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Top News

\$3.5 Million Pirate NALs

FCC Unanimously Approves Agenda; Rosenworcel Weighs in on Trump Comments

The FCC unanimously approved all its agenda items at Thursday’s open meeting, including orders on mandatory outage reporting, mitigating orbital debris and misrouted 911 calls. The agency also announced millions of dollars in proposed pirate radio fines and FCC Chairwoman Jessica Rosenworcel commented on former President Donald Trump’s remarks about revoking the “licenses” of CNN and NBC over their coverage of him (see [2401170050](#)). “The First Amendment is something we take seriously and I take seriously,” Rosenworcel said. Commissioner Brendan Carr declined comment on the former president’s remarks.

The First Amendment “stands for the proposition that we cannot prohibit speech that is made by other folks in this country,” said Rosenworcel during a post-meeting news conference, adding that the FCC lacks license authority over cable. “I certainly encourage you to ask of all my colleagues,” she told us. During his news conference, Carr said, “As we move into election season, I’m not going to be making comments on every statement from candidates as they’re working through this process.” He added, “So in that one in particular, I don’t have a general comment.” Carr touted a *Yale Journal of Regulation* [paper](#) he and Commissioner Nathan Simington filed in support of states’ legal arguments on social media regulation. The paper “explains why it’s entirely consistent with the First Amendment to impose some common sense guardrails” on social media content regulation, Carr said.

Trump’s comments, which concerned the networks’ decisions to forego carrying his Iowa victory speech last week, “are just the latest in a long history of making vague threats that don’t represent how the law works,” said veteran First Amendment attorney Robert Corn-Revere, now chief counsel for the Foundation for Individual Rights and Expression. “Threatening to pull a station’s license over what they didn’t cover is absurd.” “Some might say this is just bluster from Trump, but it can have real-world consequences,” Stuart Benjamin, co-director of the Center for Innovation Policy at Duke Law School, said in an email. Though the courts would likely reject FCC moves against station licenses for content issues, the threat of having to go through that litigation could chill the speech of some licensees, he said. “The only other president we know of who made such a threat (though he did it privately) was Nixon, and his spokesperson, apparently not wanting to try to defend this threat, denied that Nixon had done so,” Benjamin said.

Outage Reporting

The FCC’s outage reporting order makes the agency’s disaster information reporting system mandatory for cable, wireline, wireless and VoIP. Previously, making outage reports in DIRS was voluntary. The shift will close “unacceptable” gaps in the FCC’s information gathering during disasters, Rosenworcel

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said. The [order](#) requires those entities to file reports with DIRS each day it's activated in a region in which they operate. It also requires they provide a final summary DIRS report on ongoing outages and mitigation efforts to the commission within 24 hours of DIRS' deactivation. The order suspends required reports to the network outage reporting system when DIRS is active to spare companies from making two filings.

Along with the order, the outage reporting item includes a further notice that seeks comment on making the system mandatory for other industries: broadcasters, satellite providers and broadband Internet access service providers. In addition, the FNPRM also seeks comment on including FirstNet in the requirement and whether carriers should be required to file after-action reports.

Industry officials have said the outage order will disproportionately affect smaller entities, because larger companies have more resources in a disaster and already consistently participate in DIRS. "In the immediate aftermath of a disaster, these small companies are immersed in the business of assessing damage and restoring service and often must operate in the face of direct impacts on employees and office locations," said NTCA. "We are disappointed that the new rules will compel the submission of daily regulatory reports rather than permitting companies to focus specifically on restoration activity and on the immediate needs of the community while providing updates on network status when feasible." The rule change "will simplify reporting and provide both officials and the general public with more complete data on damage to communications infrastructure during disasters and into disaster recovery," said Public Knowledge in a release. Joseph Torres, Free Press senior adviser-reparative policy and programs, called the FCC's order "a critical step in holding companies accountable to prevent the kinds of tragedies that took place" when two major hurricanes hit Puerto Rico in 2017.

Pirate Penalties

The commission approved five notices of apparent liability proposing more than \$3.5 million in forfeitures against five Florida pirate radio broadcasters. The NALs are the result of the agency's first sweep of the Miami area—a similar sweep in New York resulted in \$6.5 million in proposed fines in November (see [2311150042](#)). "These operators were not just using the public airwaves unlawfully, they were increasing the risk for harmful interference of authorized users and that's just not acceptable," Rosenworcel [said](#).

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The agency proposed a \$2.4 million forfeiture—the maximum available penalty—against pirate radio operator Fabrice Polynice for allegedly operating his station “Touche Douce” for 22 days in 2023. Polynice, like several of the alleged pirates targeted in the New York sweep, was an FCC target previously, receiving forfeiture orders in 2013 and 2018. Broadcasters have said that the higher fines allowed under the Pirate Act will motivate U.S. attorneys to pursue legal cases against pirates who don’t pay their FCC forfeitures, but the Enforcement Bureau Thursday declined to comment on whether any prosecutors are doing so. The agency also proposed fines of \$358,665 each against Brindley Marshall, Wilfrid Salomon and Cameron Brown, and a penalty of \$120,000 against Abdias Datis.

Orbital Debris

With applications for more than 56,000 satellites pending before the FCC, “we are going to have to care of our skies and make sure operators clean up after themselves,” Rosenworcel said as the commissioners [approved](#) the orbital debris recon order, which clarifies aspects of the 2020 orbital debris order. “We’re not going to stop here,” she said, pointing to the in-space servicing, assembly and manufacturing regulatory framework on February’s agenda (see [2401250068](#)). She said that framework includes support for technologies that can help collect and remove debris.

While voting for the orbital debris order, Simington urged the agency to apply the same orbital debris rules to U.S. and foreign-flagged satellite systems. Letting foreign-flagged operators operate subject to rules of their home countries often puts U.S.-licensed operators at a competitive disadvantage because those nations often have less-robust orbital debris rules regimes, he said. Carr said that while he has questioned the FCC’s orbital debris regulatory authority, he was able to get the 2020 order to largely line up with the approaches of other agencies and Thursday’s order keeps that largely in place.

