

Questions for the Record

Subcommittee on Communications and Technology

Hearing entitled, “Oversight of the Federal Communications Commission”

June 21, 2023

Chairwoman Jessica Rosenworcel

Federal Communications Commission

Attachment I-Additional Questions for the Record

Chairman Latta

- 1. Local Broadcasters have been working on Next Gen TV deployment since 2017 to better personalize broadcasts with information and interactive features. Next Gen TV is seen by broadcasters as a way for them to innovate, provide new services to TV viewers and maintain their role as providers of local news. What do you see coming out of the Future of TV initiative that you announced on April 17 and what actions does the FCC plan to take to accelerate the transition from ATSC 1.0 to ATSC 3.0?**

Free, over-the-air broadcasting has long been an important source of local news and programming in our communities. The next generation television standard, known as ATSC 3.0, has the potential to support new business opportunities for broadcasters and also unlock new benefits for consumers. These benefits many include things like Ultra High-Definition picture quality and immersive audio, advanced emergency alerts, greater accessibility options, and interactive services.

There has been consistent progress in the transition to ATSC 3.0. At present, 60 percent of households in this country are covered by at least one next generation television signal, the result of a voluntary, market-by-market rollout of ATSC 3.0. This approach balances the benefits of stations transitioning to ATSC 3.0 with measures that minimize costs and disruption for consumers who rely on programming using the existing standard, known as ATSC 1.0. To support this approach, the Commission has put in place a special system for licensing simulcast and multicast streams to protect consumers during the voluntary transition period. This has allowed broadcasters to take steps forward deploying ATSC 3.0 services, while ensuring that consumers who still rely on legacy technology are not deprived of vital local television service.

The primary challenge we face is that the next generation television standard is not backward compatible with existing television sets or set-top boxes. This means consumers who can receive a next generation television signal are unable to watch it without buying new televisions or purchasing new reception devices—and this comes at a cost. While some major television manufacturers have started to include ATSC 3.0 tuners in their latest sets, options are limited, and they have a significant price tag. That means a market-wide solution for all consumers, including the most vulnerable consumers who cannot easily afford new televisions and reception devices, is not currently available.

The Commission will continue to work with broadcasters to support the rollout of the next generation television standard, as reflected in our new Future of TV initiative. This initiative will need to address backward compatibility in order to protect consumers from disruption of service, loss of service, and the imposition of new equipment costs on each household that relies on television. We are hopeful that through this public-private effort we can tackle this challenge as well as develop a roadmap for technical issues associated with the transition that could require Commission attention, including encryption, accessibility, and

compatibility. By creating this forum, we are developing a new way to work through these matters and make progress.

a. Is a successful migration to ATSC 3.0 important for the viability of the broadcast industry?

A successful transition from ATSC 1.0 to ATSC 3.0 will provide for an orderly shift to next generation television and will allow broadcasters to innovate while protecting consumers from loss of their vital free local broadcast television service, especially those most vulnerable consumers.

The Honorable Tim Walberg

1. We have made the unprecedented step to fund the buildout of broadband to every American. Do you believe in these times of scarce federal dollars that we should use all technologies at hand to bring broadband to every American, or should we decide that a single technology like fiber is the only answer, when we know that fiber is too expensive for many parts of rural America?

The Commission has long put a premium on technology neutrality in its universal service programs, which have played an important role in delivering communications services to remote communities nationwide. But in order to ensure the continued effectiveness of these programs, the Commission periodically reviews them when time advances and technology changes.

To this end, the agency just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers for service support in some of the most rural areas of this country. The new model, known as Enhanced A-CAM, is technology neutral. It provides carriers with the opportunity to elect to serve all locations in their service areas at speeds of 100 Megabits down and 20 Megabits up in return for an extension of the A-CAM program and an incremental increase in support for especially hard-to-serve areas.

The same kind of technology neutral approach was used in another high-cost universal service program at the Commission, known as the Rural Digital Opportunity Fund. This program began with an auction. The agency accepted applications from a wide range of providers, including some that did not propose to use traditional wireline technology in their deployment. The agency conducted a careful review to ensure that the networks they proposed were fully capable of delivering their promised speeds and dozens of these applicants received awards.

