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'Money on the Table'

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ICANN Ignores Data Protection Experts as It Considers EU Privacy Rules, Privacy Advocates Say

ICANN fails to include privacy advocates in efforts to comply with new EU data protection laws, activists said. Meeting this week in Johannesburg, the body holds a policy discussion Tuesday on practical solutions to the potential impact of the EU general data protection regulation (GDPR). Privacy experts haven't been asked to take part on the panel despite ICANN's approach to data protection long being flawed and, under the GDPR, the organization could be subject to large penalties, they said.

ICANN is discussing privacy and data protection developments with its community, focused mostly on the GDPR, which takes effect May 25, it [blogged](#) Thursday. ICANN “has an obligation to adhere to existing policy as developed by the community,” which includes policies that might be affected by the GDPR, it said. The new measure could affect ICANN and the domain name system (DNS) via personal data that participants in the DNS ecosystem, including registries and registrars, collect, display and process, pursuant to ICANN contracts, and by personal data ICANN collects and processes. ICANN privacy-related activities include talks with the Registries and Registrar Stakeholder Groups to understand potential issues and to ensure compliance with relevant laws, it said. Multistakeholder policy development actions underway include efforts to boost privacy and proxy services available to registrants and updates to the procedure for handling Whois conflicts with data protection law, said the nonprofit, also engaged with European data protection authorities to find out how the GDPR will affect it.

ICANN “better be” thinking about how to comply with the GDPR, [wrote](#) professor Milton Mueller of the Georgia Institute of Technology School of Public Policy for the Internet Governance Project. “Everyone knows ICANN’s Whois policies (see [1703100062](#)), which require registries and registrars to provide indiscriminate public access to personal data about domain name registrants, violate European privacy laws.” This didn’t matter much previously because data protection laws “didn’t have much teeth when it came to ICANN and the domain name industry,” he said. Under the GDPR, such violations could result in fines of up to 4 percent of an organization’s revenue, he wrote. “Real money is on the table.”

Mueller slammed ICANN for listening only to registries and registrars, not privacy advocates or noncommercial domain name users, in dealing with data protection issues. Tuesday’s panel includes only lawyers representing top level domain registries, platform providers and internet service providers and a law enforcement representative, he said. Although Mueller, a longtime player in ICANN’s noncommercial community, and others argued for a registrant or privacy activist on the panel, the request was denied, he said. This was “a deliberate decision to prevent the Whois/privacy problem from being discussed in a balanced and fair way,” he wrote. ICANN didn’t comment.

The panel’s organizer wrote Monday that he doesn’t “know where the crazy notion comes from that all contracted parties (registries and registrars) would be plotting a scheme together with ICANN to play down the effects of the GDPR.” The session’s point is to help registries and registrars determine how to deal with the regulation, not to hear presentations from panelists, Peter Vergote, legal and corporate affairs director at DNS Belgium, the .be registry, wrote on Mueller’s blog. “It’s the audience that is playing the lead.”

The Council of Europe “has tried for some time” to get data protection discussions “on the table at ICANN,” and facilitated a successful “Privacy Day” with representatives from all relevant interests at the March 11-16 ICANN meeting in Copenhagen, emailed Sophie Kwasny, head of the Council of Europe data protection unit. “It hasn’t always been very easy to get the topic on the radar,” but the CoE hopes the GDPR makes ICANN realize that compliance is unavoidable, she said. The CoE is a human rights organization whose 47 members include the EU 28, with the U.S. an observer.

“I have had privacy concerns about the WHOIS process since it was established,” emailed Georgia Institute of Technology Law and Ethics professor Peter Swire. As lead privacy official in the Clinton administration, he suggested more privacy-protective approaches to the Commerce Department officials working on ICANN’s creation, but those approaches weren’t adopted, he said. “I believe the stricter fines under GDPR are getting ICANN’s attention.” The organization would benefit from “careful attention” to insights from privacy experts, he added.

