

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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September 14, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

Thank you for appearing before the Subcommittee on Communications and Technology on July 28, 2015, to testify at the hearing entitled "Continued Oversight of the Federal Communications Commission."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

Also attached are Member requests made during the hearing. The format of your responses to these requests should follow the same format as your responses to the additional questions for the record.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Monday, September 28, 2015. Your responses should be mailed to Greg Watson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to Greg.Watson@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden
Chairman
Subcommittee on Communications and Technology

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

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Marsha Blackburn

1. I signed bi-partisan letters to the FCC in 2013 and May 2015 to stress the importance of wireless microphones to the performing arts and to adopt rules that “preserve the quality and integrity of wireless microphones” as the FCC works to implement spectrum auctions. The FCC agreed to place wireless microphones in the duplex gap between the uplink and downlink pieces of the new 600 MHz band along with unlicensed users.

Last month the FCC was planning to vote on an order that would have taken away what little spectrum was going to be made available after the auction for wireless microphones in the new duplex gap by placing a broadcast station there. I appreciate that the Chairman withdrew this order, however I’m curious as to what the current plan is to make sure that wireless microphone users have dedicated spectrum?

The Honorable Renee Ellmers

1. Chairman Wheeler, you have proposed changes to the Lifeline program to allow eligible recipients to receive a subsidy for broadband access. I have to assume that before you make such a proposal that you have an idea of how much of an impact there will be on the fund. Do you know? Could you tell us?
 - A. Where will this money come from?
 - B. Will reforms cover it all?
 - C. Since all the other universal service programs are capped wouldn’t it be prudent to cap the Lifeline fund?
2. Chairman Wheeler, you recently formed another task force to address FCC Reform. Do you have a sense when we will see that Task Force’s recommendations?
3. Chairman Wheeler, I believe that in the past you committed to disclose the FCC’s Freedom Of Information Act- (FOIA) logs by October 1st 2014 and start requiring publication of all FOIA decisions by the same date. I believe these were also the recommendations in the staff reform report to improve transparency at the FCC. The purpose of such disclosure would be to allow the public to determine the status of pending FOIA requests at the agency as well as the outcome of requests. Have you executed on your commitment to disclose the logs and publicizing all FOIA decisions? If so, when did the FCC begin such disclosures? Where on the FCC website can the public find this information? I know you post a report summarizing certain FOIA related activities but it does not appear the logs and decisions are available. If that remains to be the case, please explain when the FCC will begin disclosing the logs and decisions.

The Honorable Chris Collins

1. You have suggested in previous hearings that undoing forbearance decisions is a difficult task. Are you or your staff currently considering undoing any existing forbearance decisions? For example previous forbearance decisions related to special access?

The Honorable Anna Eshoo

1. As you know, experts from the tech community contend that three channels are at a minimum needed in the 600 MHz band to stimulate and sustain investment in enhanced Wi-Fi.
 - A. Can you commit that the FCC will identify within this band at least 3 channels in every market nationwide for unlicensed use?
2. As you know, today approximately two-thirds of the highly desirable spectrum below 1 GHz is held by the two largest wireless carriers.
 - A. Will you consider the incentive auction a success if it furthers the concentration of low-band spectrum among these two providers?

The Honorable Ben Ray Lujan

Chairman Wheeler, I know that both of us are committed to addressing the digital divide that plagues so many tribal communities. That is why I have repeatedly expressed to you and to the FCC how important the Office of Native Affairs and Policy is to my constituents since it ensures that tribes have a seat at the table at the FCC.

1. Can you discuss the Commission's efforts to ensure robust tribal consultation and meaningful dialogue with tribal stakeholders?
2. What is the future of ONAP at the FCC? What are you doing to ensure that it has the resources it needs to succeed in its mission?

Chairman Wheeler, earlier this year, I and several of my colleagues wrote to the FCC to express our concern about how and when the FCC engages with tribal stakeholders. This was motivated by the FCC's failure to initially consult on its efforts to reform the universal service mechanism that supports rate-of-return carriers.

As you noted in your recent response, the National Tribal Telecommunications Association has submitted a proposal to the FCC to create a Tribal Broadband Factor. This proposal has been endorsed by the National Congress of American Indians.

3. I expect that the FCC will carefully review this proposal but can you discuss what steps the FCC is taking to drive investment into Indian Country?

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 Gus Bilirakis

1. Chairman Wheeler, in March we discussed public safety interference complaint responses, and a resulting quarterly report, which you thought was a good idea. I know you have provided some information. Have you posted what you provided the Committee on the website so the public can see what is going on, and what you are doing?

The Honorable Bill Johnson

1. Please submit how much the FCC has spent on travel in fiscal year 2013, 2014, and 2015 by Commissioner.

The Honorable Billy Long

1. Chairman Wheeler, I am curious about the Broadcasters Relocation Fund, and how those monies are going to be spent. The fund is currently at \$1.75 billion, as you know, and obviously that fund was set up to pay for all of the relocation costs to the broadcasters you are required by the FCC to move to a new channel as part of the auction. After examining these issues for the last few years, has the FCC determined how many stations it is able to re-pack with that \$1.75 billion fund?

The Honorable Chris Collins

1. Please provide the legislative language you might suggest that would assist you on pirate radios.