2. Last fall, the Commission conducted an auction for the 2.5 GHz band. But while the auction took place in the fall of 2022, most of the spectrum made available is still not being used by consumers because of concerns from the commission about issuing licenses without auction authority. This stall by the

Commission is unfortunate because this critical mid-band spectrum can be used for so much including enhancing competition and importantly providing services in rural areas and other underserved locations.

- a. Wouldn't it be in the public interest to ensure that consumers, especially in rural and underserved locations have access to this 2.5 GHz spectrum as soon as possible?**
- b. How can the Commission find ways to put this spectrum to use, even if it is on a temporary basis?**

I agree that the 2.5 GHz band holds great promise for expanding access to modern wireless services and closing the digital divide, particularly in rural Tribal areas where over 330 licenses have already been assigned through the Rural Tribal Priority Window.

I also share your frustration with the statutory restrictions that currently prevent moving ahead with the licensing process for this auction. For three decades the Commission has held spectrum license auction authority without interruption—and this authority has been a powerful economic force. It has supported domestic deployment and innovation that in turn, has made the United States a global leader in wireless technology. It is also unfair that the recent and unprecedented lapse in this authority means that those carriers with 2.5 GHz band licenses do not have access to them right now.

To be clear, in the Communications Act, Congress stated that the authority to “grant a license or permit” for any spectrum that is auctioned “shall expire March 9, 2023.” This provision is straightforward. The only exceptions to this deadline are itemized in the law and apply to a specific set of airwaves identified in the Spectrum Pipeline Act and Bipartisan Infrastructure Act, neither of which involve the 2.5 GHz band. Furthermore, any effort to license these airwaves with temporary authority is conditioned on the agency having underlying authority. To this end, the Communications Act states that special temporary authority may be granted only “if the grant of such application is otherwise authorized by law.” Here, that authorization expired on March 9, 2023.

The agency’s actions are also governed by the Antideficiency Act. This law prohibits the Commission from expending resources for activities that are not authorized because they have expired. When this law is violated, the agency is obligated to report to the President and Congress “all relevant facts and a statement of actions taken.” Moreover, violations of this law can lead the agency staff that work on these matters to incur criminal penalties.

In light of this, it is imperative that Congress renews the Commission’s spectrum auction authority as soon as possible. This lapse has put more than just the grant of these 2.5 GHz band licenses at issue, it has slowed the ability of the United

States to continue to advance its spectrum interests on the global stage. In a few months, the United States will join members of the international wireless community at the World Radio Conference in order to discuss the future of spectrum policy. Historically, our auctions and advance spectrum planning has been a model for others around the world. But when we do not have this authority and the capability to develop a reliable spectrum pipeline for new commercial purposes, we will lack the strongest foundation needed to compete in a global digital economy, counter our adversaries' technology ambitions, and safeguard our national security.

3. How has the FCC worked with rural internet service providers and rural communities on education and technical assistance related to reviewing and challenging the new national broadband maps?

For the first time ever, the Commission's Broadband Data Collection, developed under the Broadband DATA Act, has provided the opportunity for communities and individual citizens to challenge the data we collect and in doing so, help improve the accuracy of our maps. This is an exciting change because historically Commission maps were not broadly accessible and there was no system in place to accommodate input from those who might actually know what kind of deployment was taking place in their own backyard.

To help ensure communities and carriers from across the country, including those living and serving in rural areas, can provide input to this process, the Commission has done a large amount of outreach. We have set up a Help Center, which explains the collection and challenge process, how to use the Broadband Data Collection system, and how to format and submit data. The agency also has video tutorials that walk through how to send information for anyone seeking to file. These on-demand resources are supported by a Technical Assistance team that has responded to more than 7,600 requests for data-filing assistance from across the country, including many from small rural providers. This team also has Graphical Information System-trained staff that can work with local communities and even individual filers to help them understand and work with the new location data.

