



Federal Communications Commission
Office of Legislative Affairs
Washington, D.C. 20554

Office of the Director

July 23, 2015

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden:

Enclosed please find responses to Questions for the Record submitted for Chairman Tom Wheeler regarding his appearance before the Subcommittee on Communications and Technology on April 30, 2015 at the hearing entitled "FCC Reauthorization: Improving Commission Transparency."

If you have further questions, please contact me at (202) 418-0095.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Dabbs".

Michael Dabbs
Director

cc: Anna Eshoo, Ranking Member, Subcommittee on Communications and Technology

Enclosures

Attachment 1—Additional Questions for the Record

The Honorable Marsha Blackburn

1. On March 30th, the Wireline Bureau issued an order that subsidizes broadband build out in areas where existing providers are already offering high speed service. Did the FCC properly notice what appears to be an arbitrary distinction whether or not the incumbent provider had a customer in the area as opposed to whether the provider offers service to an area? And how does the FCC justify that distinction?

Response: In the 2011 *USF/ICC Transformation Order*, the Commission established Connect America Phase II, which will provide ongoing support to promote the deployment of voice and broadband-capable networks in high-cost areas in price cap territories. The Commission recognized that ongoing support was appropriate in high-cost areas where the incumbent provider already may have deployed broadband. The Commission specified that Phase II support would not be provided in areas served by an unsubsidized competitor – a facilities-based provider of residential fixed voice and broadband service that does not receive high-cost support – and it delegated to the Wireline Competition Bureau (Bureau) the responsibility of determining those areas. The Commission also specified that there be a process by which parties could challenge that initial determination of whether or not an area is unserved by an unsubsidized competitor.

The Bureau subsequently established standards and a process for determining whether an entity would be considered an unsubsidized competitor. *Connect America Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 15060, 15076-80, paras. 39-47 (Wireline Comp. Bur. 2013); *Connect America Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 7211 (Wireline Comp. Bur. 2013). Prior to commencing the challenge process, the Bureau issued guidance outlining the three elements that a party must truthfully certify to and satisfy in order to show that it serves a particular census block: (1) the provider actually offers voice and broadband service in the census block, (2) the provider has physical assets in or adjacent to the census block, and (3) the provider currently has or previously had voice or broadband customers in the census block. *Wireline Competition Bureau Provides Guidance Regarding Phase II Challenge Process*, WC Docket No. 10-90, Public Notice, 29 FCC Rcd 7505 (Wireline Comp. Bur. 2014). No party sought reconsideration of those standards, or guidance.

On June 30, 2014, the Bureau commenced the Phase II challenge process, releasing a public notice with a list of census blocks that were deemed initially eligible for the offer of Phase II model-based support. *Wireline Competition Bureau Commences Connect America Phase II Challenge Process*, WC Docket Nos. 14-93, 10-90, Public Notice, 29 FCC Rcd 7986 (Wireline Comp. Bur. 2014). In the subsequent Phase II challenge process, a number of parties sought waiver of the requirement that there be at least one actual or former customer in a census block for it to be considered served. The Bureau evaluated the grounds for waiver submitted by various parties, granting waiver for some and denying waiver for others. The Bureau examined the merits of each waiver request individually, considering whether they provided concrete and verifiable evidence supporting their claim. Only three parties filed for reconsideration of the Bureau's conclusions, and we are currently reviewing those filings.

The Honorable Brett Guthrie

1. When you say that our bills would “create burden without concomitant benefit,” do you mean that they would burden the FCC without helping the FCC?