While some space operators were lobbying on the agency’s case-by-case orbital debris review (see [2401190043](#)), the Space Bureau said no significant changes were made to the order. — *Monty Tayloe*
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WMAS Order

Broadcast Alerts, Robocall Rules for Carriers Top FCC's February Agenda

The FCC released draft items set for votes at the commissioners’ Feb. 15 open meeting, including an NPRM aimed at simplifying the process for alert originators to send multilingual emergency alerts over TV and radio. Also released Thursday was a second draft item that codifies some robocall rules while asking about applying protections in the Telephone Consumer Protection Act to robocalls and robotexts from wireless carriers to their own subscribers.

An in-space servicing, assembly and manufacturing NPRM proposes licensing ISAM missions under existing FCC processes, rather than crafting different rules for various ISAM missions, but it also would exempt ISAM from some satellite system rules. The FCC will also take up long-awaited wireless multichannel audio system (WMAS) rules of special interest to wireless mic companies and users.

The Multilingual EAS NPRM would seek comment on creating multilingual emergency alert system messages using scripted templates. The item seeks comment on using alert messages and prerecorded audio that have been pre-translated into the 13 most commonly spoken non-English languages in the U.S. “These pre-translated template-based scripts and audio files would be produced by the Commission, and would be pre-installed in the EAS equipment operated by EAS Participants,” said a fact sheet included with the draft item.

The NPRM would also seek comment on developing American Sign Language versions of the templates, and on whether to require EAS participants to issue the template alert only in the language that

corresponds to the programming content of their channel or additional languages as well. “By largely eliminating translation difficulties currently associated with issuing multilingual EAS alerts, this model potentially should make issuing multilingual EAS alerts simpler and more accessible for alert originators, which should lead to increased multilingual alert issuance,” the draft item said.

A draft order would “codify” the commission’s 2015 ruling that consumers can revoke consent under the TCPA “through any reasonable means while providing additional clarification on what ‘reasonable’ means in this context.” Robocallers and robotexters would be required to honor do-not-call and consent revocation requests “as soon as practicable, and no longer than 10 business days from receipt.”

On the wireless side, the draft would codify a 2012 ruling clarifying that a one-time text message confirming a consumer’s request that no further text messages be sent doesn’t violate the TCPA provided it merely confirms the opt-out request and doesn’t include marketing information.

The draft also includes a Further NPRM asking about texts and calls by wireless carriers to their customers. “We seek comment on whether wireless providers satisfy the TCPA’s consent obligation pursuant to the unique nature of the relationship and service that they provide to their subscribers,” the proposed FNPRM says: Do wireless providers “require additional consent beyond that provided by ... this relationship with their subscribers to satisfy this requirement.”

The ISAM NPRM proposes exempting ISAM vehicles from FCC processing round rules for non-geostationary orbit satellites and the first-come, first-served process for geostationary orbit satellites, as long as their operations are compatible with existing operations in the requested frequency bands. Those proposed exemptions reflect that ISAM missions “seem more capable of spectrum sharing” than other commercial satellites that have been authorized under Part 25 rules and generally need shorter duration of intensive communications operations, according to the draft ISAM NPRM.

The NPRM also would have ISAM missions subject to the same orbital debris mitigation requirements as other space missions. Pointing to concerns about some ISAM missions possibly posing particular debris risks, it asks for comment on whether current orbital debris mitigation rules are sufficient. It proposes that debris removal missions seek authorization through the ISAM process. It also tentatively concludes that ISAM missions can use existing spectrum allocations, rather than look at making ISAM-specific allocations.

Wireless mics

The WMAS order follows up on a 2021 NPRM on the technology, which is designed to allow more mics to use the same amount of spectrum (see [2104220056](#)). “No parties specifically object to allowing WMAS, but there is disagreement on a number of technical and operational issues,” the WMAS draft notes. The order is intended to “advance an important Commission goal to promote efficient spectrum use.”

The draft proposes to allow wireless mic users to operate WMAS on frequencies already available for Part 74 licensed wireless microphones in the TV bands, the 653-657 segment of the 600 MHz duplex gap and in the 941.5-944, 944-952, 952.850-956.250, 956.45-959.85, 1435-1525, 6875-6900 and 7100-7125 MHz bands. The FCC would permit the use of up to 6 MHz channels in the TV bands, up to 4 MHz in the 600 MHz duplex gap and up to 20 MHz channels in other bands, “but allow smaller channels when less spectrum is available in a band or is sufficient for an application.”

The order also would permit unlicensed wireless mic users to operate WMAS on frequencies already available for Part 15 unlicensed wireless microphones in the UHF and VHF TV bands and in the 657-663 MHz segment of the 600 MHz duplex gap, using up to 6 MHz channels. The FCC would require Part 15 and 74 WMAS “to be capable of operating with at least three audio channels per megahertz of

spectrum to ensure that spectrum is used efficiently.” The rules are based on the 2021 European Telecommunications Standards Institute wireless microphone standard.

In addition, commissioners will consider a restricted adjudicatory matter from the Media Bureau and a proposed Enforcement Bureau action. — *Howard Buskirk, Monty Tayloe, and Matt Daneman*

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Democrats Eye Spectrum Bill Add-in

Rosenworcel Vows Further ACP Updates to Aid Hill Funding Push

The FCC will continue updating Congress about the affordable connectivity program’s status in hopes of convincing lawmakers for money to keep it running, Chairwoman Jessica Rosenworcel told reporters Thursday after the commissioners’ open meeting (see [2401250064](#)). The FCC expects the initiative will exhaust its \$14.2 billion allocation in April. The Wireline Bureau said earlier this month it would freeze new enrollments Feb. 8 as part of the program’s wind-down process (see [2401110072](#)).

Senate Commerce Committee Chair Maria Cantwell, D-Wash., and others are considering the possibility of reconfiguring a broader spectrum legislative package to allow future auction sales proceeds to pay for ACP. Cantwell emphasized that notion remains in the planning stages. Some congressional Republicans are becoming more vocal in support of appropriating stopgap money for ACP to keep it running during FY 2024. They acknowledge that GOP leaders’ push to couple that funding with a revamp of the initiative’s rules could complicate negotiations.

