



2025

WISPAMERICA™

BROADBAND WITHOUT BOUNDARIES



Rules to Know

Tuesday, March 25, 2025

Moderator

Josh Luthman, Imagine Networks LLC

Panelists

Thomas Forte, Red Jacket Solutions

S. Jenell Trigg, Esq., CIPP/US, Lerman Senter PLLC

Josh Luthman

Imagine Networks LLC

- Started WISP in 2006
- Began fiber operations in 2019
- Transitioned from 3 to sole owner
- Current board member for WISPA
- Policy Committee Chairperson
- Tower climber, manager, significant shovel operator

Thomas Forte

Red Jacket Solutions

- 43 + years of representing Local, Long Distance, VOIP and other service providers with all aspects of regulatory and operational support.
- Specializing in:
 - Market-Entry
 - Compliance (FCC and State)
 - Transactional Tax
 - Lifeline services

S. Jenell Trigg, Esq., CIPP/US

Lerman Senter PLLC

- Counsel Emeritus and Chair Emeritus of Privacy, Data Protection & Cybersecurity Practice Group
- Three decades of regulatory, policy and legislative experience
- Former Asst. Chief Counsel for Telecommunications, Office of Advocacy, U.S. Small Business Administration
- Former Law Clerk for Commrs. Chong & Ness, FCC
- Former Senior Telecom Policy Analyst, OCBO, FCC

Before we get started...

Disclaimer

This presentation is **not** intended to create an attorney-client relationship. The information contained in this presentation is general and is **not** offered as legal advice. You are strongly encouraged to consult with your attorney(s), consultant(s), or financial advisor(s) if you have specific questions. Any reliance on the information in this presentation is taken at your own risk.

Not a complete list

This presentation is to aid you in state/federal compliance. WISPA members are provided with a list containing regulatory requirements. Link at the end!

The panel is here for YOU!

- Please feel free to ask questions. Raise your hand at a minimum and use the microphone.
- This is a reminder to put your phones/laptops on mute.
- This presentation, as well as all of them from this week, will be made available to you after the show. Please complete the survey so we can improve the show and improve everyone's experience.
- We are trying to present with a before/during/after providing service & a service provider theme. Feel free to raise your hand if you have a thought to share or question!

WISPA's Appeals of FCC Orders

- FCC April 2024 Declaratory Order reinstating Net Neutrality/Title II – Appealed before Sixth Circuit, U.S. Court of Appeals
 - OVERTURNED on January 2, 2025
- FCC November 2023 Report & Order re Digital Discrimination with “Disparate Impact” rules – Appealed before Eighth Circuit, U.S. Court of Appeals (DECISION PENDING)
- FCC December 2023 Report & Order that expands CPNI rules to include data breach notification requirements – Appealed before Sixth Circuit, U.S. Court of Appeals (DECISION PENDING)

Type of service(s)

- Type of service(s) you offer or plan to offer will dictate regulatory requirements:
 - Broadband Internet Access Service (BIAS)
 - Wireless only
 - Fiber
 - Hybrid
 - Telecommunications Service
 - Includes Voice over Internet Protocol (VoIP)
 - Video Service
 - Cable and OTT

Net Neutrality/Title II Appeal

- WISPA et al. argued the following:
 - Abandon Proceeding
 - Additional Forbearance
 - Exempt small providers
 - Preemption cannot be achieved
- Impact of Court's decision on BIAS providers:
 - Ending Indecision
 - May open new market offerings and innovations
 - May prompt more state-level Net Neutrality rules (CA/WA)

Market Entry Regulatory Requirements – Voice Providers

- USAC
- FCC Forms 499-A and 499-Q
- State Registrations

Market Entry Regulatory Requirements – Voice Providers

- FCC Forms 502 Numbering Resource Utilization/Forecast (NRUF)
- North American Numbering Plan Administrator (NANPA)
- Local Numbering Portability (LNP) and Reassigned Numbers Database
- Numbering Resource Utilization/Forecast (NRUF)
- E911 Registrations/Notification

Broadband Data Collection (BDC) – Old Form 477

- Covers broadband and fixed voice providers (inc. VoIP)
- BDC bi-annual filing (Sept. 1 and March 1)
- Covers broadband availability data (including supporting data) and broadband subscription data
- Fixed wireline/wireless providers – submit either propagations maps and details or list of locations served
- Data used for National Broadband Map

Broadband Data Collection (old Form 477)