Response: Yes, but the more important issue is that this lack of benefit also would apply to the public and stakeholders. As I noted in my testimony, these bills would single out the FCC for additional layers of administrative procedures, leading to regulatory uncertainty, delay and additional litigation risks. As the Administrative Conference of the United States (ACUS) has recommended, “statutory requirements going beyond those of section 553 [of the Administrative Procedure Act] should not be imposed in absence of special reasons for doing so, because the propriety of additional procedures is usually best determined by the agency in the light of the needs of particular rulemaking proceedings.” See Recommendation 72-5. Procedures for the Adoption of Rules of General Applicability, 38 FR 19792(1973). Instead, I believe that we should identify and develop methods for enhancing transparency within the four corners of the Administrative Procedure Act. For instance, better communication through the use of improved Information Technology and related resource deployment would give the public greater access to our work and increase public knowledge of our processes.

2. Do you think that stakeholders and the public at large would not benefit significantly from being able to review the text of the Orders and rules?

Response: The public and stakeholders have long benefitted from the well-tested and rigorous transparency requirements of the Administrative Procedure Act and the Commission’s own rules regarding the process for adopting rules, orders, and other administrative actions. The Commission is required to provide notice and comment prior to adopting any rules. It is not uncommon to adopt a final rule that varies from the initial proposed rule. But re-publishing “final” rules immediately before a decision is ready for a vote creates a never-ending process of comment and rebuttal. Releasing the text of a draft order in advance of a Commission vote effectively re-opens the comment period, which means that the Commission would be legally bound to address the comments received on the newer draft order before adoption. This situation will lead to increased regulatory uncertainty and potentially significant delays, which is a result that would not be viewed favorably by the stakeholders who rely on the Commission for effective and timely decision making.

3. Do you think that stakeholders who cannot afford to have regulatory lawyers in Washington, D.C., should also have the same access that other stakeholders have?

Response: Yes, everyone should have equal access to the Commission’s personnel and resources. That is one reason why we need sufficient funds to complete our Information Technology modernization: to ensure that stakeholders and members of the public nationwide have user-friendly access to the appropriate technology to submit comments for the record and otherwise interact with Commission staff. Although the Commission lacks funding for routine field hearings and similar activities, we do our best using IT tools to ensure that our stakeholders

and consumers nationwide are able to participate in the FCC's proceedings through webinars and similar programs. Given that four million people participated in the Open Internet proceeding, this method appears to be successful, but with the proper level of resources, we could continue to further enhance transparency.

The Honorable Mike Pompeo

1. The commission has represented to Congress and the American people that it will “preserve the integrity of public safety communications infrastructure by taking action on 99% of complaints of interference to public safety communications within one day.” Yet this proposal seems to fly in the face of this statement and have a negative impact on the commission's public interest goal.

- **Will the closure of 16 of 24 field offices negatively affect the 99% response rate you have committed to preserve?**

Response: I have attached as “Appendix A” the Commission Order adopted and released on July 16, 2015, detailing the Enforcement Bureau Field Office reorganization. Over the last few months as the Commission evaluated staff recommendations to restructure the bureau's field organization, we have worked hard to forge solutions to the various issues identified by stakeholders and develop a plan that is acceptable to all Commissioners. Under the adopted order, the Commission is closing 11 of its 24 field offices, as well as maintaining a field presence with contractors and equipment in Puerto Rico and Alaska. As part of this restructuring, the Commission committed to maintaining the performance metric that public safety interference complaints receive an initial response within one day. In addition, I have directed the Enforcement Bureau to study the field issues related to public safety and develop a targeted escalation process to deal with these complaints.

2. Your staff has indicated that these closures will lead to a reduction of 58 full time employees and that your FY16 budget request does not seek more FTEs and actually has a net reduction of 37 employees.

Response: Please again refer to the attached Order at “Appendix A” for current figures. The restructuring will lead to a reduction of 44 field positions. It's relevant to note that the FCC's Fiscal Year 2016 budget request was developed several months prior to the field modernization proposal being sent to the Commissioners.