ACP has been a “tremendous program” so far and “even as we have to take ... responsible steps to look at how we wind it down, we want to make sure Congress understands the good this program is doing so” it can continue, Rosenworcel told reporters. She pushed back in a response earlier this month to a letter from top Republicans on the House and Senate Commerce committees that accused the FCC in December of making misleading claims about ACP’s efficacy (see [2312150068](#)). Rosenworcel [told](#) the GOP leaders the commission “cannot condition” ACP support to qualifying households “on additional factors or other data collection” beyond what the 2021 Infrastructure Investment and Jobs Act mandated.

Cantwell said ACP is “one of the things” she would like to explore using future sales revenue as part of a broader spectrum legislative package, but it’s still too early to say whether that makes it into a revised deal lawmakers are exploring in the wake of DOD’s study of how commercial 5G use on the 3.1-3.45 GHz band would affect incumbent military users (see [2312040001](#)). The entire appropriations “process is up in the air” until congressional leaders agree on how to divide the \$1.66 trillion they [agreed to](#) as the top line FY24 budget figure among the 12 appropriations bills covering federal spending, Cantwell said.

Legislative Reexamination

“We need new numbers” from the Congressional Budget Office that factor in the DOD study before it’s clear how much auction revenue could be available to pay for ACP and other projects, Cantwell told us. Lower 3 GHz auction opponents believe the DOD study’s negative assessment of a lower 3 GHz auction dooms prospects (see [2311290001](#)) for enacting the House Commerce Committee-cleared Spectrum Auction Reauthorization Act ([HR-3565](#)), which Cantwell backed. The measure proposed using some revenue from a lower 3 GHz auction to pay for telecom projects, including to pay back a potential \$3.08 billion loan to fully fund the FCC’s Secure and Trusted Communications Networks Reimbursement Program. Lawmakers are exploring other options for addressing the rip-and-replace funding shortfall (see [2401240001](#)).

ACP and rip and replace are “important programs” that need more funding, but “I’ve been more focused on” reaching a deal on the additional ACP money given the limited time left before its current

funding is set to expire, said Senate Appropriations Financial Services Subcommittee Chairman Chris Van Hollen, D-Md. Future “spectrum auction revenue should also be used” to fund ACP and “I’m going to be talking to my colleagues” about “merging” funding for the affordability initiative into the spectrum bill talks. “We’ll see how” potential revisions of Democrats’ preferred spectrum legislative framework would affect future auction revenue, he told us. Lobbyists we spoke with noted chatter that some lawmakers are mulling introducing a stand-alone bill that would marry ACP and spectrum policy priorities.

Senate Communications Subcommittee ranking member John Thune of South Dakota told us he hasn’t examined Cantwell’s proposal, but he and other Republicans “have other ideas” about spending auction proceeds that diverge from what House Commerce proposed in HR-3565 (see [2306120058](#)). “It would be really good to actually have a conversation about how to use the revenues off spectrum sales” given that disagreement, he said.

House Communications Subcommittee Chairman Bob Latta, R-Ohio, divulged little about the outcome of a DOD-Commerce Department briefing for House Commerce members last week on the lower 3 GHz study (see [2401170084](#)), saying it involved classified information. “We’re staying where we are” on the broad contours of what HR-3565 proposed, including language to restore the FCC’s lapsed overall spectrum auction authority, following that meeting, Latta told us. “We’ll leave for the future” a decision on “which bands” a spectrum package would authorize selling.

Thune remains skeptical about giving ACP stopgap funding but didn’t rule it out. “We’re trying to get some answers about how” ACP recipients are spending the money “and hopefully we can get those questions answered before making decisions about whether or how to keep the program going,” he said. Latta said he and other members of the working group, Thune and Senate Communications Chairman Ben Ray Lujan, D-N.M., formed last year to evaluate moving forward on a comprehensive USF revamp (see [2305110066](#)) haven’t reached a consensus on how ACP should fit into that work.

Rising GOP Interest?

Rep. Yvette Clarke, D-N.Y., who spearheaded filing the ACP Extension Act ([HR-6929/S-3565](#)) earlier this month in a bid to infuse \$7 billion into the program for FY24 (see [2401100056](#)), is optimistic enough GOP lawmakers will see the political benefit of backing the funding stopgap. President Joe Biden in October called for \$6 billion in additional money (see [2310250075](#)), but Clarke said she and other lawmakers are seeking funding \$1 billion above that level to ensure robust coverage for the rest of 2024.

“I’m hoping that we can fast-track this” via the appropriations process “because the last things we need are for this program to end and the disruption that comes with having to do a wind-down” that would affect an estimated 25 million participants when funding expires, Clarke told us. “There’s not a congressional district in the country that is not going to be impacted by this. It’s been a lifeline for many families in rural communities” that Republicans represent.

“We can’t” achieve the type of universal connectivity in the U.S. that lawmakers intended in IIJA without sustaining ACP, said House Communications ranking member Doris Matsui, D-Calif. The ACP wind-down plans the FCC publicized in recent weeks “greatly worry me.” She recognizes the commission must plan for the possibility of funding exhaustion, but “once you wind something like that down, it’s really hard to ramp up again. It’s very difficult” to get participants reenrolled in such a situation.

GOP skepticism about ACP “could be an impediment” to getting the program more money, but conversely, it “could be the impetus for continuing it” in an improved form, said S-3565 co-sponsor Sen. Kevin Cramer, R-N.D. “I’d like to see the program continue” and if Thune and other GOP leaders on the Commerce committees decide “changes to the program are necessary,” either in tandem with additional appropriations or after a stopgap, “then all the better.”

Senate Appropriations Committee member Sen. Shelley Moore Capito, R-W.Va., supports providing some stopgap funding that will keep ACP alive while lawmakers negotiate changes to the program's rules. ACP is "critical for people in my state," said Capito, who's also a Senate Commerce member. "I do think this would be a good chance to ... narrow the focus of who's getting" the program's benefit, because it's "too wide-open right now." — *Jimm Phillips*

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'Dynamic' Disagreement

Carriers Resist Possible Calif. LifeLine Changes

Wireless carriers in comments this week condemned a "dynamic approach" to data and other proposals for California's low-income program. The California Public Utilities Commission received feedback Wednesday on an Oct. 30 [staff proposal](#) for setting California LifeLine specific support amounts (SSA) and minimum service standards (MSS). Some urged the CPUC to tap the brakes, especially with uncertainty about continued funding for the federal affordable connectivity program (ACP).