In addition to these resources, we have held many meetings with providers and local and state authorities to offer assistance. These efforts include presentations to associations whose members include providers that predominantly serve rural communities as well as one-on-one support sessions. We also have worked with organizations that are not those we deal with on a day-to-day basis at the Commission, but have deep interest in this area, including the National Association of Counties' Rural County Committee and the American Farm Bureau to solicit feedback and offer training to rural communities. We also have developed an outreach toolkit designed for local institutions, like libraries, to post information about our mapping work—and opportunities for feedback—in their communities. I also have personally reached out to the broadband offices working on data and mapping in each state in order to help forge a stronger working relationship.

As you know, one example of the success of this approach involved Michigan. When community leaders shared concerns with the agency that the data in rural areas involving a wireless provider may not be correct, we got to work. The Commission staff reached out the

provider to review their filing and methodology regarding the locations they suggested they could serve. We kept in constant contact with the state and community officials expressing interest in this matter. This led to revisions in the carrier's filing and ultimately a more accurate picture of broadband availability in the state.

4. Jackson and Hillsdale Public School Districts in my congressional district experienced a ransomware attack this past school year like thousands of other schools across the country. The breach shut both school systems down completely for three days and limited their use of connected devices for even longer.

a. Why has the FCC continued to resist updating the eligible services list to allow for schools to have the flexibility to purchase advanced cybersecurity tools with their allocation of e-rate funds?

b. While it is critical for schools to be connected, it is equally critical that they are securely connected. Do you believe that basic firewalls are sufficient to secure school networks?

E-Rate, which got its start as part of the Telecommunications Act of 1996, is the Nation's largest education technology program. It is responsible for connecting schools and libraries across the country to essential broadband services. Today, E-Rate funds basic firewalls. However, as you note, some stakeholders have called for funding next-generation firewalls and other cybersecurity services, including endpoint protection and advanced services. According to a study conducted by some of these stakeholders, funding a broad range of these kind of cybersecurity services would increase demand in the program as much as an additional \$2.389 billion a year, nearly doubling the overall spending on the program.

In considering whether to expand the E-Rate program to fund additional cybersecurity services, I believe it is important to keep two principles in mind. First, I think it is important that the Commission work in coordination with other federal agencies, including the Cybersecurity and Infrastructure Security Agency and the Department of Education, which have greater expertise and resources in this area, to collaborate on how to best help K-12 schools address cybersecurity threats. Second, I believe it is important that any increased spending on enhanced cybersecurity does not come at the expense of undermining E-Rate's statutory mission and historic success promoting basic connectivity in communities across the country.

In light of this, earlier this month I shared with my colleagues a proposal to establish a Pilot Program to support cybersecurity services for K-12 schools and libraries. I believe that taking this step now will give us valuable insights about whether and how the Commission could leverage its resources to help address the cybersecurity threats that schools and libraries face. Among the issues we will be able to study will be the effectiveness of using advanced firewalls and other tools for cybersecurity protections. This Pilot Program will run for three years with a proposed

budget of \$200 million and would be established within the universal service fund, but separate from the E-Rate program. Ultimately, this Pilot Program will help us better understand the most cost-effective way to work in conjunction with other authorities—like the Cybersecurity and Infrastructure Security Administration and Department of Education—to address this growing problem.

- 5. On June 26, NTIA announced state BEAD grant allocations based on the FCC broadband maps. Congress mandated in the Broadband DATA Act that the FCC's Broadband Maps should be the source for determining broadband service availability. The FCC has stated that the National Broadband Map is intended to be iterative and will continue to improve with additional challenges from consumers and stakeholders providing data beyond the data reported by ISPs. How do you plan to continuously improve the FCC National Broadband Map after BEAD grant allocations are distributed on June 30, so that states are able to effectively utilize the FCC National Broadband map as the foundation of their eligibility determinations when awarding grant funding?**

The Commission has a duty under the Broadband DATA Act to develop these maps in an iterative fashion. The Commission will release a major update twice a year, which overlays availability data from providers that is collected every six months, onto the tens of millions of serviceable locations. In addition to these statutorily-required bi-annual updates, we have been making minor updates to the availability data in the map regularly for most of this year. We do this because we want to make sure that challenge outcomes and corrections made by carriers to their filings are publicly available as soon as possible. Going forward, we will continue to accept challenges, every day, every week, and every month because we know that this process can continue to help improve the map. These incremental updates reflect both challenge outcomes and any corrections providers make to their filings. Moreover, we will continue to work closely with states to share this updated data to help states use this tool to inform their efforts—including under the BEAD Program—to help close the digital divide.