Indiscriminate publication of user data in Whois “has been illegal for a long time,” said Electronic Frontier Foundation Senior Global Policy Analyst Jeremy Malcolm. ICANN’s Generic Names Supporting Organization Registration Data Services Policy Development Process Working Group, of which Malcolm is a member, is considering a replacement for Whois. Unlike most ICANN working groups, which are “completely dominated by rightsholders, in this group the privacy activists actually seem to have the balance of power because European law is clearly on their side,” he emailed: Law enforcement agencies and rights owners are pushing back, and “insist that clearly it must be OK to publish this information because That’s How Things Were Always Done.” ICANN has been in denial for too long, he added. — *Dugie Standeford*

Privacy, Cybersecurity Considered

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Self-Driving Car Bills Focus on Exemptions; Fed Role Likely to Dominate House Hearing

Automakers and other developers will push for legislation that increases exemptions of self-driving vehicles from federal motor vehicle safety standards and promotes a national law over state laws in regulating the technology, during Tuesday’s House Digital Commerce and Consumer Protection Subcommittee [hearing](#) on 14 bills on automated vehicles. The hearing will review the bills that also would regulate privacy and cybersecurity and examine collection of information for testing. At least one witness will tell lawmakers to slow down and consider the ramifications of permitting more self-driving cars to be tested in real-world settings.

Alliance of Automobile Manufacturers CEO Mitch Bainwol plans to [testify](#) it’s “critically important” that the National Highway Traffic Safety Administration be allowed to increase the number and duration of exemptions from the federal motor vehicle safety standards (FMVSS), which regulate vehicles with human drivers. Without that expanded authority, automakers and other developers “will not be able to deploy the technology at a scale necessary to collect more robust real-world data to inform future regulatory action,” he says. Association of Global Automakers President John Bozzella [says](#) increasing exemptions is needed, but likely won’t provide long-term certainty for automakers. He says government also should identify and update antiquated standards.

Former NHTSA Administrator David Strickland, who represents the Self-Driving Coalition for Safer Streets—founded last year by Ford, Lyft, Uber, Volvo and Google-project Waymo—[says](#) the coalition backs the “Let NHTSA Enforce Autonomous Vehicle Driving Regulations” ([Lead’r](#)) Act, which says the federal government, not states, has the power to promulgate and enforce vehicle safety standards. “The LEAD’R Act would more clearly delineate that the states continue to retain their traditional role in establishing and maintaining the rules of the road, vehicle registration, traffic enforcement, and with respect to insurance,” Strickland says. Bainwol and Bozzella back legislation that supports creation of a consistent, national framework for testing, development and deployment of self-driving vehicles.

Strickland, a Venable attorney, also plans to plug the “[Practical Automated Vehicle Exemptions Act](#),” the “[Renewing Opportunities for Automated Vehicle Development Act](#),” the “[Expanding Exemptions to Enable More Public Trust Act](#)” and the “[Maximizing Opportunities for Research and the Enhancement of Automated Vehicles Act](#).” He says the bills “strike the right balance to encourage the safety innovation of Level 4 and 5 vehicles,” referring to Society of Automotive Engineers (SAE) standards for highly automated vehicles.

The U.S. Chamber of Commerce offered surveys and studies done supporting development and use of self-driving vehicles, and encouraged a single federal standard. Tim Day, senior vice president-Chamber Technology Engagement Center, plans to [testify](#) that federal regulations should be tech neutral and standards shouldn't be too specific. He says more exemptions are needed and government "should consider defining objective performance standards" while leaving automakers to meet those goals and certify compliance.

George Washington University law school professor Alan Morrison says legislation should allow only manufacturers, not the public, to do greater real-world testing. "Some automated safety features are now being installed in cars sold to the public, but those in vehicles coming within SAE categories 3, 4 & 5 should be regulated as test vehicles phase and should not be available to the public for some time," according to his [testimony](#). He will oppose legislation that increases exemptions because he says NHTSA has "no meaningful standards" to grant or deny an exemption.

On the draft "[Managing Government Efforts to Minimize Autonomous Vehicle Obstruction Act](#)," which would direct the FTC and NHTSA to develop an agreement on privacy and cybersecurity considerations, Morrison doubts NHTSA should have any role. The FTC should have "express authority" to issue rules on how data is collected and ensure privacy, while cybersecurity may have to fall under the aegis of another agency, he says. Consumers Union Policy Analyst William Wallace did not provide testimony. — *Dibya Sarkar*

Debt Ceiling 'Chatter'

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Doyle, Gardner, Hassan Circulating Dueling Spectrum Bills

At least two [draft wireless spectrum bills](#) are under development on Capitol Hill, though a bill led by House Communications Subcommittee ranking member Mike Doyle, D-Pa., appears to be closer to a formal introduction, said wireless industry lobbyists in interviews. Doyle is looking to file his bill this week, while staffers for Sens. Cory Gardner, R-Colo., and Maggie Hassan, D-N.H., are meeting with stakeholders to revise their draft bill, lobbyists said. A Senate aide confirmed Gardner and Hassan were partnering, given Hassan's burgeoning interest on telecom issues.