The CPUC staff plan would provide an SSA up to \$20.75, increase the wireless broadband allowance MSS to 25 GB from 5 GB, and boost the wireline broadband speed MSS to 100 Mbps download and 20 Mbps upload from 25/3 Mbps currently (see [2311070045](#)). For wireless, staff proposed a "dynamic approach" where a LifeLine participant would move between two tiers "automatically based on their monthly data consumption without need for action." Tier 1 would offer 5 GB of data with a fixed SSA of up to \$10.75, while Tier 2 would provide 25 GB of data and 10 GB hot spot data with a fixed subsidy of up to \$20.75.

The CPUC staff proposal is "untethered from marketplace realities and is not economically feasible for the vast majority of California LifeLine providers," said the National Lifeline Association, representing many wireless LifeLine providers. The proposed dynamic approach "would be unfair, extremely difficult to implement in practice, and would wreak havoc on business planning, forecasting and investment," [NaLA commented](#). The association proposed a \$20.75 California SSA, which would be combined with \$9.25 from federal Lifeline, and an MSS of "no more than unlimited voice, text and 6 GB." That would restrict outliers while allowing most LifeLine providers "to meet the minimum and compete to improve offerings to serve low-income households," it said.

"No retail wireless or wireline broadband offering currently in existence entails the sort of continuous monthly monitoring of usage required to satisfy the Staff Proposal's dynamic MSS conditions," Verizon's [TracFone Wireless commented](#). Staff seem to believe—incorrectly—that many LifeLine consumers don't buy more data because they don't want it, added TracFone: The true reason might be that they can't afford it. T-Mobile's [Assurance Wireless agreed](#) that the two-tier plan would be "logistically challenging and highly inefficient to implement." Instead, the CPUC should "tie a single fixed SSA amount to a single MSS tier capped at 6 GB and give LifeLine providers the option to offer supplemental data to customers exceeding this data usage threshold."

Staff's dynamic plan received support from the Center for Accessible Technology. "Customers' selections of higher data plans are the result of providers' marketing efforts, rather than those customers' actual data needs," [CforAT said](#). "The current system, where carriers upsell customers with large data plans without regard for actual usage, incentivizes providers to engage in arbitrage, because they can accept a subsidy that pays for far more data than what LifeLine participants actually use." A performance-based structure "will more appropriately compensate providers while maintaining the stability of the LifeLine fund," it said. However, the CPUC's independent [Public Advocates Office](#) (PAO) urged higher data allotments for both proposed wireless tiers.

TracFone also disagreed with a proposed network management rule for wireless providers, which would say, “Service providers may not throttle speeds ... except in accordance with reasonable network management practices, such as during an emergency where first responders require priority above other customers.” The carrier said, “Although network management often occurs during emergencies, it is in no way limited to such events.” TracFone will perform the same network management for LifeLine plans as it does for “analogous non-LifeLine plans at an equivalent price point,” it said. “However, Verizon and TracFone require the freedom to employ network management practices that prioritize the data for other plans at higher price points that provide different data offerings and speeds.”

Others raised concerns with staff’s wireline proposal. For that technology, CPUC staff proposed setting a voice-only tier SSA that would equal the lesser of \$20.75 or 55% of a wireline service provider’s combined rate and end-user common line charge. For a second tier bundling voice and broadband, staff proposed a fixed \$20.75 SSA.

AT&T supports setting an SSA specific to each voice provider but disagrees with creating a \$20.75 cap or changing advice letter requirements, [the carrier commented](#). Meanwhile, [Charter Communications said](#) the proposed wireline SSA changes could lead to higher rates and discourage participation.

A small RLEC coalition said the proposal “overlooks the impact on rate-of-return carriers and their customers, creates the possibility of substantial rate increases for low-income households and potential shortfalls for carriers, and improperly perpetuates the fixation on broadband and data ‘bundles’ that has dominated LifeLine reforms for the past several years.” The CPUC should adopt the proposal’s “recommendation to fix the SSA at \$20.75 as an interim step and aggressively pursue Legislative solutions that will provide more comprehensive, long-term options to usher the LifeLine program into the broadband era,” the [rural telcos said](#).

“The wireline SSA falls short for voice only customers, as the inclusion of a copayment is harmful to low-income customers especially for customers in high-cost areas,” commented PAO: Give those customers the full \$20.75. Also, PAO questioned the staff proposal omitting stand-alone broadband plans, especially given the FCC’s affordable care program funding could run out soon.

The CPUC must stop setting SSA based on the highest basic service rate for carriers of last resort (COLRs), which has been AT&T’s rate for about a decade, said The Utility Reform Network. If the commission grants AT&T’s pending application to end its COLR obligations (see [2312200071](#)), the 2025 SSA would decrease by about 18%, [commented TURN](#). While the consumer group said it generally supported staff’s proposal, it noted that the wireline section doesn’t address what will happen if the FCC eliminates federal Lifeline support for voice-only service. The CPUC can’t “plan the California LifeLine wireline SSA around the assumption that the FCC will reverse course or indefinitely continue its moratorium on voice-only support.”

Some asked the CPUC to host talks with stakeholders before moving forward with a proposed decision. Small RLECs suggested that the CPUC “take stock of the fate of the ACP program over the next few weeks and then convene a workshop to discuss options.”

Cox voiced concerns with the timing of a proposal that would overturn longtime policies in the midst of a pending comprehensive California LifeLine review. There seems to be no pressing need to change MSS or SSA, [said Cox](#): Before making such major changes, the CPUC should let pending LifeLine pilot projects finish, respond to a May 2022 program assessment and see what happens with ACP funding and upcoming changes to federal Lifeline. — **Adam Bender**

Saving Lives**FCC Approves 5-0 Location-Based Routing for Wireless Carriers**

FCC commissioners unanimously approved an order Thursday requiring carriers to implement location-based routing (LBR) for calls and real-time texts to 911 within six months of when the rules become effective for nationwide providers and 24 months for small providers.