- BDC Verification Process – BEWARE
 - May be triggered by large changes from previous submission, low subscriptions, etc.
- Must submit fixed voice subscription data

STIR/SHAKEN

- Implement STIR/SHAKEN caller ID framework
- ALL voice providers must certify and file in Robocall Mitigation Database (RMD)
 - Must update for changes
- Develop, implement and maintain Robocall Mitigation Plan
- Requires blocking of voice providers not listed in RMD

**Annual Recertification (March 1) and \$100 filing fee*

New Network Outage Reporting Requirements – Eff. February 2025

- New FCC Disaster Information Reporting System (DIRS) Requirements (applies to ALL voice service providers)
 - Must report infrastructure status to FCC when FCC activates DIRS in voice provider's geographic area – whether or not or to what extent the provider is actually experiencing a network outage
 - Provide daily reports on infrastructure status from start of DIRS activation until it is deactivated
 - Provide a single final report to FCC within 24 hours of DIRS deactivation

CALEA/SSI

- Communications Assistance for Law Enforcement Act (CALEA)
 - Assist with law enforcement surveillance
- Applies to broadband and VoIP providers
- File and maintain up-to-date System Security and Integrity Plan (SSI) with FCC
- Ways to comply:
 - Develop compliance solution
 - Purchase 3rd party solution

CALEA/Cybersecurity

- Declaratory Ruling expanded CALEA to cover network security
- NPRM proposing certain covered providers annually certify to creation, updating and implementing cybersecurity and supply chain risk management plans
 - Covered providers include facilities-based fixed and mobile BIAS and interconnected VoIP providers
 - No comment deadline, and proceeding may be on hold – But note cybersecurity requirements for federal grant recipients
 - Petition for Reconsideration filed by CTIA, NCTA and USTelecom

MTEs/MDUs

- Multi-tenant environments (MTEs)/Multi-dwelling units (MDUs) Commercial and Residential – FCC Rules:
 - Prohibit adoption and enforcement of exclusive building access agreements between cable/MVPDs or telecom. providers and MTE/MDU owners/managers
 - Prohibits providers from entering into or enforcing exclusive or “graduated” revenue sharing agreements
 - Regulate exclusive marketing agreements (must disclose to affected residents/tenants on all written marketing materials)
- Bulk billing agreements (still OK, for now)

Disability Access Recordkeeping

- 21st Century Video and Communications Accessibility Act (CVAA) requires recordkeeping of efforts to make telecommunications services and equipment, advanced communications services and equipment accessible to people with disabilities
- Maintain internal recordkeeping plan
- Certification filed annually – April 1

Consumer-Facing Documents

- Terms of Service/Terms of Use/Master Services Agreement
- Acceptable Use Policy
- Privacy Policy (and CPNI disclosures/policy)
- Digital Millennium Copyright Act (DMCA) Notice
- Open Internet Transparency Policy
- Broadband Consumer Label

Terms of Use/Services Agreement/MSA

- Terms of Use/Services Agreement/MSA
 - Umbrella agreement governing services
 - Should incorporate and reference other consumer-facing documents
 - CONSISTENCY IS KEY
 - Use like terms across policies
- Why Should These Be On My Website?
 - Manages Consumer Expectations
 - Builds & Maintains Trust
 - Legal Protection
 - Control

Acceptable Use Policy (AUP)

- Not legally required on website but recommended
- Covers
 - Permitted Activities
 - Prohibited Activities
- Should establish enforcement procedures/rights

Privacy Policy

- Your Privacy Policy lets Customers Know:
 - **WHAT** type of personal information (PI) (and CPNI, if applicable) is collected, used and retained by provider and any third party (including affiliated companies, potential buyers, vendors and law enforcement)
 - **WHY** PI is being collected, used, retained or disclosed
 - **WHO** are the third parties PI is disclosed to
 - **HOW** PI is being safeguarded
 - **HOW** customers can access, review, change and/or delete PI
 - **HOW** Artificial Intelligence (AI) and algorithms are used

Digital Millennium Copyright Act

- Section 512 provides a safe harbor for Service Providers from legal liability for copyright infringement of third-party content on a website, online service, network, or application IF:
 - You register a Designated Agent (DA) with the U.S. Copyright Office

AND

- Post the registered DA's name and contact information on your website
- Keep the DA information current with the US Copyright Office and on your website
- Develop and reasonably implement a "Repeat Infringer" Policy

Digital Millennium Copyright Act

- DMCA's "Notice-and-Takedown" Provision Protects ISPs IF:
 - The ISP DA is registered with the US Copyright Office AND
 - The ISP responds immediately when it receives a take down notice and removes the (allegedly) offending material:

Penalties can be significant if the ISP does not immediately take down the material in response to a DMCA claim.