It's not clear whether [Gardner and Hassan are coordinating with Doyle](#) as the two bills germinate. Both pieces of legislation are targeted at "positively identifying" additional spectrum to make available for wireless industry purchase via a future FCC auction, one lobbyist said. Doyle, like Gardner and Hassan, is aiming his bill at repurposing "underutilized" public sector spectrum for wireless industry use, the lobbyist said. Spokesmen for Doyle, Gardner and Hassan didn't comment.

[Gardner and Hassan are developing their bill amid "chatter"](#) about some Senate Republicans' interest in using a planned July vote to raise the debt ceiling as a vehicle for moving some spectrum-related legislation, a telecom lobbyist said. Legislation that would create potential revenue of around \$2 billion through another wireless spectrum auction would "fit the bill" for congressional Republicans, the lobbyist said. The Gardner-Hassan bill is unlikely to "see the light of day" until after Congress' upcoming July 4 recess given where the senators' offices stand in their discussions with interested parties, a wireless lobbyist said.

[Wireless industry interests are looking to push for the Gardner-Hassan bill to focus](#) on identifying potential mid-band spectrum for auction, given the recent success of the FCC's 600 MHz incentive auction and the agency's spectrum frontiers proceeding on high-band spectrum, a telecom lobbyist said. The wire-

less industry wants to ensure “there’s a good mixture of mid-band spectrum as part of the equation,” the lobbyist said. A wireless lobbyist noted there was interest in also targeting the bill at high-band spectrum.

The Gardner-Hassan bill could be “complementary” to the goals of the Senate Commerce Committee-cleared Mobile Now Act (S-19) spectrum bill, since both bills aim to “establish a pipeline” for spectrum reallocation, a wireless lobbyist said. A July introduction wouldn’t be too soon for that bill to be associated with Mobile Now, but legislative strategy hasn’t factored into discussions about the bill, the lobbyist said. A telecom lobbyist questioned whether it would make sense to tie the bills together since Gardner-Hassan is likely to be more targeted at mid-band spectrum. — *Jimm Phillips*

Capitol Hill

Senate Minority Leader Chuck Schumer, D-N.Y., urged the FCC Sunday to reject bids to allow voice messages that go directly to a voicemail box, also known as “ringless” voicemails, under the Telephone Consumer Protection Act. “With billions of robocalls made to cellphones each year, the feds should be doing more to rein in annoying telemarketers, not throw gas on the problem and add fuel to cellphone spam,” Schumer said in a [letter](#) to FCC Chairman Ajit Pai. Schumer responded to a now-withdrawn petition from All About the Message for a declaratory ruling that ringless voicemail doesn’t constitute a call under TCPA (see [1704180037](#) and [1706230063](#)). The petition got support from the Republican National Committee and opposition from groups of House and Senate Democrats (see [1706150053](#) and [1706160057](#)). Ringless voicemails “may be quieter than what we traditionally think of as cellphone spam” but “are no less intrusive or annoying to consumers,” Schumer said.

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Agencies

Influencers and marketers aren’t heeding FTC warnings about disclosing their relationships to brands when promoting products on Instagram, said Public Citizen and other organizations in a Monday [news release](#), prompting the groups to again complain to the agency. More than two months ago, the FTC sent out more than 90 letters to influencers and marketers as reminders they should reveal material connections between themselves and advertisers unless it’s already clear from the context of the communication (see [1704190031](#)). Public Citizen said that from May 1 to June 12 it tracked 46 Instagram influencers who received the FTC letter and found that “only one fully and consistently complied” with agency policy. “In total, 327 (79 percent) of the 412 advertisements posted by the 46 influencers did not comply with FTC standards,” said Public Citizen. The group, along with Campaign for a Commercial-Free Childhood and the Center for Digital Democracy, sent a [letter](#) to the FTC asking it to enforce the guidelines and seek penalties. “The FTC must demonstrate that there will be consequences for failure to follow the FTC’s guidelines,” said the letter. It said the commission should work with Instagram to create a system “to denote paid posts consistent with” those guidelines. An FTC spokesman emailed that the agency is reviewing the groups’ letter.