- **Will you state for the record that the intent of closing these field offices was not to free up full time employee positions that could be shifted to increase staff within the enforcement division to carry out actions under your recent order to regulate the internet under Title II?**

Response: Yes. The purpose of this reorganization was to improve our field office efficiency while realizing cost avoidance and cost savings. These goals are in keeping with the Commission's overall management improvement process. Moreover, the Commission's order states that the net savings will not be used to increase the number of full-time non-field-related employees in the headquarters office of the Enforcement Bureau.

- **Does your FY16 budget request reduce the total number of FCC full time employee's by 58 positions in comparison to FY15?**

Response: No. The Commission has projected that for Fiscal Year 2016, it will reduce overall FTEs from 1,708 to 1,671 – a total of 37 positions. The FCC's Fiscal Year 2016 budget request was developed several months prior to the recommendations on the field restructuring.

As indicated in the Commission's Order attached at "Appendix A," the actual field office reduction has been calculated to be 44 positions. The Commission is at its lowest FTE level in 30 years, and we have worked to reduce FTEs to even lower levels in the Fiscal Year 2016 budget request. FTE positions are being continually re-evaluated and deployed to ensure that all Commission offices are properly staffed.

- **Can you state for the record today that there will be no staff increase to the enforcement division?**

Response: The Commission's order states that the net savings will not be used to increase the number of full-time non-field-related employees in the headquarters office of the Enforcement Bureau.

- **I would also ask that you provide the committee all information on where the commission intends to move these 58 open positions.**

Response: The elimination of 44 field positions will free up funding for mission-critical objectives throughout the Commission, including field modernization, such as technology upgrades. The Fiscal Year 2017 budget request will re-evaluate FTE levels and assignments for the next fiscal year.

3. Chairman Wheeler, the Chief of the FCC's Enforcement Bureau recently made the following statement: "Generally speaking, I've found that most companies want to do the right thing, and when it's clear that something is impermissible, they generally don't do it. So when you're in enforcement, you're almost always working in a gray area."

- **Does this mean that the Enforcement Bureau is investigating activities that are not clearly illegal?**
- **Is that a legitimate role for the bureau?**

Response: When the Enforcement Bureau has clear evidence of a violation, they often have no need for further investigation. Unfortunately, due to the nature of their work, they often begin with mere allegations or incomplete evidence, requiring an investigation to ensure that all relevant facts have been gathered and confirmed. If the investigation shows that no rules or laws were broken, the investigation is closed. It is only when the investigation reveals potential violations that the Bureau and the Commission take action against a company. And of course, with all Enforcement actions, any company has the right to litigate in federal court.

4. Do you believe that a designated entity should be able to use bidding credits to win spectrum at an auction and then lease 100% of that spectrum to a nationwide wireless carrier?

Response: On July 16, the Commission adopted a Report and Order updating the Commission's competitive bidding rules. The Report and Order enhances the integrity of the FCC's auctions process and ensures that only *bona fide* small businesses and eligible rural service providers are eligible for bidding credits. Recognizing the changes in the wireless marketplace since the rules were last updated in 2006, the Report and Order also updates the Commission's rules regarding the relationship between designated entities, their investors, and their lessees in a manner that better reflects the current business environment.

In place of outdated rules that prevented an entity from qualifying as a DE if leased a certain amount of spectrum to large companies, the Commission will now take a case-by-case approach where it will make a determination about the extent of control a lessee has over the designated entity. This will allow a small business to make decisions about how to use its spectrum without automatically disqualifying it as a designated entity. By updating these rules, the Commission provides small businesses with the flexibility they need to gain experience in operations and investment, and provides small businesses the opportunity to make rational, business-based decisions on how best to utilize their spectrum capacity.

The Report and Order also adopts a new rule limiting the amount of spectrum that a small business or rural service provider may lease to its non-controlling investors during the five-year unjust enrichment period.

Among the reforms adopted to ensure the integrity of the designated entity program, the Report and Order establishes the first-ever cap on the total amount of bidding credits available to an auction participant, minimizing an incentive for large corporations to try to take advantage of relationships with small businesses.