Open Internet Transparency Statement

- Must be posted to your website and displayed in any retail location
- Addresses:
 - Network Management Practices
 - Congestion Management
 - Performance
 - Commercial Terms of Service
 - Expected and Actual Broadband Speed and Latency
 - Pricing
 - Usage-based fees
 - Additional Fees

Broadband Consumer Label

- Display at all points of sale (website and alternative sales channels) for all broadband plans
- Display in payment portal (if applicable)
- Provide in machine-readable format (e.g., .csv file)
- Linked to Transparency Statement – Yes, you need both and they need to be consistent (same as TOU/TOS/MSA and Privacy Policy)

Broadband Facts	
Provider Name	
Service Plan Name and/or Speed Tier	
<small>(Fixed or Mobile) Broadband Consumer Disclosure</small>	
Monthly Price	\$00.00
<small>This monthly price is an introductory rate</small>	
<small>Time the introductory rate applies</small>	<small>Yes / No</small>
<small>Monthly price after the introductory rate</small>	<small>YY months</small>
<small>Length of contract</small>	<small>\$00.00</small>
<small>Link to Terms of Contract</small>	<small>YY months</small>
<small>https://www.example.com/terms-of-contract</small>	
Additional Charges & Terms	
<small>Provider Monthly Fees</small>	
<small>Fee description</small>	<small>\$00.00</small>
<small>Fee description</small>	<small>\$00.00</small>
<small>Fee description</small>	<small>\$00.00</small>
<small>Fee description</small>	<small>\$00.00</small>
<small>One-Time Purchase Fees</small>	
<small>Fee description</small>	<small>\$00.00</small>
<small>Fee description</small>	<small>\$00.00</small>
<small>Early Termination Fee</small>	<small>\$00.00</small>
<small>Government Taxes</small>	<small>Included/Varies by Location/\$00.00</small>
Discounts & Bundles	
<small>Visit the link below for available billing discounts and pricing options for broadband service bundled with other services like video, phone, and wireless service, and use of your own equipment.</small>	
<small>https://www.example.com/discounts</small>	
Speeds Provided with Plan	
<small>Typical Download Speed</small>	<small>000 Mbps</small>
<small>Typical Upload Speed</small>	<small>000 Mbps</small>
<small>Typical Latency</small>	<small>00 ms</small>
Data Included with Monthly Price	
<small>Charges for Additional Data Usage</small>	<small>000 GB</small>
<small>https://www.example.com/data-usage</small>	
Network Management Policy	
<small>https://www.example.com/network-management</small>	
Privacy Policy	
<small>https://www.example.com/privacy</small>	
Customer Support	
<small>Phone:</small>	<small>(555) 555-5555</small>
<small>Website:</small>	<small>https://www.example.com</small>
<small>Learn about the terms used on this label. Visit the Federal Communications Commission's Consumer Resource Center.</small>	
<small>fcc.gov/consumer</small>	
<small>Unique Plan Identifier: F0005937974123ABC456EMC789</small>	

CPNI Compliance

- Data collected about voice customers through provision of service
- Deemed highly sensitive by FCC
- Subject to specific collection, maintenance and use requirements
- New data breach reporting requirements

To-Do Items:

- Designate a CPNI Compliance Officer
- Develop CPNI Compliance Manual
- File Annual CPNI Compliance Certification (March 1)
- Annual Training of Employees on CPNI Compliance

CPNI – Enhanced Data Breach Notification

- Report and Order effective March 13, 2024, however, substantive changes on hold
- **Not yet effective** – Expands breach reporting obligations beyond CPNI to include certain categories of PI
 - Notice to FCC, FBI and US Secret Service as soon as practicable, but no later than 7 business days after determination of breach
- **Not yet effective** – Expands definition of “breach” to include inadvertent access, use, or disclosure of customer information

*WISPA’s appeal of Report and Order still pending!

Additional Regulatory Requirements

- TRACED Act
- E911/MLTS – RAY BAUM'S Act (applies to manufacturers, sellers/lessors, installers, and operators/providers)
- Standard Network Outage Reports

QUESTIONS?

Link to Regulatory Requirements [for WISPA members]
https://www.viethconsulting.com/members/forum/topic_list.php?bid=2391133



THANK YOU