FCC officials said the item was essentially the same as a draft Chairwoman Jessica Rosenworcel circulated three weeks ago (see [2401040064](#)). Based on the latest information, 23 million wireless 911 calls annually may be routed to the wrong public safety answering point, Rosenworcel said Thursday.

“The result that a consumer will see” with the new rule “is that the right PSAP will answer their 911 call,” said David Furth, deputy chief of the FCC Public Safety Bureau. For example, a call made from Montgomery County, Maryland, will be answered by a PSAP there, even if the tower handling that call is located 20 miles away in Washington, D.C.

Rosenworcel recalled a visit she made to a 911 call center in downtown Little Rock. Staff showed her how dialing 911 on a wireless phone while standing in the building doesn’t get answered in Little Rock. Instead, the call was routed to a PSAP in North Little Rock, Arkansas, on the other side of the Arkansas River, she said. “This slows emergency response because it requires transferring the call to get to the right public safety officials who can send the right response,” she said.

“While our wireless networks, on the whole, have made it much easier to get help when and where we need it, many of them continue to use unreliable tower-based routing to figure out which PSAP should” get emergency calls, said Commissioner Geoffrey Starks. The record shows tower-based misroutes as high as 12% of 911 calls, he said.

Commissioner Brendan Carr noted that the original notice of inquiry on LBR of 911 calls was approved in 2018, under former Chairman Ajit Pai (see [1803220027](#)) and there was “bipartisan commitment” to make 911 calls more accurate. “It’s a unique set of challenges that we have to get right,” he said. Carr said the FCC now needs to examine how to ensure that 988 calls are also routed to the right location (see [2309280085](#)).

“This could save lives,” said Commissioner Anna Gomez. At least one national carrier has implemented LBR nationwide on its network, which “demonstrates that better 911 routing is a feasible technical solution for carriers,” she said. Other carriers have begun deployment, she said. The [draft order](#) cites AT&T as the national carrier that has completed the LBR roll out.

“Using this precise location information to route 911 calls will result in millions more wireless 911 callers reaching emergency responders without the need for transfer or delay,” said an [FCC news release](#).

“Wireless is a lifeline for Americans when they need help the most,” a CTIA spokesperson said in an email: “CTIA and its members share the Commission’s goal of ensuring that wireless 9-1-1 calls are promptly routed, and the wireless industry continues to invest in and deploy technologies that enhance the accuracy and reliability of location information for wireless 9-1-1 calls. We look forward to continuing our work with the FCC and public safety stakeholders on this issue.” — **Howard Buskirk**

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'Heavily Consolidated'**FTC Opens Probe of Alphabet, Amazon, Microsoft AI Partnerships**

The FTC is examining Alphabet, Amazon and Microsoft to see if they are unfairly exerting undue control over AI markets, Chair Lina Khan announced Thursday.

The agency issued orders to five companies [seeking information](#) on their AI partnerships and investments. Using its Section 6(b) authority, the FTC sent compulsory orders to Alphabet, Amazon, Microsoft, OpenAI and Anthropic. The agency is seeking internal documents and communication related to three separate multi-billion-dollar deals: Microsoft-OpenAI, Amazon-Anthropic and Google-Anthropic.

Policymakers are at a critical moment where they must decide whether to enable open markets or allow a “handful of dominant firms [to] concentrate control over these key tools, locking us into a future of their choosing,” Khan said during a virtual FTC Tech Summit.

“It is reasonable to wonder whether these investments could lead to a heavily consolidated market dominated by only a few companies” with either no competitors or competitors hamstrung by their dependence on incumbents, said Commissioner Rebecca Kelly Slaughter. These agreements and investments are sometimes structured to avoid antitrust filing requirements, she said, but that doesn’t mean these companies aren’t violating competition laws. “I am confident that where there are facts that support enforcement investigation, our agency will pursue them,” she said. “If even a little of the hype around the power of AI models is to be believed, then it is emphatically our responsibility and obligation to support open and fair markets that prevent monopolies in their incipency.”

What AI liability looks like remains an “open question,” but prior enforcement will inform how the agency approaches this work, said Khan. One thing it wants to make clear is that “some data is simply off the table for [AI] training models,” she said. Khan cited the agency’s recent order against Rite Aid banning the company from using facial recognition tools after “reckless” application of the technology led to “innocent people being accused of shoplifting.” She also cited the agency’s recent settlement banning data brokers from collecting sensitive location data (see [2401090081](#)).

A competitive market will allow startups to reach customers and deliver products that beat the incumbents on the merits, said Commissioner Alvaro Bedoya.

Google said in a statement Thursday: “We hope the FTC’s study will shine a bright light on companies that don’t offer the openness of Google Cloud or have a long history of locking-in customers—and who are bringing that same approach to AI services.”

“Partnerships between independent companies like Microsoft and OpenAI, as well as among many others, are promoting competition and accelerating innovation,” Microsoft said in a statement. “We look forward to providing the FTC with the information it needs to complete its study.” Amazon, OpenAI and Anthropic didn’t comment.

The agency is seeking information on the companies’ “strategic rationale,” competitive analysis, findings on key AI products and services and information they have provided to foreign enforcers.

The U.K. Competition and Markets Authority is investigating its cloud computing market, which Amazon and Microsoft dominate. Ofcom recommended the inquiry. Evidence shows business customers have been struggling to switch from the two big providers due to fees associated with moving data, Ofcom Economics Director Tania Van den Brande said during a panel discussion at the summit.

“The war has already been lost” because the market has passed the point where companies can avoid the incumbents, said Duckbill Group Chief Cloud Economist Corey Quinn. Even if Amazon were barred

from adding cloud customers, the company would continue to grow revenue for several quarters based on organic growth, he said: “Too big to fail passed the tipping point long ago.”