- 6. As the FCC handles more applications and actions, staff is working hard to keep pace. But often staff at the Commission has acted without letting Commissioners review them. Some of these decisions are on controversial matters that many interested parties would like Commissioners to review and be able to explain their thinking on. Can you please explain what the current practice is for ensuring that Commissioners have an opportunity to review important decisions in a timely manner, and how Commissioners decide when it is appropriate for a staff-level decision rather than Commissioner review?**

The Commission's long-standing rules delegate authority to its bureaus to handle many of the applications the Commission receives. For example, the Commission's rules delegate broad authority to the Media Bureau to handle various matters, including the assignment and transfer of broadcast licenses, without regard to the size of the transaction. Similarly, the Commission's rules delegate authority to the Wireline Competition Bureau to act on applications from wireline carriers for transfers of licenses and discontinuance of service, again without regard to the size of the transaction or discontinuance.

The informal practice of informing other Commissioners or offices of actions taken on delegated authority by the agency's various bureaus or offices is not required by any internal policy, rule, or statute. As the Chairwoman now, and previously as a Commissioner who sometimes received these notifications and sometimes did not, I understand this is a courtesy that is not always possible in every case. Concerns with the premature release of information or the potential for impacting litigation or the stock price of a publicly traded company are some of the considerations that might dictate a shorter notice to other Commission offices, as well as simple issues of timing and logistics.

The Honorable Neal Dunn

- 1. Chair Rosenworcel, in response to my question on satellite licensing timelines you noted that this was one of the first projects you undertook when you joined the Commission. While I'm encouraged that the FCC has stood up the Space Bureau and undertaken other recent efforts to focus on satellite applications and space generally, it still seems that it takes far too long for applications to be processed. One thing you've said you would consider is to quickly issue public notices on applications from US companies when filing at the FCC. But we've heard about applications that sit for long periods of time at the FCC before any action is taken. Will you commit to putting these applications out for comment that have been pending for months, and commit to doing so for future applications within 30 days or receipt of an application?**
- a. I appreciate that you started a proceeding to look at these issues, but is there any rule preventing you from taking these steps now?**
- b. Will the Commission provide the status of all applications that have been submitted to the International Bureau, including the time since they were received by the Commission?**
- c. Will the Commission commit to providing this Committee with periodic updates on the status of pending applications?**

As part of the Commission's Space Innovation Agenda, the agency released a rulemaking which proposes to streamline the Commission's licensing of space and earth station applications to keep up with both the unprecedented number of applications that have been filed during the last few of years, as well as the general increase in complexity of applications. While we examine the record in response to that rulemaking and develop policies that will streamline the process going forward, we are committed to reviewing and placing applications that meet the bare minimum of our application requirements on the Acceptable for Filing Public Notice within 30 days.

Section 25.112 of the Commission's rules outlines the requirements that an applicant must meet before an application can be placed on the Acceptable for Filing Public Notice. The Commission is actively reviewing whether there are changes to this rule that could accelerate

the placing of applications on public notice, such as eliminating the provision in 25.112 (a)(3) and 25.112(b) that prevent waiver requests in certain situations, in order to expedite completion of an application.

We note that there are some pending applications that do not meet the bare minimum requirements, as established in our rules, and therefore are not acceptable for filing. In these cases, an applicant may supplement or amend their applications to either bring them into compliance or seek a waiver of our rules. When these situations occur, we actively work with applicants to resolve them in order to ensure that their applications meet the requirements for inclusion on the Acceptable for Filing Public Notice.