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Most of the comments in the FCC open internet rulemaking favor repealing the 2015 net neutrality and Communications Act Title II broadband reclassification order, said Consumer Action for a Strong

Economy Monday. CASE, a “free-market voice” for consumers, said it analyzed the 4.99 million comments filed in [docket 17-108](#) by June 20 (more than 5 million were filed as of Monday). “Roughly 65% of the docket is in support of repeal of the 2015 rule,” it said. “Nearly 6% of comments filed are coming from self-identified international filers, and approximately 75% of all comments are from letter campaigns coming from both sides—for and against repeal.” Commenters’ “sentiment was determined based on the clear language indicated in the form letters we tracked on both sides of the debate, which comprise the majority of the docket. We also used key terms indicating *support for* or *against* the current Title II-based rules,” CASE said. A spokeswoman for a group drumming up support for the 2015 net neutrality order voiced skepticism, “given the utter lack of real grassroots support for [FCC Chairman] Ajit Pai’s plan to dismantle net neutrality protections,” though she acknowledged she would have to dig into CASE’s methodology. “Given that the FCC has refused to do anything about the hundreds of thousands of fake anti-net neutrality comments that were submitted to their API [application programming interface] using real people’s stolen names and addresses, this sentiment analysis is essentially moot, because it’s including comments that the FCC (and everyone else) knows were not submitted by real people,” emailed Evan Greer, Fight for the Future campaign director. “A valid sentiment analysis would take that into consideration and would work to separate out the comments that are known to be fake. It does not appear that CASE has done that, which means they are making claims based on data that they know to be tainted.” —DK

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Ajit Pai said 5G, and opening new bands across the spectrum, will be a big focus of his time as FCC chairman. Pai spoke Monday at the “Broadband for All” seminar in Stockholm, and the agency [posted](#) his remarks. Pai called 5G a national priority. Fifth-generation wireless “promises exponential growth” in the IoT, he said. “It could let mobile broadband consumers download 4K movies in seconds. It could enable cooperative collision avoidance for cars and remote robotic surgery. It could bring the full power of virtual and augmented reality into reality.” One key is flexible service rules, he said. “We basically make spectrum

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available and then do our best to stay out of the way of technological development and the details of implementation.” U.S. spectrum policy brings to mind a Swedish word—“smörgåsbord,” he said: “We aim to free up all kinds of spectrum—low-, mid-, and high-band—for both licensed and unlicensed use. We are convinced that this approach allows mobile innovators and consumers alike to feast.” Pai didn’t announce any new initiatives on spectrum. Arturo Robles-Rovalo, commissioner at Mexico’s Instituto Federal de Telecomunicaciones, [tweeted](#) that he met with Pai at the conference to “review ongoing joint work and analyze common goals.” Pai [tweeted](#) about meetings with RS Sharma, chairman of the Telecom Regulatory Authority of India, plus officials from Canada, Israel and Sweden.

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Charter got a temporary license from the FCC Office of Engineering and Technology to run tests in the 3650-3700 MHz band. Tests are to start July 1 and run through the start of 2018, said a report posted by the FCC. The application’s purpose is to test “a variety of experimental equipment,” the document said: “The testing will evaluate coverage, capacity, and propagation characteristics in the 3650-3700 MHz band. The proposed operations will advance Charter’s understanding of technology and network potential in the band and will advance deployment of fixed and mobile services.” Tests also will look at coexistence of devices in that band and in the FCC’s adjacent Citizens Broadband Radio Service band, said a filing by the cable ISP. It said it’s working with Federated Wireless, one of coordinators in the CBRS band. The tests will take place in the Tampa, Florida area.

