.0. “Radio is the only medium that lacks the ability to geo-target content. This rule change would put radio on par with television, which now has that ability,” said the company.

Broadcasters for Limited Program Origination pushing for rule changes to let FM translators originate content [pitched](#) their proposal as an extension of this one. FM booster and translator licensees “should both be allowed to choose their own originated content categories,” said the group. GBS opposed the broadcaster group, arguing that the additional request creates confusion about zoned broadcast coverage. FCC and industry officials said the NPRM doesn’t appear to include the program origination proposal. The group’s attorney, Womble Bond’s John Garziglia, didn’t comment.

The Multicultural Media, Telecom and Internet Council and 20 other diversity groups lobbied the FCC in support of the proposal, said Starks. The groups argue that because minority-owned stations are smaller and on the outskirts of population centers, they will receive an outsized benefit from the rule change. MMTC and the National Association of Black Owned Broadcasters didn’t comment.

The industry’s largest radio groups—Beasley, Cumulus, iHeart and Entercom—[asked](#) the FCC to require more testing before authorizing the technology. NAB also [advised](#) caution. — *Monty Tayloe*

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Already Proven

Pai Says Benefits of 5.9 GHz for Wi-Fi Will Come Quickly

The potential for the 5.9 GHz band to give Wi-Fi and auto safety a major boost as the pandemic continues has been proven, FCC Chairman Ajit Pai and other speakers said during a WifiForward virtual event Wednesday. The event came the same day the FCC posted its draft order, unveiled by Pai Tuesday (see [2010270065](#)).

The agency made 5.9 GHz available for wireless ISPs on a temporary basis in May, and “the results are just incredible,” Pai said. Amplex Internet increased throughput 50%, and other providers had similar numbers, he said. “This is a hint for the future we can secure for American consumers if we get it right, and ... freeing up that 45 MHz of spectrum in 5.9 gets it right.”

Pai said he has seen cellular vehicle-to-everything in the field and in trials. “Enabling cars to communicate with each other, and to everything on the road from pedestrians to light poles, I think is going to be tremendous for automotive safety,” he said: Dedicated short-range communications (DSRC) “just hasn’t done the job,” and C-V2X will.

The FCC addresses the interference concerns raised by NTIA (see [2010260024](#)), Pai said. In the unlicensed-national information infrastructure-3 band, just below 5.9 GHz, “we have accommodated DOD uses,” which are primary for the federal radiolocation service there, he said: “Because of the protocols that we have established, there’s actually been very little interference.” The “same kind of accommodation can be reached” at 5.9 GHz, he said. Because of its location next to the U-NII-3 band, it “punches above its weight” and would create a 160 MHz channel for Wi-Fi, he said.

“There’s a rising tide for Wi-Fi,” and other nations are following the FCC’s lead, Pai said. South Korea is moving forward on unlicensed use of 6 GHz similar to the U.S., and Brazil is “seriously considering doing the same,” he said.

The FCC made the 5.9 GHz band available to WISPs “absolutely, amazingly quickly,” said Amplex President Mark Radabaugh. “I have never seen anything move that fast in the spectrum world.” WISPs drafted requests for special temporary authority, which were granted “very quickly,” he said. The band is “utterly, completely adjacent to the existing spectrum we already have,” he said. WISP radios were retuned, he said: “Within two weeks, we were on the air, using existing equipment, no truck rolls, over-the-air software upgrades.”

The U.S. shouldn't have to rely on Wi-Fi hot spots for millions of Americans without broadband, but “that’s where we are now,” said Public Knowledge Senior Vice President Harold Feld. So hot spots “need to be able to support 50, 100 people who are using these same high-bandwidth applications.” On auto industry complaints about DSRC: “My actual telemedicine saves more lives than your imaginary technology,” Feld said: “For all of the hyperbolic claims that the auto industry has made, DSRC is a lousy anti-collisions technology.” It is “old, out of date, subject to serious cybersecurity concerns,” he said.