5. Did you circulate an order to your fellow Commissioners on the afternoon of November 10, 2014, regarding third-party access to sensitive programming contracts in the Comcast-Time Warner Cable and AT&T/DIRECTV merger proceedings and tell your fellow Commissioners that if they did not cast their votes by the end of that day, third parties would immediately be provided with access to those contracts?

Response: The Commission reviewed and adopted an order on November 10, 2014, affirming the Media Bureau's decision to allow certain third-party access to specific information in programming contracts. Prior to gaining access, parties were required to acknowledge under penalty of the law that they would comply with the terms of the protective orders regarding use and disclosure of such information. Given the sensitivities of the issues pending at the time, I asked for prompt review and approval of the Application for Review.

6. Since you've become Chairman, have any Enforcement Bureau field agents been instructed not to give pirate radio cases a high priority or not to issue Notices of Apparent Liability to the majority of pirate radio operators?

Response: The Commission is committed to the strong enforcement of the rules prohibiting unauthorized radio broadcasting. The Office of the Chairman and the Enforcement Bureau (EB) have not given guidance or instruction to Commission staff to not enforce the statute or Commission rules with regard to unlawful operation. Indeed, earlier this year, EB conducted "pulse enforcement" initiatives in two of the cities with the worst pirate radio problems – Miami and New York. Over several weeks, EB field agents issued 23 enforcement actions against pirate radio operators and the landlords housing their operations and conducted nine on-site station shut downs. This fiscal year, the Bureau has issued more than 100 enforcement actions related to pirate radio activity.

The Commission's resources are limited, however, and field agents handle many other important issues, including radiofrequency interference problems affecting thousands of consumers or public safety. Indeed, in the current flat budget environment where the Commission's staffing is at its lowest in 30 years, pirate enforcement presents a particular challenge because of the heightened resources required to investigate these cases. Many pirate investigations require overtime pay because the pirate operators only broadcast on weekends or overnight. In addition, some pirate operators broadcast from high-crime neighborhoods, thereby requiring field agents to go out in pairs or obtain support from local law enforcement.

Accordingly, in mid-2014 in recognition of the budgetary and personnel constraints on EB, the entire Bureau began an effort to prioritize its work to focus on the most egregious violations of the Communications Act and the Commission's rules. With regard to pirate radio enforcement, field offices focused their pirate enforcement efforts on the most egregious pirate operators, such as those operating at high power, causing interference, or running advertisements. Through this focused effort, the Bureau has targeted its resources in the most efficient way towards keeping the worst violators off the air. Further, this fiscal year, the Chairman's Office has launched an intra-Commission effort to identify new policy and enforcement solutions to pirate radio. In recognition that pirate radio cannot be solved exclusively through enforcement, the Commission has also worked with outside stakeholders, including the National Association of Broadcasters (NAB), to develop policy options to respond to pirate broadcasting. Indeed, on June 29, 2015, the Commission held a Pirate Radio Roundtable with NAB and other broadcaster representatives to discuss pirate radio enforcement and policy ideas.

Question 7: Did the Tennessee General Assembly and Tennessee Senate pass by unanimous votes the geographic restrictions on broadband projects by municipal Tennessee utilities that the FCC recently preempted on a party-line vote?

Question 8: Did the FCC recently preempt a provision of North Carolina law requiring a city's voters to approve the construction of a municipal broadband project if such a project would cause a city to incur debt?

Response to 7 and 8: In Section 706 of the Telecommunications Act of 1996, Congress directed the Commission to encourage broadband deployment and take immediate action to remove barriers to infrastructure investment and promote competition when advanced broadband is not being deployed to all Americans in a reasonable and timely fashion.

In our February 26, 2015 decision regarding certain state laws in North Carolina and Tennessee, the Commission found that certain provisions in the North Carolina and Tennessee statutes constituted barriers to broadband infrastructure investment and competition, and we preempted those provisions pursuant to our authority under section 706. This action was taken in response to petitions for preemption filed by the City of Wilson, North Carolina (Wilson) and the Electric Power Board of Chattanooga, Tennessee (EPB).

