Attachment—Additional Questions for the Record

Subcommittee on Communications and Technology
Hearing on
"Trump FCC: Four Years of Lost Opportunities"
September 17, 2020

The Honorable Jessica Rosenworcel, Commissioner
Federal Communications Commission

The Honorable Anna Eshoo (D-CA):

**Political files submitted to the Federal Communications Commission (FCC) play an
important role in ensuring the public knows how candidates, outside groups, and others
are using the public's airwaves for television and radio during an election. Unfortunately,
the millions of documents the FCC manages are not machine readable, making meaningful
analysis nearly impossible. Would you support a requirement for political files to be
submitted to the FCC in a machine-readable format?**

Yes. For decades the FCC has required that broadcast stations keep a public file with
information about the station's operation and service to the community. This file includes, but is
not limited to, station authorizations, contour maps, ownership reports, and demonstration of
compliance with equal employment opportunity obligations. It also features a political file that
includes sponsorship information regarding political advertisements paid for by candidates,
groups and individuals. The political file details when these advertisements run and what issues
of national importance they discuss.

These requirements have been modernized over time, resulting in the extension of the FCC
political file requirement to cable systems and direct broadcast satellite providers. In 2012 they
were updated again when the FCC determined that it was time to put the public file online. This
increased transparency and made it possible for the public to view these materials more easily.

It is clear, however, that we need to update these files again. As you note, these files are not
machine readable. That means that the data they contain cannot be processed by a computer.
They are stuck in a format that is dated and does not reflect the digital age. As a result,
journalists, researchers, advocates, and the public do not have the ability to download, sort,
aggregate, or search our files in a meaningful way—rendering this critical tool, in the words of
one researcher, "pretty useless" to the public.

I've long advocated we make this change because the public has a right to know who is
sponsoring advertisements and supporting candidates in their communities. At a time when
billions are spent on television advertising each election cycle, the political file system could be
an invaluable tool for the public to know who is trying to influence our elections and win their
vote.

The FCC's 2020 Broadband Deployment Report finds that "the current speed benchmark of 25/3 Mbps remains an appropriate measure by which to assess whether a fixed service is providing advanced telecommunications capability," specifically citing the statutory definition of "advanced telecommunications capability" as services that "enable[] users to originate and receive high-quality voice, data, graphics, and *video* telecommunications." (¶13; 47 U.S.C. § 1302(d)(1) (emphasis added)). However, when I look at the recommended bandwidth for Zoom, Google Meet, and Cisco WebEx, each requires upload speeds of 3 Mbps for high quality video.

Given that millions of households are juggling with parents participating in video calls at the same time as students are participating in class via video conference, does this speed threshold make sense today? What do you think is an appropriate threshold?

This pandemic has demonstrated conclusively that high-speed broadband is no longer nice-to-have, it's need-to-have for every household. During this crisis so much of work, education, healthcare and more has migrated online. That's a problem for the millions of people across the country who do not have broadband at home. But it's also hard for households that are fortunate enough to be connected but still struggle when multiple people use the available bandwidth for different online activities at the same time.

Despite all of this, earlier this year the FCC issued its annual Broadband Report concluding that service is being deployed on a reasonable and timely basis to *all* Americans. That's just not right. Moreover, it is painfully oblivious to the lived experience of so many of us during this public health emergency. In addition, this report continued to use a broadband standard that is too low for a nation now operating so much of life online. Specifically, the agency chose to stick with the download standard of 25 megabits per second that it adopted more than five years ago. With many households having multiple users calling, watching, listening, gaming, and searching at the same time we clearly should have adjusted this threshold upward.

I believe we need to set audacious goals if we want to do big things. With many of our nation's providers offering gigabit service, it's time for the agency to take note and increase this standard. We need to reset it to at least 100 megabits per second. While we're at it, we need to revisit our thinking about upload speeds, too. At present, our standard is 3 megabits per second. But this asymmetrical approach is dated. We need to recognize that with enormous changes in data processing and cloud storage, upload speeds should be rethought.

We often discuss the digital divide as if it's only about access to broadband when we know our country also faces an affordability crisis. Yet the FCC doesn't collect broadband pricing data.

Does the FCC have the legal authority to collect broadband pricing data? If so, why hasn't it done so?

Yes, I believe the FCC has the authority to collect such data. But when the FCC kicked off a proceeding to update its methods for collecting information from providers, known as the Digital

Opportunity Data Collection, the agency refused to even ask if it should be collecting pricing data. This was done over my objection. As I observed at the time, if we want a truly accurate picture of broadband service across the country, we are setting ourselves up for problems by not even asking how price and affordability plays a role. Here's the thing: it plays a big one.