Wi-Fi access is “more important than ever before as Americans work and learn and access telehealth services and more, all from our homes,” said Danielle Pineres, NCTA associate general counsel. Cable broadband providers report downstream peak traffic increased 20.1% and upstream 37.1% since March 1, before the pandemic started, she said. “We need wide-bandwidth Wi-Fi channels to keep up with consumer demand.” The 6 GHz band will take longer to bring online, and sharing will also be easier than at 6 GHz, with fewer restrictions, she said. — *Howard Buskirk*

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5G 'Real, Very Real'

Verizon Sees DSS as Key to 5G; T-Mobile Touts Its Spectrum Depth

Verizon is betting big on dynamic spectrum sharing technology, which allows 5G to run simultaneously with 4G on multiple spectrum bands, Chief Technology Officer Kyle Malady said at the GSMA/CTIA Thrive virtual conference Wednesday. Malady also stressed the importance of the new 5G iPhone.

“Up until now, we'd have to have a whole clean set of spectrum, people would have to buy new phones, and it would really be a hassle to move them from one technology to the next,” Malady said. Customers “can enjoy all the benefits of 4G” and seamlessly get started on 5G, he said.

Verizon has been partnering with Apple for “many months” on the new iPhone “so that consumers can really see the technology shine,” Malady said. He cited advanced gaming, which he said wasn’t possible under 4G. “We’re just starting right now, and all the new apps and use cases for 5G are going to start flooding out,” he said. Verizon is laying the groundwork for 5G but is still “in the early stages,” he said. Edge computing, which is part of 5G, is also important because the “cloud” can be “hundreds of miles away,” which means latency and lag and “limits the developers in what they can really do,” he said.

T-Mobile will offer midband nationwide by Dec. 31, said President-Technology Neville Ray. “With every midband site that comes on air, our customers with 5G devices get an immediate capacity and speed boost that builds on top of our nationwide low-band 5G network.” Average speeds are 300-400 Mbps, peak above 1 Gbps, he said. “Customers are already seeing those.”

“The timing and amount of spectrum” available is “really important” for 5G, said Mike Murphy, Nokia CTO-North America. “We need more midband, and we need it earlier just to solve the capacity problems we know about it, let alone” the unknown, he said. 5G will be dominant in terms of devices deployed but not until 2024, Murphy predicted. “While it may seem like a long ways away, work has already started on 6G,” he said. The U.S. is leading the world on wireless technology and regulatory support for 5G “thanks to the FCC,” he said.

5G “has gotten real, very real” with the launch of new iPhone, FCC Chairman Ajit Pai told the conference. The FCC plans a 2.5 GHz auction “shortly after” it finishes processing applications filed during the tribal priority window, he said. The FCC remains “on track” to start the C-band auction Dec. 8, he said.

Work remains to make sure everyone benefits from 5G, said FCC Commissioner Geoffrey Starks. “Every American deserves the opportunity to participate in the 5G revolution,” he [said](#). “We otherwise risk devolving into two Americas.”

Artificial intelligence and sensors are an important part of 5G but also carry risks, Starks said. “We must take care that the AI used to sort this data is not tainted by conscious or unconscious bias that reinforces inequality instead of creating opportunity,” he said. “Algorithms aren’t inherently good or bad, but they can have serious consequences for things like job or housing opportunities, healthcare and policing.”

The citizens broadband radio service auction was a success partly because it was the first of flexible-use licenses in the midband “where we have that unique balance of coverage and capacity that’s so well suited for 5G,” said Office of Economics and Analytics Chief Giulia McHenry. Bidders were also interested in the county-size licenses, she said.

McHenry noted CBRS was the FCC’s first pandemic auction. The FCC had to ensure “that a team that works really tightly knit together in one room most of the time was socially distanced and was able to work remotely when necessary,” she said: “It took an immense amount of support from the auction staff as well as others throughout the commission to pull this off, really without a hitch.” Attention is now turning to the C-band auction, she said. The 2.5 GHz band auction is an FCC priority, McHenry said. “We think there’s a lot of promise,” she said: “It’s vastly underused, and we are eager to put the white spaces to work.” But the band is complicated, she said: “Each license will be unique given the incumbencies that are there now.”

“The U.S. did a great job of getting out quickly on millimeter-wave spectrum as the technology evolved, and the pivot to midband is really critical for continued U.S. leadership,” said Rachael Bender, Verizon associate general counsel. “We see other countries moving aggressively on midband, and we want to make sure the U.S. does the same.”