The Commission's decision to preempt does not preempt laws with respect to municipal broadband in other states. However, the decision does establish a precedent for reviewing similar laws in other states, and the *Order* stated that the agency would not hesitate to preempt other, similar state laws if those laws constitute barriers to broadband deployment.

9. Under your chairmanship, have there been more party-line votes at FCC meetings than there were under Chairmen Martin, Copps, Genachowski, and Clyburn combined?

Response: The FCC is an independent regulatory agency and, as such, does not categorize its actions as related to party affiliation. In the interest of being responsive to your inquiry, however, I asked the Commission's Office of the Secretary to compile statistics to compare the percentage of unanimous decisions by Commissioners. The raw data shows the following percentage of unanimous votes for all voted items under each FCC Chairman since 2001: Powell (92 percent); Martin (96 percent); Copps (98 percent); Genachowski (97 percent); Clyburn (96 percent) and Wheeler (89 percent). Some of those votes that were not unanimous were not voted along party lines.

It is important to note that FCC votes are not the same as "up or down" legislative votes. Instead, Commission decisions often include concurring decisions or statements that provide an opportunity for commissioners to explain their votes, much like a judicial panel decision. Also, there are variations in the number of votes taken per Chairman attributable in part to the period of time served by that Chairman or the individual Chairman's ability to obtain enough overall votes to move some more controversial items. These differences and variations would necessarily affect a statistical analysis of the voting patterns.

10. Have there been any instances during your Chairmanship when two or more commissioners have asked that you give all Commissioners an opportunity to cast an up or down vote on an item but you chose instead to direct a bureau to release the item?

Response: Yes. After review and advice by the Office of General Counsel to ensure legal compliance, decisions have been made to handle legally appropriate items under delegated authority, especially where a predecessor item has been handled similarly, where there is no new or novel substantive or procedural issue, and/or the matter had to be handled expeditiously to meet a time-sensitive timelines.

The Honorable Frank Pallone

1. At the April 30 hearing you were asked about a final consultants' report related to the closing of several FCC field offices. When did you first provide this report to the Committee?

Response: The Commission delivered copies of the report to the Committee on April 2, 2015. On May 13, 2015, the Commission provided the Committee with the consultant's pre-decisional data package.

2. I would like to clarify a statement you made in regard to the FCC's designated entity rules. Do current rules permit designated entities who are awarded bidding credits to lease 100% of spectrum won at auction? What changes, if any, is the FCC considering to these rules?

Response:

On July 16, the Commission adopted a Report and Order updating the Commission's competitive bidding rules. The Report and Order will enhance the integrity of the FCC's auctions process and ensure that only *bona fide* small businesses and eligible rural service providers are eligible for bidding credits. Recognizing the changes in the wireless marketplace since the rules were last updated in 2006, the Report and Order also updates the Commission's rules regarding the relationship between designated entities, their investors, and their lessees in a manner that better reflects the current business environment.

Prior to the adoption of the Report and Order, the previous rules required designated entities who leased 25 percent or more of their spectrum capacity on any individual license to attribute the revenues of the lessee(s) regardless of whether the designated entity remained in control of its operations or the spectrum. This rigid rule hamstrung small businesses – they had to make a choice between a rational business decision and being able to compete effectively in future spectrum auctions. The Report and Order changed this rule in two respects. First, it adopted a two phase approach in which the Commission will now look at a designated entity's eligibility for bidding credits on a case-by-case basis to determine whether the designated entity remains in control of its business. Second, it adopted a new limitation on the ability of a designated entity to lease its spectrum to non-controlling investors over the five year unjust enrichment period.