Amazon, Microsoft and Meta are starting to manufacture chips, which makes it even harder for semiconductor entrants to break into the market, said entrepreneur Dave Rauchwerk. “When they’re making their own chips, it gives them unparalleled access to surveil, a sort of innovation surveillance where they can see what their customers are doing and look into the memory inside of the chip itself,” he said. “They can figure out what needs to be made before it’s being made.” — *Karl Herchenroeder*

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FCC Seeks Applications by Feb. 12 to Serve on WRC Advisory Committee

The FCC on Thursday asked for applications by Feb. 12 to serve on the FCC’s World Radiocommunication Conference Advisory Committee (WAC) for the 2027 WRC. The WAC coordinates industry positions as the U.S. prepares for the conference. “The Commission seeks applications from interested organizations, institutions, or other entities from both the public and private sectors that wish to be considered for membership on the Committee,” the FCC said: “Selections will be based on factors such as expertise and diversity of viewpoints that are necessary to address effectively the questions before the Committee.”

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Kirkland & Ellis Busiest TMT M&A Legal Adviser in 2023: GlobalData

Kirkland & Ellis topped the ranks of M&A legal advisers in the telecom, media and tech sector in North America in 2023, advising on 121 deals worth \$144.1 billion, GlobalData said Wednesday. In addition, it said Morgan Stanley and Houlihan Lokey were the top TMT M&A financial advisers based on value and volume. Morgan Stanley and Goldman Sachs each had more than \$100 billion in deal value last year, while Houlihan Lokey’s 62 deals made it the only one to have advised on more than 50 deals during the year, said GlobalData.

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Wireline

FCC Staff Remind Providers of Reassigned Numbers Database Disconnection Reporting Rule

Service providers must comply with the FCC’s permanent disconnection reporting rule for the reassigned numbers database even if they don’t have “permanent disconnections to disclose,” the Consumer and Governmental Affairs Bureau said in a public notice Thursday in docket 17-59. Providers must submit monthly reports on permanent disconnections of numbers assigned to them.

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Simington, Gomez Join Universal Service Federal-State Joint Board

The FCC appointed Commissioners Nathan Simington and Anna Gomez to the Federal-State Joint Board on Universal Service and Joint Board on Jurisdictional Separations, according to an order Thursday in docket 96-45. Both commissioners are members of the Federal-State Joint Conference on Advanced Services. Gomez was appointed chair of the universal service joint board and advanced series joint conference. Commissioner Geoffrey Starks will continue to serve as the chair of the separations board.

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Wireless

Comments Due Feb. 26 on Hearing Aid Compatibility NPRM

Comments are due Feb. 26, replies March 11, in docket 23-388 on an NPRM seeking comment on implementing a 100% hearing-aid compatibility (HAC) requirement for wireless handsets, which was approved by commissioners in December (see [2312130019](#)), said a [notice](#) for Friday's *Federal Register*. The NPRM tentatively concludes that a 100% requirement for wireless handsets is "achievable" and seeks comment on expanding the definition of HAC to include the use of Bluetooth coupling between handsets and hearing aids.

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FCC Reminds Guard Band Licensees, 220 MHz Managers of Reporting Obligations

The FCC Wireless Bureau on Thursday reminded 700 MHz guard band licensees and 220 MHz band managers that they must file annual reports on or before March 1. "Licensees must provide information about the manner in which the spectrum in each of their markets is being utilized," [the bureau said](#). It should "accurately convey the current level of service being offered in each licensed area, including information regarding coverage provided by Licensees' operations and any spectrum lease agreements."

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FCC Resiliency Requirements Take Effect May 1 for All Carriers

A September order mandating a May 1 compliance date for all carriers, regardless of size, for new mandatory disaster response initiative (MDRI) requirements approved by commissioners in 2022 (see [2207060070](#)) is set for publication in Friday's *Federal Register*. The FCC released the order Sept. 15

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(see [2309180039](#)). It responds to an October petition by CTIA and the Competitive Carriers Association (see [2211010056](#)). The FCC “requires that each facilities-based mobile wireless provider enter into bilateral roaming agreements with all other facilities-based mobile wireless providers from which it may foreseeably request roaming privileges, or that may foreseeably request roaming privileges from it, when the MDRI is active,” the [notice](#) said: “The Commission clarified that roaming is foreseeable, without limitation, when two providers’ geographic coverage areas overlap.” A [second notice](#) seeks comment on a Further NPRM approved with the order. The FCC asks about “additional blocking requirements and related approaches” and text message authentication. The FCC also asks whether to make email-to-text an opt-in service. Comments are due Feb. 26, replies March 11, in dockets 02-278 and 21-402.

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FCC Sets Effectiveness Dates for New Robotexting Rules

A December FCC order requiring wireless providers to block text messages from a particular number following notification from the commission is effective March 26, said a [notice](#) for Friday’s *Federal Register*. Rules requiring terminating providers to block texts from a particular number are effective 120 days after the effectiveness date (see [2312190032](#)).

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NTIA Unveils Speakers for Feb. 1 Spectrum Symposium

Commerce Secretary Gina Raimondo, House Commerce Chair Cathy McMorris Rodgers, R-Wash.; NTIA Administrator Alan Davidson; Arati Prabhakar, director of the White House Office of Science and Technology Policy; and FCC Commissioner Anna Gomez are among those scheduled to speak at NTIA’s spectrum policy symposium on Feb. 1, NTIA said Thursday. [Other speakers](#) include DOD Chief Information Officer John Sherman and Anne Neuberger, deputy national security adviser-cyber and emerging technology. The symposium starts at 9 a.m. at the National Press Club, with livestream availability.

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Qualcomm Discusses Importance of Aircraft-to-Everything Spectrum

Qualcomm briefed the FCC Wireless Bureau staff about “the capabilities and need” for air-craft-to-everything (A2X) 3rd Generation Partnership Project standardized communications for safety-critical detect-and-avoid operations. In addition, company representatives also discussed the importance of dedicating a 20 MHz channel in the 5030 MHz band to A2X, said a filing posted Thursday in docket 22-232. Transforma projects that the number of small drones with cellular connections for commercial use “will increase from 106,000 in 2022 to 295,000 in 2026, then to 1 million by 2032,” [Qualcomm said](#).