T-Mobile stresses the importance of having “different layers of spectrum,” and 2.5 GHz “gives you the capacity and the greatness for the network,” said Paula Timmons, director-federal legislative affairs. “We are really very vested in the midband and know that we need to squeeze out as much as we can ... to be successful in 5G.” — **Howard Buskirk**

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Comm Daily® Notebook

9th Circuit Denies Rehearing in FTC Monopoly Case Against Qualcomm

The 9th U.S. Circuit Court of Appeals [denied](#) (in Pacer) the FTC's request for an en banc rehearing in its antitrust case against Qualcomm (see [2009250068](#)). A brief order was filed Wednesday by Judges Consuelo Callahan, Johnnie Rawlinson and Stephen Murphy. "The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear," the denial said. The agency declined comment. "That not one judge on the Ninth Circuit thought it necessary to consider the merits of the FTC's petition or to even ask for a response from Qualcomm validates the strength and clarity of the panel's thorough analysis and conclusions," said Qualcomm Executive Vice President Donald Rosenberg in a statement.

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Coronavirus

Coronavirus Will Lead to More Shoppers Using Holiday E-Commerce: Adobe

Online sales will top \$2 billion daily Nov. 1-21, swelling to \$3 billion daily Nov. 22-Dec. 3, Adobe Analytics [forecast](#) Wednesday. Nov. 1-Dec. 31 holiday season e-commerce sales will total \$189 billion, "shattering all previous records" with a 33% year-on-year surge, Adobe said. Another round of government stimulus checks—or a shutdown of physical stores in large parts of the country—could produce an additional \$11 billion in online shopping, it said. Black Friday and Cyber Monday sales are projected to pull in more than \$10 billion in e-commerce, up 39% over 2019. Cyber Monday will again be the biggest online shopping day, generating \$12.7 billion, a 35% spike, said the analytics firm. Some \$6 billion will be spent online on Thanksgiving, a 42% rise. Cyber Week, traditionally Thanksgiving Day through Cyber Monday, will be replaced this year by "Cyber Months," Adobe said. Mobile shopping will continue its upward surge, with U.S. consumers spending \$28.1 billion more on their smartphones, up 55%. Smartphones will generate 42% of online holiday sales, said the report. Thirty-one percent of consumers rarely shopped online before lockdowns took hold in April; 9% were net new to online shopping. Half of all orders Dec. 21-23 will be at retailers that offer buy online, pick up in store, up 40% from last year, which is expected to result in longer pickup lines later in the season. Shoppers are 9% more likely to buy at retailers that offer BOPIS or curbside pickup on big sale days. Health concerns factor into 19% of consumers' plans for BOPIS or curbside pickup this year vs. 4% last year. —RD

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Microsoft Teams Has 115M 'Daily Active Users,' Says Nadella

PCs are "mission-critical" for working and studying from home in a "remote-everything world," Microsoft CEO Satya Nadella [told](#) investors Tuesday evening. Windows 10 monthly active devices are up double digits year over year, and Microsoft will have its largest lineup ever of Surface devices "this holiday season to support every person and work style," he said. Microsoft Teams has more than 115 million "daily active users," and the Microsoft 365 suite of productivity apps "generated more than 30 billion collabora-

tion minutes in a single day this quarter,” he said. [Q1](#) ended Sept. 30. It added more than 100 “new capabilities” to Teams in the past six months, “including breakout rooms, meeting recaps, shift scheduling and large-scale digital events up to 20,000 participants,” said Nadella. CTA picked Microsoft last week as its “cloud platform” contractor to run CES 2021 as a virtual event (see [2010190043](#)). —PG

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Online Grocery Orders Soared in Early Months of Pandemic, Says NPD

Digital orders for groceries and restaurant deliveries soared “years ahead in their growth trend trajectory” during the first months of the COVID-19 pandemic, [reported](#) NPD Wednesday. By May, 40% of shoppers ordered edible groceries online compared with 28% in May 2019, it said. “Consumers more than tripled their share of restaurant meals ordered digitally” during Q2, the researcher said. “Managing stress levels and maintaining a healthy home environment grew in terms of consumers’ health and wellness focus areas, whereas work/life balance and quality sleep, which were the top health needs, declined during the pandemic. As a means of coping with stress, consumers turned to more comfort foods.”

