

Telecom Alert: Broadband Consumer Label Rules Affirmed; Florida Regulatory Deadlines Extended; Cellphone Tower Placement Lawsuit; ECF Funding [Vol. XX, Issue 36]

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FCC Affirms Broadband Consumer Label Rules

Last week, the FCC issued an [Order on Reconsideration](#) affirming the Broadband Consumer Label rules that it adopted last year. In November 2022, the Commission adopted rules requiring ISPs to display, at the point of sale, a broadband consumer label containing critical information about the provider's service offerings such as pricing, introductory rates, and performance metrics. Following the adoption of these rules, several petitions were filed asking the Commission to clarify and/or reconsider certain label requirements. With the Order on Reconsideration, the FCC largely affirms the rules it previously adopted while making slight revisions like modifying provider record-keeping requirements when directing consumers to a label on an alternative sales channel and confirming that providers may state "taxes included" when their price already incorporates taxes. For more information, please contact Sean Stokes (stokes@khlaw.com; 202.434.4344).

Regulatory Deadlines in Florida Extended

The FCC issued a [Public Notice](#) last week extending certain filing and regulatory deadlines occurring from August 28, 2023, to September 28, 2023, for licensees and applicants in areas affected by Hurricane Idalia. In accordance with President Biden's issuance of a disaster declaration, the FCC has waived deadlines for filings regarding certain minor license modifications, license renewals, and notifications of construction until September 29, 2023. The Commission has also waived its rules to allow requests for Special Temporary Authority ("STA") to be made by telephone, which will be considered "emergency filings" and processed as expeditiously as possible. For more information,

please contact Wes Wright (wright@khlaw.com; 202.434.4239) or Tim Doughty (doughty@khlaw.com; 202.434.4271).

Judge Dismisses Lawsuit Banning Cellphone Tower

Last week, a Wayne County Circuit Court judge [dismissed](#) a lawsuit attempting to sue T-Mobile and the Wyandotte school district in Wayne County, Michigan over the placement of a 5G cellphone tower on top of an elementary school. Parents filed suit against the provider and school district claiming that the tower posed a health risk to individuals due to the radio frequency waves emanating from the tower. The school district argued that the frequencies would be below the maximum level allowed by the FCC while attorneys for the parents claimed that such standards were outdated. In his ruling, the judge noted speculative harm that the tower could cause future health issues could not be grounds for a claim of damages. For more information, please contact Wes Wright (wright@khlaw.com; 202.434.4239).

ECF Funding

The FCC [announced](#) that it is committing over \$68 million in a new funding round through the Emergency Connectivity Fund Program (the “Program”). The commitment will support applications from the third application window and will support approximately 110,000 students in states including Connecticut, Maryland, Massachusetts, Indiana, Washington, Arizona, and New Mexico. To date, the Program has provided support to roughly 11,100 schools, 1,050 libraries, and 120 consortia.

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