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T-Mobile Reports 934K Postpaid Phone Adds Q4

T-Mobile announced after the markets closed Thursday it had 934,000 postpaid phone net adds in Q4 and 3.1 million for the year, beating rivals AT&T and Verizon. In addition, [T-Mobile said](#) it added 541,000 home internet customers in Q4 and 2.1 million for the year. Postpaid phone churn was 0.96% in Q4, and 0.87% in 2023, T-Mobile said. The carrier also reported service revenue of \$16 billion for the quarter and net income of \$2 billion.

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Internet

5th Circuit Grants Motion to Intervene vs. Molaks' School Bus Wi-Fi Petition

The 5th U.S. Circuit Appeals Court granted the Schools, Health & Libraries Broadband Coalition's unopposed motion for leave to intervene on the FCC's behalf in opposing a petition seeking court review of the commission's Oct. 25 declaratory ruling authorizing E-rate funding for Wi-Fi service and equipment on school buses (see [2401200001](#)). U.S. Circuit Judge Leslie Southwick signed the [order](#) Wednesday (docket 23-60641). Maurine and Matt Molak are challenging the FCC's ruling because they say it will increase E-rate program "outlays" and raise the federal universal service charge they pay as a line-item on their monthly phone bill. They also contend the ruling gives children and teenagers unsupervised social media access on school buses, and that this runs counter to the mission of David's Legacy Foundation, which advocates ending cyberbullying. The Molaks co-founded the foundation in memory of their son. The coalition argues that the Molaks' petition, if successful, "would do great harm" to the interests of the coalition and its 300 members by "inhibiting online learning," it said.

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State Telecom

Fla. House Unanimously Supports Age Verification for Porn Websites

Florida House members unanimously approved a bill requiring age verification for pornography websites. Lawmakers voted 119-0 Wednesday to send [HB-3](#) to the Senate. House members supported the bill in committee hearings (see [2401170061](#) and [2401110044](#)). Earlier Wednesday, Florida's House passed a bill ([HB-1](#)) restricting children younger than 16 from using social media regardless of parental consent (see [2401240079](#)). The Computer & Communications Industry Association condemned HB-1 after the vote. "Legislation like this violates federal law and positions the government to block access to legal information online—a Constitutional right even younger users do have," [said CCIA](#) State Policy Director Khara Boender.

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Ind. Senate Panel Punts on Social Media, Content Filters

Indiana lawmakers may address social media legislation next year, Senate Commerce Committee members said at a livestreamed hearing Thursday. The panel heard testimony but didn't vote on [SB-201](#), which would require that social media companies verify a user's age and obtain parental consent before a minor can open accounts. Also, the bill would require smartphone makers to activate content filters by default for minors. Sponsor Sen. Spencer Deery (R) hopes to continue the conversation and "find something that we can come back next year with ... that will enter Indiana into this space," he said as the hearing wrapped. Likewise, Committee Chair Brian Buchanan (R) said "this is something I want to continue discussion on and possibly bring back next year." Buchanan seeks a balance between keeping kids safe and maintaining parental rights, he said. Content filter mandates and social media restrictions for minors are unconstitutional, Edward Longe, director-technology and innovation for free-market think tank James Madison Institute, argued. "Content filters represent a one-size-fits-all government solution to a problem that has already been resolved by the market," he said. "There is no age restriction to the First Amendment." Rather than restrict minors, it's better to require online media literacy training, as in a 2023 [Florida law](#), he told the committee. Longe didn't mention that Florida House members Wednesday passed a bill restricting children

younger than 16 from using social media regardless of parental consent (see [2401240079](#)). Deery doesn't want Indiana to ban kids from social media but rather give parents power to consent, said the Republican: Literacy training alone won't cut it. The Computer & Communications Industry Association opposed SB-201 in [written testimony](#). "While CCIA strongly supports the overall goal of keeping children safe online, requiring a state-specific default filter is technologically infeasible and would create unobtainable expectations with regard to content that filters can reasonably block."

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S.C. Lawmakers Support Streaming TV Exemption

The South Carolina House passed a bill clarifying that satellite TV and streaming video fall outside cable franchise fees. Lawmakers in the lower chamber voted 115-0 Wednesday to concur with Senate amendments to [H-3782](#). The Senate approved it last week (see [2401190021](#)). The bill next needs a signature from Gov. Henry McMaster (R).

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W.Va. PSC Suspends TRS Fee

West Virginia will suspend its telecom relay service (TRS) fee on customer bills, effective May 1, the Public Service Commission decided Wednesday. "The fund is generating adequate revenue to pay the monthly charges incurred by TRS users," the [PSC order](#) said. "It is unlikely the fund will be exhausted in the foreseeable future." PSC staff said last week that West Virginia could fund relay services for 20 years even if it reduced the TRS fee to zero (see [2401190013](#)).

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Wis. Lawmakers Pass Anti-Spoofing Measure

Wisconsin's lower chamber supported prohibiting caller ID spoofing Thursday. On a voice vote, the Assembly concurred with the Senate-passed [SB-531](#), while tabling the similar [AB-559](#). The Senate bill still requires approval from Gov. Tony Evers (D). It would bar knowing transmission of misleading or inaccurate caller ID information through a call or text with intention to defraud or steal anything of value. Also, the bill would bar phone solicitors from blocking caller ID transmission. It would allow solicitors to transmit the name and phone number of the seller they represent, as well as authorized law enforcement activities. Violators could pay \$100 to \$10,000 penalties.