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FCC staff updated Lifeline minimum service standards and slightly increased its budget, implementing aspects of a 2016 order overhauling the agency’s USF low-income broadband/telecom subsidy program. Starting Dec. 1, the Lifeline minimum service standard for fixed broadband speed will be 15/2 Mbps (down/up), as calculated from Form 477 data, with an exception for providers that don’t offer any generally available residential fixed broadband packages meeting the standard at a subscriber’s residence (those providers must offer at least 4/1 Mbps), said a Wireline Bureau [public notice](#) Monday in docket 11-42. It noted the fixed broadband data-allotment minimum will be 250 GBs per month, as calculated from urban rate survey data. The PN said the 2016 order included an automatic increase in Lifeline’s mobile broadband data-allotment minimum to 1 GB per month, while retaining a 3G technology minimum speed standard. The order also included an automatic update of the Lifeline mobile voice minimum to 750 minutes per month on Dec. 1. To incorporate inflation indexing, as required by the order, the Lifeline budget for calendar year 2018 will increase from the current \$2.25 billion to \$2.279 billion, the PN said.

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Globalstar should acknowledge that it must continue to meet emissions levels in the 1559-1610 MHz band from ancillary terrestrial component (ATC) base and user stations previously agreed to with NTIA, the GPS Innovation Alliance (GPSIA) said in FCC International Bureau [comments](#) posted Friday. GPSIA said Globalstar hasn’t addressed the commitment in its bureau applications. Friday was the deadline for comments on Globalstar’s request for modification of its satellite and earth station licenses to implement its planned ATC service (see [1705250011](#)). In a joint [filing](#) posted Friday, Globalstar and the Wireless Communication Association International said the two have come up with a baseline protocol to govern responses to complaints of

broadband radio service (BRS) and educational broadband service (EBS) licensee interference. They said they may refine the protocol in the future, and individual BRS or EBS licensees can sign an agreement with the company establishing a different protocol. They said Globalstar’s terrestrial service in the 2483.5-2495 MHz band will include a 24-hour toll-free network operating system hotline and website for receiving interference complaints, and Globalstar—if it determines it has base stations in the area of the interference—will have 24 hours to determine whether its service access points there are operating up to specifications. The two said if an access point is found to be malfunctioning or not within licensed requirements, it will be shut off until repaired or replaced. They said if all access points in a geographic area are found to be operating within specifications, Globalstar will take mitigation steps of turning off, powering down or relocating them or take other remedial steps to find the interference. And they said that if those steps determine Globalstar access points are at fault, Globalstar and the interfered-with service provider “must work in a commercially reasonable manner” to come up with long-term mitigation modifications.

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The FCC teed up an NCTA request for pole-attachment revisions to an order streamlining Part 32 telco accounting rules (see [1702230051](#)), in a Consumer and Government Affairs Bureau [public notice](#) Monday. Oppositions will be due within 15 days of the date of the PN’s publication in the *Federal Register* and replies 10 days after the deadline for oppositions, said the PN. The commission order “enabling carriers to opt out of Part 32 and rely exclusively upon GAAP [generally accepted accounting procedures] fails to include the necessary procedural protections under which pole rents are policed,” said NCTA’s June 5 [petition](#) for reconsideration in docket 14-130.

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Courts

Incompas and Sprint opposed an FCC motion that a court remand business data service tariff litigation in which AT&T is challenging a 2016 agency order that found certain incumbent telco BDS tariff provisions unlawful (see [1706140012](#)). Granting the commission’s request, which cited a 2006 *BellSouth v. FCC* ruling, “would needlessly delay resolution of a case” affecting much of the telecom industry, said the two intervenors in their [opposition](#) (in Pacer) Friday to the U.S. Court of Appeals for the D.C. Circuit in *AT&T v. FCC*, No. 16-1166. Incompas and Sprint also said they intend to ask the 8th U.S. Circuit Court of Appeals to transfer separate challenges to the FCC’s recent deregulatory BDS order to the D.C. Circuit “so that both cases may be heard by the same panel.” Windstream and others asked the FCC to stay that BDS order (see [1706260054](#)). In their opposition, Incompas and Sprint noted the FCC’s 2016 tariff investigation order required AT&T and other major ILECs to remove from their pricing plans “unjust and unreasonable” contract provisions, including “all-or-nothing” terms and some volume-shortfall and early-termination penalties. They said voluntary remand is usually granted when there’s new evidence or a new event that may affect the validity of agency actions. “None of those circumstances has occurred here,” said their opposition. “Instead, the Commission asks—without confessing error—for remand to consider an eleven-year-old case that ... is not relevant.” Meanwhile, the FCC Friday in a [status report](#) (in Pacer) asked the D.C. Circuit to continue to hold in abeyance a USTelecom case challenging an interim technology transitions wholesale access rule that will expire with the implementation of new special access (BDS) rules, which were adopted in April and most of which take effect Aug. 1 (see [1706020060](#)). In *USTelecom v. FCC*, No. 15-1414, the telco group also is challenging the previous FCC’s interpretation of Communications Act Section 214,

which the current commission proposed to reverse in a recent wireline broadband deployment NPRM that drew many comments this month (see [1706160041](#)).