As the space economy evolves, it is also increasingly likely that some applications present novel or unique circumstances under our rules. In these cases, additional review may be necessary but the staff will continue to engage with applicants to help them navigate the process in a timely manner, while honoring the law, recognizing the importance of space sustainability, and ensuring that our approach complies with the commitments we have made in international for a involving space policy.

We are happy to provide the Committee information on the status of any application submitted to the Commission. Please feel free to follow up with my office on any individual requests.

The Honorable John Curtis

1. Is the FCC considering pricing modernization or subscription pricing bundles for ITS?

The Commission's rules currently require that providers of incarcerated people's calling services (IPCS) charge per-minute rates. However, recognizing that most callers outside prisons and jails no longer pay per-minute rates, in September 2022 and again in March 2023, the Commission sought comment on permitting alternative pricing structures, including flat fees or bundled pricing.

2. What are the factors that the FCC will consider for subscription pricing services for ITS?

In determining whether to permit alternative pricing structures, the Commission will consider whether such structures are permitted by the relevant law, including the recently enacted Martha Wright-Reed Just and Reasonable Communications Act, which became law in January 2023, and sections 201, 202, and 276 of the Communications Act. The Commission also will consider the effect of alternative pricing structures on the overall and per-minute prices paid by incarcerated people and their families, and whether alternative pricing structures could provide additional predictability and certainty to incarcerated people and their families.

The Honorable Russ Fulcher

1. **In your testimony, you state that the FCC should have authority to enforce robocall forfeiture orders when DOJ drops the ball. However, I am concerned with giving the FCC, an independent agency, this authority, and last Congress Republicans on this Committee introduced legislation to allow State Attorney's General pick up the slack on robocall enforcement actions. Do you support this effort to crack down on illegal robocalls?**

We need an aggressive, coordinated approach to stopping illegal robocalls, and that includes working with state Attorneys General to combat this problem. In fact, we have an active Memorandum of Understanding with Attorneys General in 44 states, the District of Columbia, and Guam. Moreover, these collaborations are bearing fruit, like in the Commission's work with the Ohio Attorney General to stop auto warranty scam calls. We were able to accomplish this with a one-two punch, wherein the Ohio Attorney General filed suit against scammers, while the Commission took immediate action to block the bad actors from accessing our phone networks. I support all efforts to work with our federal and state partners to stop illegal robocalls.

2. **Openness and transparency are cornerstones of effective government. Since Chairman Pai's tenure, it has become standard practice for the FCC to release drafts of agenda items in advance of the monthly Commission Open Meetings. Recently, this practice was not extended to all items on the agenda for the June 2023 Open Meeting. Can you share how you decide which items to make public before Commission votes?**
 - a. **Will you commit to the values of openness and transparency by ensuring drafts of all non-enforcement related agenda items are publicly shared in advance of each month's meeting?**

I agree that openness and transparency are important, and to that end, I have continued the practice of releasing the drafts of agenda items in advance of the monthly Commission meetings. Consistent with the practice of the prior administration, items that are circulated and not placed on a tentative meeting agenda are not publicly released until they are adopted by the Commission. This practice includes items that are initially circulated and later added to a meeting agenda, as occurred for three items in January 2021, under the prior administration, and for one item in June 2023.

The Honorable Diana Harshbarger

1. **This Committee has focused on how regulation can be more efficient for space-related matters, most recently working on the SAT Act, which would set a one-year timeline for processing all satellite and earth station applications. The FCC has been engaging in similar efforts, but currently there are only anticipated timeframes, which have rarely been met since they were proposed in 2015 and**

2016. With international competition against U.S. operators increasing, what are you doing to ensure U.S. companies can count on the FCC adhering to the guidance it has provided?

- a. Do you expect to adopt a final requirement that it act by a given time so that the U.S. can remain competitive globally?**

Continued United States leadership in the emerging space economy requires thoughtful collaboration between the public and private sector. In particular, it requires the Commission to update its policies to support the expanding range of commercial opportunities in our higher altitudes.