This will allow small businesses to make decisions about how to use their spectrum without automatically disqualifying them as a designated entity. By updating these rules, the Commission provides small businesses with the flexibility they need to gain experience in operations and investment, and provides small businesses the opportunity to make rational, decisions on how best to utilize their spectrum capacity.

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Mike Pompeo

1. I, along with Chairman Upton, subcommittee Chairman Walden and Murphy, requested all internal and external FCC documents be provided about that decision to shutter 16 of the Commission's 24 field offices. We are now a couple of months after our initial requests. All we have received is a 2-page memo and 25 slides. Will you provide the committee those documents?

Response: The Commission delivered copies of the consultant's final report to the Committee on April 2, 2015. On May 13, 2015, the Commission provided the Committee with the consultant's pre-decisional data package.

2. Did you hold a competitive bidding process to select the consultants who analyzed the Enforcement Bureau's field offices and produced the report that recommended closing most of those offices?

Response: No. The contract was a directed source contract under the SBA 8(a) Small Business Development Program.

3. On March 11, 2014, there was a Public Safety and Homeland Security Bureau release. A public notice to commissioners requested a Commission-level vote on the item and you instead directed the bureau to release that. It is my understanding that this is unprecedented, that that had not happened before, when one or more Commissions had asked for a Commission-level vote and yet hadn't received one. I would appreciate you providing the examples when that has happened previously because we were unable to find them.

Response: I do not believe that this incident was unprecedented, but we do not maintain records of internal discussions from previous Commissions to either verify or refute this statement. With respect to the specific public notice referenced in your question, the Office of General Counsel determined that the decision to move forward with the item on delegated authority was properly handled under the Commission's Delegated Authority procedures.

The Honorable Billy Long

1. Please provide the Subcommittee with the costs for the Chicago field office square foot per employee.

Response: Based on the most recent rental statement from GSA for the Park Ridge field office location (Chicago field office), the charge basis is 7,064 square feet (this includes the covered parking) at \$18,521 per month. With five staffers, that would be \$44,450 per person per year for 7,064 square feet. As I have noted previously, one of the efficiency issues identified with regard to the smaller field offices was the need for office space out of proportion to the number of staffers.

The Honorable Bill Johnson

1. You have testified as part of your claim that things are improving at the FCC, that the enforcement bureau closed nearly 8,000 cases. Now, that gives me some pause because that seems like a big number. Were they closed because the FCC took enforcement action? Were they closed because the Statute of Limitations ran out and you couldn't take action? What are the numbers for those actions closed by positive FCC actions versus the ones closed by the statute of limitations running out? Were any of them closed because the enforcement bureau just said "never mind"?

2. Can you provide us with a detailed analysis of the nearly 8,000 cases, identifying the type of alleged violation, the type of action taken, if any, and the reason that you closed the case?

Response to 1 and 2:

Below is a chart depicting categories of cases and dispositions for the 10,504 cases closed by the Enforcement Bureau between April 1, 2013, and May 14, 2015.

Category	Sample Subject Areas	Total Cases Closed	Monetary Penalty Issued	Non-monetary Penalty Issued	No Published Action Issued*
Broadcast/Media	Public Inspection File, Indecency, Fencing, Operating at Variance with Authorization, Contest, Payola & News Distortion	7792	76	297	7419
Competition Enforcement	Broadband, Merger Conditions, Toll Free Numbering	11	4	1	6
Consumer Protection	Consumer Rates, CPNI & Privacy, Junk Fax, Do-Not-Call	99	30	21	48
Disability Issues	Wireless Hearing Aid Compatibility, Closed	71	24	17	30