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Critics asked the FCC to stay its recent deregulatory business data service order (see [1704200020](#)), and said they would treat inaction by Friday as denial. The record shows incumbent telcos are the only facilities-based provider in 86 percent of buildings with total bandwidth demand of 50 Mbps or less “because it is almost never economically feasible to build a new last-mile connection” in such situations, said a joint stay [motion](#) posted Monday in docket 16-143 by Windstream, BT Americas, Incompas and the Ad Hoc Telecom Users Committee. They said competitors must buy last-mile connections from the ILEC to compete, and also often must buy dedicated BDS transport from ILECs. The FCC traditionally used price-cap regulation to control rates, but new leadership “abruptly changed course without seeking further comment” and “adopted results-driven new rules divorced from well-established market analysis principles, precedent and” the previous commission’s 2016 proposals, said the motion. ILECs will be allowed to detariff Aug. 1 “and to replace discontinued BDS with higher-cost alternatives, creating the prospect of enormous disruption and uncertainty as the industry migrates to a new paradigm of Commission indifference to competition,” said the groups, arguing they met the requirements for a stay: “Moreover, a stay would not harm the ILECs, and instead would avoid massive and permanent losses that would be unrecoverable in the event of reversal.” The FCC, stay movants and ILECs didn’t comment. The FCC rarely approves such requests, leaving critics to seek court action. The 8th U.S. Circuit Court of Appeals was recently chosen by lottery to hear challenges to the BDS order (see [1706160022](#)), but Incompas and Sprint said Friday they would ask that court to transfer that case to the D.C. Circuit, which has before it an AT&T challenge to a 2016 BDS tariff investigation order. Incompas and Sprint opposed an FCC motion the D.C. Circuit remand the tariff case to the agency (see [1706260015](#)). —*DK*

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States

AT&T launched fixed wireless internet service in eight states as part of the carrier’s Connect America Fund commitment to rural and underserved areas, said a Monday [news release](#). After an April launch in Georgia, the carrier expanded to Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, it said. The service now covers 70,000 locations; AT&T plans to cover 400,000 plac-

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es in 18 states by year-end and 1.1 million by 2020. The next nine states targeted for expansion are Arkansas, California, Illinois, Indiana, Kansas, Michigan, Ohio, Texas and Wisconsin. The fixed wireless service has at least 10 Mbps download speed and the base package includes 160 GB monthly data usage.

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International

Facebook, Microsoft, Twitter and Alphabet/Google's YouTube formed the Global Internet Forum to Counter Terrorism to boost their collaboration in curbing online terrorist and violent extremist content, said Facebook in a Monday [news release](#). The forum builds on the companies' initiative with the EU (see [1606030037](#) and [1605310051](#)), creation of a shared industry hashtag database (see [1612060053](#) and [1612090049](#)) and other efforts. The forum "will formalize and structure existing and future areas of collaboration between our companies and foster cooperation with smaller tech companies, civil society groups and academics, governments and supra-national bodies such as the EU and the UN." Initially, the forum will focus on technological solutions, research on counter-speech efforts and more collaboration with counterterrorism experts to develop best practices and other initiatives.

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Privacy

DOJ formally sought a Supreme Court hearing on its fight against Microsoft, which prevailed last year in refusing to comply with a government search warrant to hand over a customer's emails stored in a server in Ireland. In January, the 2nd U.S. Circuit of Appeals denied Justice an en banc hearing (see [1701240057](#)) to review a three-judge panel's decision that sided with Microsoft. DOJ filed a [writ of certiorari](#) Friday, saying the 2nd Circuit panel "seriously misinterpreted the Stored Communications Act. ... The panel reached that unprecedented holding by reasoning that such a disclosure would be an extraterritorial application of the Act—even though the warrant requires disclosure in the United States of information that the provider can access domestically with the click of a computer mouse." Microsoft Chief Legal Officer Brad Smith [blogged](#) Friday that "it seems backward to keep arguing in court when there is positive momentum in Congress toward better law for everyone." He said DOJ is putting companies "in impossible conflict-of-law situations," and harming Americans' security, jobs and personal rights. Recent congressional hearings focused on DOJ's push for bilateral agreements with the U.K. and potentially other countries to share criminal information in investigations about individuals, which U.S. providers largely have supported (see [1706150061](#) and [1705240040](#)).