Streamlining and updating the satellite and earth station licensing rules and framework are a priority for the agency. As part of the Commission's Space Innovation Agenda, the agency released a rulemaking that proposes to streamline the Commission's licensing of space and earth station applications to keep up with both the unprecedented number of applications that have been filed during the last few years, as well as the increase in the complexity of applications.

Specifically, the rulemaking seeks public comment on ways to speed up the process for placing applications on public notice, which is the first step in building a public record. The rulemaking also seeks comment on how to reduce processing timelines and other ways to streamline satellite application processing. The public comment period, during which we received a great deal of input from industry and other interested parties, closed on April 5, 2023. At present, we are closely reviewing the record, which includes comments on the specific question you ask, and are moving quickly to establish final rules.

In addition, some industry commenters have suggested in connection with the Commission's streamlining proceeding that they would appreciate additional guidance on satellite and earth station licensing. In response, we are considering transparency initiatives that would provide additional guidance to applicants regarding Commission application review, processes, and procedures. While we are still considering the specific format that this guidance will take, we plan to make this information widely available and anticipate that this information would increase transparency regarding our processes and help applicants file more complete applications at the outset.

Finally, we are in the process of updating our online application processing system, the International Communications Filing System. This is an internet-based system that accepts electronic filing for all international and satellite services, and we expect that when these updates are in place they will also help speed up the application process with a modern, more accessible system.

The Honorable Bill Johnson

- 1. Recent studies examining the length of time satellite applications take at the Commission suggest that timelines had been slowing over the past few years. In fact, one study found that for companies seeking satellite licenses in the United**

States the average processing time is now stretching into the years, not months. You noted in your testimony that you've increased staff who review satellite applications, and that you set up a rulemaking to try to identify the necessary criteria for inclusion in applications so that you can put these out on public notice faster. Can you explain in detail how the new rule will bring down these timelines, and can you explain specific steps the Commission is taking to ensure we can get these applications completed in a timely manner?

The last few years have seen extraordinary growth in the number of applications filed at the Commission. If the current rate of filings for space station applications remains constant, this year we will receive approximately four times the number of applications that we received in 2015. Similarly, we will receive approximately three times the number of earth station applications that we received in 2015. In addition, the applications before us are unlike those in the past. They now regularly include more complex and novel issues as innovative satellite uses are developing rapidly. Finally, as the space economy grows, satellites are operating in a more complex environment, requiring greater coordination with government and commercial entities on a global scale.

As part of the Commission's Space Innovation Agenda, we released a rulemaking that in several ways proposes to streamline the agency's licensing of space and earth station applications to manage this increase in both volume and complexity.

First, this rulemaking seeks comment on ways to speed up the process for placing applications on public notice, an important first step in building a public record based on a complete application.

Second, the rulemaking seeks comment on how to reduce processing timelines and other ways to streamline satellite application processing.

Third, some industry commenters have suggested in connection with the Commission's streamlining proceeding that they would appreciate additional guidance on satellite and earth station licensing. In response, we are considering transparency initiatives that would provide additional guidance to applicants regarding Commission application review, processes, and procedures. While we are still considering the specific format that this guidance will take, we plan to make this information widely available and anticipate that this information would increase transparency regarding our processes and help applicants file more complete applications at the outset.

Fourth, we are in the process of updating our online application processing system, the International Communications Filing System. This is an internet-based system that accepts electronic filing for all international and satellite services, and we expect that when these updates are in place they will also help speed up the application process with a modern, more accessible system.

2. The FCC has laid out a transition for the frequencies currently used for rail

safety and train control in the 900 MHz band, and we're coming up on the deadlines for operators to replace their equipment. Does the FCC intend to hold the line on this important safety upgrade, and enforce the transition timeline for rail operators to carry out the spectrum transition?

In 2020, the Commission began efforts to transition a portion of the 900 MHz band to make six of the band's ten megahertz available for broadband services and technologies to meet the increasing spectrum capacity demands of a wide range of industries, including utilities, railroads, and other private land mobile radio services. To aid this transition, the Commission agreed to the American Association of Railroad's request to consolidate certain 900 MHz channels used nationwide by the railroads over a five year period (i.e., by September 2025). The Commission stands ready to work with the American Association of Railroads to facilitate a timely transition.