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Broadcast

First Amendment Lawyer Abrams Supports Campaign Against Fox Renewal

Longtime First Amendment lawyer Floyd Abrams is supporting the campaign against a license renewal for Fox station WTXF Philadelphia (see [2310100068](#)). Abrams is known for defending newspapers and broadcasters against the government in high-profile cases such as the *New York Times'* litigation over the Pentagon Papers. "Broadcasters do have considerable First Amendment rights—a good deal of my career has been devoted to seeking to establish just that—but ... repeated distortion of information that is broadcast about a forthcoming election is precisely what a broadcaster may not do and that the Commission may consider in determining whether license renewal is appropriate," said Abrams in [informal comments](#)

filed with the FCC. Former FCC Chairman Alfred Sikes and former *Weekly Standard* editor William Kristol are also part of the campaign, which the Media and Democracy Project and former Fox and Disney executive Preston Padden are spearheading. Senate Commerce Committee Ranking Member Ted Cruz, R-Texas, denounced the effort, and the FCC has received letters supporting WTXF from public officials and organizations, including former Undersecretary of the Army Patrick Murphy, the African-American Chamber of Commerce for Pennsylvania, New Jersey and Delaware, and the **Democratic [chairwoman](#)** of the city's delegation to the state House. Padden Thursday also filed [comments](#) calling on the agency to include in its record a recent New York State Supreme Court ruling denying Fox's motion to dismiss a defamation claim from voting machine company Smartmatic. "The Media and Democracy Project petition to deny the license renewal of WTXF-TV is frivolous, completely without merit and asks the FCC to upend the First Amendment and long-standing FCC precedent," said Fox. "WTXF-TV / FOX 29 News Philadelphia is one of the finest local news stations in the country, broadcasting over 60 hours of local news and locally produced programming every week, and has tremendous broad political and community support."

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Cable

Comcast Hopes to Match or Exceed 2023's Network Expansion

Peacock subscribers were up and residential broadband customers slightly down in Q4, Comcast said Friday as it announced its Q4 2023 results. In a call with analysts, President Mike Cavanagh said that while Comcast hopes to see renewed funding of the Affordable Connectivity Program, the company has begun communicating with its 1.4 million ACP participants and "will provide a range of options" if funding is discontinued. Revenue for the quarter was \$31.3 billion, up 2.3% year over year, [Comcast said](#). It added that during 2023, its network grew, passing an additional 1.1 million homes and businesses. It now has 62.5 million passings. Cavanagh said Comcast should be "at or above" that level in 2024. Comcast said it started rolling out multi-gig symmetrical speeds in some markets in Q4, and deployed mid-split technology to 35% of its footprint as of the end of the year as a route to faster broadband speeds. Chief Financial Officer Jason Armstrong said mid-split deployments should be across 50% of its network by year's end. Peacock ended the year with 31 million subscribers, adding 3 million in Q4, Comcast said. It said Peacock revenue for the quarter topped \$1 billion, up 47%. Comcast ended the year with 29.7 million residential broadband subs, down slightly from 29.8 million in Q4 2022, and 6.6 million wireless lines, up from 5.3 million at 2022's end. It ended Q4 with 14.1 million video subs, down 2 million year over year. Cavanagh said broadband competition "is likely to remain at these levels" for now; however, broadband remains "a very large, healthy and profitable market." LightShed's [Walt Piecyk posted](#) on X that broadband subscriber trends aren't likely to change soon, with revenue growth from price hikes instead. Asked about Comcast's participation in NTIA's broadband equity, access and deployment program, Comcast Cable CEO Dave Watson said the company "plan[s] to participate where it is consistent with our business goals," but the BEAD process "is still in flux." He said Comcast is looking at wireless/broadband bundled packages as a route to further wireless growth.

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Satellite

Expect More Satcom M&A, AI Progress in 2024: Analyst

2024 should bring more vertical and horizontal consolidation across the satcom industry as well as major moves in AI integration, Analysys Mason's [Vivek Prasad blogged](#) Wednesday. He said EchoStar's

Jupiter-3 will drive geostationary orbit market growth in the Americas, while SpaceX's Starlink broadband growth will slow versus 2023 as it expands in emerging economies where average revenue per user is lower. Prasad predicted Eutelsat/OneWeb will make inroads in the enterprise very small aperture and backhaul markets, while Amazon will likely launch Kuiper satellites in earnest this year. He said big demand drivers in satcom this year will include network upgrades and expansion in backhaul and trunking as well as autonomous maritime platforms and unmanned aerial systems. While the video market's size will continue its slide, it will remain the largest single source of satcom market revenue, he said.

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Communications Personals

FCC commissioners announce staff changes: **Sanford Williams** moves from special adviser to deputy chief of staff in Chairwoman Jessica Rosenworcel's office; **Arpan Sura**, from Wireless Bureau, becomes legal adviser to Commissioner Brendan Carr; **Milla Anderson**, from office of Rep. Ann McLane Kuster, D-N.H., named policy adviser to Commissioner Geoffrey Starks; and acting staffers in Commissioner Anna Gomez's office taking permanent spots are **Deena Shetler** as chief of staff-legal adviser for media and international, **Edyael Casaperalt** as legal adviser for wireless, public safety and consumer protection, **Hayley Steffen** as legal adviser for wireline and space, **Harsha Mudaliar** as policy adviser for media and tech and **Anna Holland**, as executive assistant.

Also, Rosenworcel announces retirements of **Andrea Kearney** from the Office of General Counsel; **Sheryl Segal**, Office of the Secretary; and **Mary Romano**, Enforcement Bureau ... K&L Gates adds **Joseph Trahern**, ex-Comcast, as of counsel-public policy and law ... Hallmark Media promotes **John Matts** to chief operating officer ... Data cloud company Snowflake names Salesforce's **Brad Burns** chief communications officer ... Crypto platform Kraken hires **Gilles BianRosa**, ex-N26, as chief operating and product officer and Coinbase's **Marcus Hughes** as global head-regulatory strategy.

Analog Devices taps **Richard Puccio** from Amazon Web Services as executive vice president-chief financial officer, effective Feb. 5, replacing interim CFO **Jim Mollica**, who will return to his role as vice president-finance and sales operations ... TFO, Canadian French-language public broadcaster, hires Radio-Canada's **Sonia Boisvert** as vice president-content and production, succeeding **Claude Sauve**, remaining with TFO as special adviser until the end of March ... Hyper Solutions, manufacturer of digital infrastructure solutions for data centers, taps Schneider Electric's **Richard Ratliffe** as vice president-service.

Lantronix IoT market provider announces **Christa Steele**, ex-Balco, as director ... Crown Castle adds **Bradley Singer**, ex-ValueAct and former Discovery, to board ... The Telecommunications Industry Foundation elects **Dale Heath**, Valmont Site Pro, as vice chair, and **Karmen Rajamani**, ex-Crown Castle, and **Anthony Castillo**, PerfectVision, to board.

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