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The Center for Democracy & Technology, Constitution Project and Electronic Frontier Foundation are asking the Supreme Court to review a drug trafficking case in which the 6th U.S. Court of Appeals decided police could track people's cellphones without a warrant. EFF said in a Monday [news release](#) the high court should review *U.S. v. Rios* "and make clear that the Fourth Amendment requires a warrant for real-time location tracking—whether the tracking occurs via a GPS device on your car or the collection of location data generated by cell phones or other Internet-connected devices." Police did get a warrant to track

the defendant's cellphone in the Rios case, but EFF said the 6th Circuit decided a warrant wasn't needed. EFF said the court based its ruling on a "flawed 2012 decision" that said, in an unrelated drug trafficking case, such data doesn't have any privacy protections "because people 'voluntarily' carry cell phones with them." However, EFF said a Florida Supreme Court ruling in a separate case said people do have privacy for cellphone location records.

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Security

Ranking Democrats on a number of House committees and subcommittees wrote FCC commissioners and John Felker, director-National Cybersecurity and Communications Integration Center (NCCIC), Department of Homeland Security, asking for information about the May distributed denial-of-service attacks on the FCC website believed to have affected comments in the net neutrality proceeding (see [1705170067](#)). Noting allegations that numerous comments in the net neutrality docket were forged (see [1705250064](#)), the FCC [letter's](#) signers asked the agency "to examine these serious problems and irregularities that raise doubts about the fairness, and perhaps even the legitimacy, of the FCC's process in its net neutrality proceeding." Both were released Monday. The FCC letter sought answers to a variety of questions by July 17, including what steps the agency is pursuing to protect its electronic comment filing system, how the commission and FBI jointly determined the attack didn't rise to the level of an incident that would necessitate FBI involvement, and whether the agency contacted DHS's NCCIC Hunt and Incident Response Team about the cyberattacks—and if it didn't, why not. The Felker [letter](#) also set a July 17 deadline as it asked for NCCIC to provide copies of all communications between it and the FCC on the May cyberattacks, plus any forensic analyses by and recommendations from NCCIC. The letter also requested a July 19 briefing. Signers were House Commerce Committee ranking member Frank Pallone, D-N.J., Communications and Technology Subcommittee ranking member Mike Doyle, D-Pa.; Oversight and Government Reform ranking member Elijah Cummings, D-Md.; Oversight and Investigations Subcommittee ranking member Diana DeGette, D-Colo.; Information Technology Subcommittee ranking member Robin Kelly, D-Ill.; and Government Operations Subcommittee ranking member Gerald Connolly, D-Va. The FCC didn't comment.

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Industry Notes

Verizon should modify or end some claims it makes in advertising the Google Pixel smartphone, including the "exclusively at Verizon" claim, the National Advertising Division [said](#) Monday. T-Mobile challenged the ad claims, and NAD said Verizon indicated it modified or discontinued some claims before then. NAD said Verizon also said it disagreed with NAD findings, but it would comply with its recommendations in future ads and not appeal. The carrier didn't comment.

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Alexa integration is among enhancements Ayla Networks added to its IoT platform to spur consumer adoption of connected products, the company [announced](#) Monday. Manufacturers can implement Alexa

skills on their connected products via the Ayla IoT platform without writing code or running servers on Amazon Web Services, it said. The Ayla Insights 2.0 upgrade also includes integrations on machine learning and artificial intelligence.

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GTT Communications agreed to acquire Global Capacity, GTT said in a Monday [news release](#), for \$100 million cash and 1.85 million shares of GTT common stock to be issued to the sellers at closing. Following GTT's \$37.6 million acquisition of Perseus (see [1706200080](#)), the deal adds customers in the healthcare, application service provider, retail and carrier markets; enhances GTT's managed SD-WAN service with Ethernet over copper infrastructure; and expands GTT's network to 8.6 million U.S. commercial addresses, the buyer said. The companies expect to close by the end of Q3, including subject to regulatory approvals, GTT said.