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Capitol Hill

Ligado L-Band Plan Foes Seek Senate Commerce Help for FCC Reversal

Iridium, Airbus and almost 80 other entities jointly urged Senate Commerce Committee leaders for “assistance in ensuring that the [FCC] reconsider” its approval of Ligado’s L-band plan. That decision drew ire (see [2010010022](#)). FCC OK included “an insufficient appreciation for the real-world risks of harmful interference and the impacts that interference would have on our organizations, fourteen federal agencies and departments, and the broad cross-section of the American people we serve,” the groups wrote Commerce Chairman Roger Wicker, R-Miss., and ranking member Maria Cantwell, D-Wash., Tuesday. “We urge you to work with the Commission to set aside the flawed Ligado Order in favor of a process that is responsive to the concerns of the incredibly broad cross-section of L-band operators and users.” Wicker has been neutral on the plan, while Cantwell opposed it (see [2005150061](#)). “If our competitors want to continue to gin up opposition to help them make the same tired and false claims over and over, they can—but it won’t make any of them true,” emailed a Ligado spokesperson. “Facts matter, and the unanimous decision by the FCC is evidence of that.” The FCC didn’t comment.

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Wireless

CTIA Asks FCC to Dismiss RTCA Warnings on Mobile Use of C Band

CTIA countered a recent report by RTCA, formerly the Radio Technical Commission for Aeronautics, on [interference risks](#) to low-range radar altimeters posed by mobile use of the C band. “The Report

is severely lacking in several respects: the underlying test data driving the conclusions has not been made available for review, the analysis is suspect, and its findings are unsupported,” CTIA said in an FCC [filing](#) posted Wednesday in docket 18-122. RTCA didn’t comment.

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New America Argues for 5.9 GHz for Wi-Fi

Act on an order allowing Wi-Fi use of the 5.9 GHz band, Michael Calabrese, director of the Wireless Future Program at New America, told aides to FCC Chairman Ajit Pai and Commissioner Geoffrey Starks. “By employing a firmware upgrade to existing equipment, this additional 45 megahertz can very quickly create the first and only gigabit-fast Wi-Fi channel at standard power that is unimpeded by the cost, complexity and delay of control by a geolocation database,” Calabrese said in a [filing](#) posted Wednesday in docket 19-138: “The ability to rapidly upgrade existing Wi-Fi routers to help families struggling to work, learn and stay connected to loved ones at home is even more critical for the duration of the pandemic.” The FCC votes Nov. 18 (see [2010280064](#)).

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Internet

Dialog Semiconductor Teams With Alps Alpine on Automotive Haptics Solution

Dialog Semiconductor’s DA7280 high-definition haptics driver is being used by Alps Alpine with its linear resonant actuators for interactive experiences in vehicles, Dialog [said](#) Wednesday. This addresses a growing trend in the automotive industry for dynamic control panels that use haptics for immediate driver feedback, it said. The combination creates a vibrational force that’s said to be 10 times that generated by smartphones.

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Spikes in OTT Viewing Will 'Outlive the Pandemic,' Says Akamai CEO

Many over-the-top video offerings are “seeing substantial success” during the pandemic, [said](#) Akamai CEO Tom Leighton on a Q3 call Tuesday evening. “Some are doing better than others, but I do think OTT is here to stay.” As people view more content online, “that becomes more of the pattern and that will outlive the pandemic,” he said. “We’d all like to get back to a world when you can go out and see a movie,” but that’s not likely to happen “anytime soon,” he said. Akamai’s Asavie buy, [announced](#) Tuesday, will “complement” its security product lines with a “cellular-specific” security offering, “an important step in our strategy to capture the emerging opportunity in 5G,” said Leighton. “Deployment of 5G and IoT applications can provide significant opportunities for Akamai.” The impact of 5G on innovation will be “similar to the way broadband enabled new social networking apps that few could have imagined before,” he said. “As 5G networks come online, we believe that end users and connected devices will demand faster performance and greater scale than cloud data centers can provide.” The stock closed 8.7% lower Wednesday at \$97.40. —PG

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State Telecom

DIRS Activated for Hurricane Zeta in Parts of Ala., Fla., Ga., La. and Miss.