	Captioning, TRS/Section 225				
Emergency Information Accessibility, Network Outage & 911	Network Outage, PSAP Connectivity & 911	9	4	1	4
Equipment Marketing	Marketing & Sale of Illegal Equipment	85	15	44	26
Hearings	ALJ Hearing to Revoke License	1	1	0	0
Interference	Interference to licensed and unlicensed operating spectrum bands	713	15	615	83
Licensee & Regulatee Investigations/Inspections	Amateur, Aviation, Failure to file required forms, Licensee Unauthorized Operation, Monitoring Station Activity, Tower Safety	899	62	639	198
Unauthorized Operation	CB Radio, Land Mobile, Jammer, Part 15 Device, Pirate Broadcast	444	42	341	61
USF	Universal Service Fund Filing and Payment Compliance	380	26	305	49
TOTAL		10504	299	2281	7924

*The category of no published action issued includes cases that were closed due to prosecutorial discretion, lack of jurisdiction, lack of violation, insufficient evidence, resolved via the investigative process, enforcement target insolvency, referred to another Bureau or agency, or referred to the Enforcement Bureau too long after the date of the violation to pursue meaningful enforcement action.

3. Chairman Wheeler, in a response to one of our inquiries regarding process and delegated authority you told us that a Bureau or Office may seek guidance from your office on whether an item should be votes on by the full Commission even when it was within the scope of the Bureau or Office's delegated authority.

- **Does the reverse ring true? When a Bureau or Office opines that an action should be done at the Commission level can the Chairman's office direct that it be done at the Bureau level anyway?**

Response: I am not aware of this scenario ever happening, but if such a case were to occur, the Office of General Counsel (OGC) would be consulted prior to determining the appropriate course of action in order to ensure that the Commission's delegated authority is properly applied.

- **Since the decision to use delegated authority is a legal one – shouldn't the Bureaus and Offices go directly to the General Counsel's office rather than your office for guidance?**

Response: Indeed the bureaus and offices routinely consult with the General Counsel's office, which provides guidance on all delegated authority issues, and normally coordination with OGC happens before a matter is brought to the Chairman's Office.

4. Mr. Wheeler, in response to one of our committee's inquiries, you provided us with the information regarding the number of enforcement actions taken by the field and the number of enforcement actions overall. For example, in 2011, 88 percent of the actions were taken by the field. In 2012, 76 percent of the enforcement actions were taken by the field. In 2013, 89 percent of the actions were taken by the field.

So let me get this right. You want to close more than half of the field offices. Just looking at the impact in terms of bureau productivity, how do you intend to continue that level of enforcement activity from the few remaining offices? If I were to read between the lines, aren't you really talking about a wholesale retreat from the type of enforcement actions undertaken by the field like interference resolution and abandonment of the proactive enforcement work the field performs like tower inspections? And are the staff slots that are being opened by releasing the field staff from Federal service being moved to FCC headquarters? And I know you probably don't have off the top of your head the answer to all those questions, but could you update the committee and provide this type of data for fiscal year 2014 as well?

Response: The Fiscal Year 2014 data you request show that 89 percent of the Enforcement Bureau's actions were taken by the field. You will find at "Appendix A" the July 16, 2015, Commission Order reorganizing the Enforcement Bureau Field Offices. Your question relies upon data from the initial recommendation, not the Commission's final decision. In the final order, we are closing 11, not 16, offices, and maintaining a presence in two other locations, as well as providing a regional team approach for general enforcement activities that covers all regions. The purpose of this reorganization was to improve our field office efficiency while realizing cost avoidance and cost savings. These goals are in keeping with the Commission's overall management improvement process.

Not only will this Order provide for more efficient, cost-effective field operations, but cost savings will be applied to modernizing the equipment that supports these operations. Moreover, the Order ensures that all field agents have an electrical engineering degree to facilitate more comprehensive and technical field work. FTE positions will be re-evaluated and deployed to ensure that all Commission offices are properly staffed. However, the Commission's order states that the net savings will not be used to increase the number of full-time non-field-related employees in the headquarters office of the Enforcement Bureau. Finally, we are undertaking a review of public safety and pirate radio issues in the field and will move ahead to facilitate improved support methods and mechanisms in these areas.