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Some 87 percent of Amazon Echo owners plan to upgrade to the Echo Show when it begins shipping Wednesday, said an Asurion [survey](#) of 600 consumers released Monday. The extended warranty and tech support company expects an uptick in calls from consumers, mirroring the 400 percent jump for Echo after the winter holidays, it said. "Customers are excited about the screen and ability to make video and internet phone calls and our experience tells us customers will most likely experience issues with basic set up, pairing and connecting to their home Wi-Fi setup," said Todd Chretien, Asurion senior vice president-customer solutions.

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Low-cost carrier Virgin Mobile will sell only plans based on the iPhone starting Tuesday. Subscribers who buy a new iPhone through Virgin will get unlimited talk, text and data for \$50 a month. In an [offer](#) that expires July 31, the first year will cost only \$1. Virgin operates on Sprint spectrum. "On the surface, this might sound like great news for Apple," BTIG analyst Walter Piecyk wrote Monday. "An operator giving away service for free in order to encourage the sale of iPhones only. Is there a better example of the transfer of value from the wireless operator to Apple? Unfortunately, Virgin Mobile's offer appears to simply be a desperate attempt by a failing brand to maintain relevance and unlikely to drive material volumes for either Apple or Sprint."

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Voxx is selling Hirschmann Car Communication and its subsidiaries to TE Connectivity for about \$166 million, Vox [announced](#) Monday. "While the business is growing, it would require significant working capital on our end," said Voxx CEO Pat Lavelle. Continuing operations include rear-seat infotainment, satellite radio products, telematics, app-based vehicle security and the eFob phone-as-a-key technology, Voxx said. Businesses that will be sold are antenna, smart antenna, multi-digital tuner and commercial asset tracking business. "Increasing data needs and new applications require active communications and increased connectivity within and outside the vehicle," said Eric Kueppers, president, TE's

global automotive. The deal, subject to approvals, is to close Aug. 31. Voxx stock closed up 11 percent Monday at \$8.75.

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By the end of 2021, expect to see ever-faster declines of traditional multichannel subscriptions, to 82.3 million, down 10.8 million households over five years, Kagan said in a news [release](#) Monday. Its projections through 2021 also indicate nearly 11 million households subscribing to virtual services and households relying solely on over-the-top delivery of self-aggregated online content hitting close to 18 million, or 14 percent of occupied households. It said households with traditional multichannel service still will be in the majority, but a quarter of occupied households will have an alternative service this year, rising to one-third by 2021, Kagan said.

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Sure Universal added Amazon Alexa integration to its universal software remote app and will demo the feature at Mobile World Congress Shanghai from Wednesday to Saturday. Once the Sure software is linked to a user's Alexa account, users can control their smart home from another room or away from home, said the company. The Sure app recently received Open Connectivity Foundation certification, and future versions will support Google Assistant and Apple HomeKit, said Sure. Alexa integration launched for Android devices at the Google Play store, and an iOS version will be available in September, said the company.

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Bluetooth sportswear company Sena introduced a smart helmet for the cycling market that allows three riding companions to communicate via a built-in intercom, said a Monday [news release](#).

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LG launched a social media ad campaign for OLED TVs Monday, focusing on content for the “Serious Watcher” and featuring [appearances](#) by *Orange Is the New Black* actress Yael Stone. The spots focus on content rather than hardware specs to tap into the “TV watcher born from the streaming era,” said LG.

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Internet People

At Time Warner, Turner promotes **Richard Warren** to president-Turner Content Distribution, succeeding **Coleman Breland**, moving to new post as president-content experiences while continuing as president-TCM and FilmStruck ... Kroll hires **Pierson Clair**, ex-Maryman & Associates, as senior director-Cyber Security and Investigations practice ... Topps promotes **Deniz Gezgin** to vice president/general manager-digital ... Facewatch names as CEO **Nick Fisher**, business consultant to the facial recognition technology firm ... Tanium appoints **Mark Wayland**, ex-Salesforce, as chief revenue officer, new post ... The Recording Academy elections include **Terry Hemmings**, Provident Music Group, as secretary/treasurer and **Christine Albert**, Swan Songs, chair emeritus.

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