The FCC activated the disaster information reporting system for Hurricane Zeta for affected counties in Alabama, Florida, Georgia, Louisiana and Mississippi, said a [public notice](#) Wednesday. Reports are due starting Thursday, the PN said. The bureau issued PNs on [emergency contact information](#) for licensees that need special temporary authority and on 24-hour [availability](#) of FCC staff.

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Telecom Notes

Precision Ag Needs Coordination, Funding, Say FCC Task Force Members

More than [broadband disparity delays precision agriculture](#), said an FCC Precision Agriculture Task Force member. Many talented agriculturists, scientists and engineers work on precision ag, but “what seems to be lacking is overall coordination across all entities,” said Fifth Estate Growers farmer Andy Bater. “Everyone is rowing awfully hard, but the precision agriculture boat would move faster if the oars dipped into the water at the same time.” It needs “coordination and funding at a scale seldom seen in modern times, a Manhattan Project-level effort,” he said. The task force reviewed three interim reports Wednesday, as well as recommendations from working groups on mapping and analyzing connectivity on agricultural lands, current and future connectivity demand for precision agriculture, and spurring precision ag adoption

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and connected-farm jobs. It discussed but didn't plan to vote on the work of a fourth WG about speeding broadband deployment on unserved agricultural lands. With the task force one year into a two-year charter, Wednesday's virtual meeting was a "midterm report," with recommendations preliminary, said Chair Teddy Bekele, chief technology officer for Land O'Lakes. The task force will spend most of next year tightening and seeking synergy among recommendations, he said. Among preliminary recommendations, the connectivity WG suggested asking the FCC to include \$500 million from the \$9 billion 5G Fund for edge computing, private wireless systems and precision ag applications. It should also provide incentives, with accountability, for providers to cover fields and pasturelands with high-speed, low-latency wireless coverage, the subgroup said. "Getting connectivity ... to just a farmhouse is a bridge halfway on this initiative. We absolutely need to cover every acre of land," said Connectivity WG Chair Daniel Leibfried, a technology director at John Deere. Apply the broadband serviceable location fabric to the Agriculture Department's National Agricultural Statistics Service and U.S. Geological Survey national land cover database to map coverage in cultivated land and agricultural areas, suggested the Mapping WG. Do drive testing and "ground truthing" to check coverage, it said. The subpanel will talk next year about adding a topological layer to maps, said WG Chair Michael Adelaine, South Dakota State University vice president-technology and security. "Terrain could be very impactful." —**AB**

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Consumer Electronics

Wireless Is the IoT Future for Silicon Labs

IoT has a "long path," Silicon Labs CEO Tyson Tuttle [told](#) investors Wednesday, and momentum is "starting to build" in the consumer market. "You are going to continue to see new technologies and new capabilities added," he said. "Ease of use is also something that must get addressed for it to scale." Wireless was over two-thirds of Silicon Labs' IoT business in [Q3](#), helping to drive overall revenue to the high end of guidance at \$221.3 million, down from \$223 million in the year-ago quarter but up from \$207.5 million in Q2. Revenue from IoT products set a record at \$133 million, up 16% from Q2, said Chief Financial Officer John Hollister. Customers are moving from separate microcontrollers to connected devices that add wireless or that integrate the two, said Tuttle. The company expects to gain traction in smart home, industrial and proprietary and consumer segments via its Zigbee, Thread and Bluetooth business. —**RD**

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Intellectual Property

April 2022 Target Set for Ending Probe of LG, Samsung, TCL Smart TVs

International Trade Commission Administrative Law Judge MaryJoan McNamara set an April 2022 target date for completing the Tariff Act Section 337 investigation into allegations that LG, Samsung and TCL smart TVs and MediaTek, MStar and Realtek video processors infringe four DivX patents on adaptive bit rate streaming (see [2010140042](#)), said her [order](#) (login required) posted Wednesday in docket 337-TA-1222. Under the ITC's "pandemic evacuation" plan, ALJs won't accept filings on paper, CDs or other physical media, she said. Hearings will be on Webex until the ITC issues notice that its headquarters "will

once more be open” to the public, she said. Her order scheduled the first evidentiary hearing for July 7 “at a location to be announced closer to the Hearing date.” —*PG*

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Broadcast

Enhanced ATSC 3.0 Viewing Promised With Phoenix SFN

Broadcasters participating in the Pearl TV-led ATSC 3.0 Phoenix model market added a single-frequency network there, they [announced](#) Wednesday. This will “enhance reception for viewers and broaden the reach of broadcasters transmitting to NEXTGEN TV sets,” they said. An SFN “makes use of multiple strategically placed transmitters placed on the air within the coverage area on the same channel and carrying the same services,” said Pearl engineer David Folsom. “This increases the signal level available for over-the-air viewing and decreases the viewer’s need for a more complex receiving antenna, while enabling future use of mobility services to NEXTGEN TV-equipped devices as found in automobiles.” E.W. Scripps’ KASW (CW) is the SFN host station, with sharing agreements to carry the 3.0 simulcast of its KNXV-TV (ABC) and of KSAZ-TV (Fox) and KUTP (Fox Xtra); all these outlets are licensed to Phoenix, per FCC records.

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Media Notes

OneWeb License Transfers OK'd as Part of Chapter 11

The FCC International Bureau approved an assignment and transfer of control of OneWeb licenses and market access grants as part of the satellite operator’s planned emergence from Chapter 11 bankruptcy (see [2009010005](#)), in a [public notice](#) in Wednesday’s *Daily Digest*.

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Satellite

12 GHz NPRM Would Allow an Updated Look at Tech, Dish Says

Opponents to mobile broadband use in the 12 GHz band cite constraints adopted nearly 20 years ago, ignoring modern technological routes to increase efficiency of spectrum use, such as channel bonding and multiple-input, multiple-output antennas, Dish Network said in an FCC RM-11768 [posting](#) Wednesday. Opening a rulemaking would allow evaluation of the opponents’ claims and submission of possible interference mitigation options, it said.

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SES Gets International Bureau Nod to Be Sole AMC-8 Licensee

The FCC International Bureau Tuesday approved SES becoming the sole licensee of the AMC-8 satellite, with Alascom giving up being a joint licensee (see [2008110006](#)).

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Communications Personals

Dentons hires from McGuireWoods **Michael Drobac** as principal and **Gregory Walden** as partner, Public Policy practice; they have worked on emerging technologies, online travel, e-commerce, IT services and internet platforms ... Phillips Lytle hires **Darren Fernandez** as associate; he focuses on telecom and is ex-FCC Wireline Bureau attorney-adviser ... Staff Assistant **Ovonda Walker** leaving Mike O'Rielly's FCC office for similar post in Office of Bureau Chief, Public Safety Bureau.

CBS promotes **Bryon Rubin** to chief operating officer-CBS Entertainment Group, where he also remains chief financial officer ... Firstlight Media names **Bal O'Neil**, ex-QuickPlay that's the predecessor of Firstlight and most recently she was at Evergent, as vice president-solutions engineering; **Eric Goldstein**, ex-Disney-ABC, as head-business development; and **John Ferrandino**, ex-Amagi, becomes head-sales.

Mimecast taps **Jonathan Corini**, ex-Forescout Technologies, as senior vice president-global channel sales ... Shift5 cybersecurity company taps **Scott Shreve** from Opaq Networks as head-product ... Pixelworks hires **Alan Zhou**, from An Xin Capital and ex-Qualcomm, as executive vice president-president, Pixelworks China ... Cline artificial-intelligence researcher hires **John Lichtenberg**, ex-Park West Gallery, as chief marketing officer.

Space Force Association says Reps. **Doug Lamborn**, R-Colo.; **Kendra Horn**, D-Okla.; **Brian Babin**, R-Texas; **Jason Crow**, D-Colo.; **Michael Waltz**, R-Fla.; and **Charlie Crist**, D-Fla., start Space Force Caucus in the U.S. House ... Continental Automated Buildings Association appoints **Trevor Deters**, Steelcase's Smart + Connected category, to its board ... U.S. Chamber of Commerce's U.S.-Japan Business Council elects **Doug Peterson**, S&P Global CEO, as its chairman for two-year term, succeeding **Chuck Robbins**, Cisco chief.

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