The Honorable Yvette Clarke

- 1. The 4.9 GHz band is used in many parts of the country for important public safety applications. In New York City, the Metropolitan Transportation Authority uses the 4.9 GHz band for its Communication-Based Train Control system in the subway. There are plans to upgrade the system to a 5G-enabled technology as part of a long-term modernization program to increase the safety and reliability of subway travel. What steps can the Commission take to ensure that existing and future public safety users are allowed to operate on this band without risk of harmful interference from other uses?**

As we transition to next-generation technologies, we must ensure that public safety is not left behind. That is why one of my first actions as Chairwoman was to vacate rules adopted during the last administration that that would have allowed state licensees to kick first responders off of the 4.9 GHz band and lease it to third parties to generate revenues. Then, working with my colleagues at the agency, we started a rulemaking to look at creative ways to use this band to help improve first responder access to the latest technologies like 5G, increase public safety interoperability, and bolster the availability of equipment in this band.

In light of the record developed in response to this rulemaking and the importance of ensuring the 4.9 GHz band remains a locally-controlled public safety band, in January 2023 the Commission established a new band manager framework. In addition, it adopted more comprehensive and granular technical information requirements for the band. I believe these steps and a further rulemaking we adopted at the same time will help enhance coordination between existing and planned systems in the band and also provide opportunities for new and expanded deployments. At present we are reviewing the record in response to the further rulemaking and are committed to ensuring that any further changes will continue to honor the importance of public safety operations in the band.

- 2. The voluntary transition to ATSC 3.0 or NextGen TV has the**

potential to give consumers access to higher video resolution, better audio, additional content, and even, interactivity. While the rollout of new features and enhanced quality is appealing, what assurances can you give those unable or unwilling to upgrade that they will continue to have access to local news, emergency information, and their favorite primetime programming? Does the FCC remain committed to a voluntary, market-driven development and deployment of NextGen TV?

Yes. Free, over-the-air broadcasting has long been an important source of local news and programming in our communities. The next generation television standard, known as ATSC 3.0, has the potential to support new business opportunities for broadcasters and also unlock new benefits for consumers. At present, 60 percent of households in this country are covered by at least one next generation television signal, the result of a voluntary, market-by-market rollout of ATSC 3.0. This approach balances the benefits of stations transitioning to ATSC 3.0 with measures that minimize costs and disruption for consumers who rely on programming using the existing standard, known as ATSC 1.0.

To support this approach, the Commission has put in place a special system for licensing simulcast and multicast streams to protect consumers during the voluntary transition period. This has allowed broadcasters to take steps forward deploying ATSC 3.0 services, while ensuring that consumers who still rely on legacy technology are not deprived of vital local television service. The local simulcasting requirement is part of this effort because it supports the deployment of ATSC 3.0 service in a manner that minimizes viewer disruption by continuing to provide essential programming for viewers relying on ATSC 1.0 technology and ensuring that the ATSC 1.0 broadcast is substantially similar to the primary video programming stream on the ATSC 3.0 channel. This requirement was set to expire on July 17, 2023. However, on June 23, 2023, the Commission acted to extend the expiration date to July 17, 2027. It also committed to initiate a review one year before the requirement is set to expire in order to determine whether it should be extended in light of marketplace conditions and consumer needs.

The Honorable Tony Cardenas

- 1. A recent report from the GAO found that hundreds of thousands of K-12 students are affected by ransomware attacks each year. Since 2016, there have been 1,331 publicly disclosed cyber incidents affecting U.S. school districts. Just last September, the FBI and CISA issued a warning stating that schools face a growing risk of intrusions. What's more, dozens of public library systems across the country have suffered ransomware attacks.**

In October, Vice Society, a Russian speaking cyber gang claimed responsibility for a ransomware attack on Los Angeles Unified School District's network. The stolen information included passport, Social Security numbers, tax forms, financial reports, and health information including psychological assessments of students.

Unfortunately, this data was subsequently published online. Other school systems across the country including Minneapolis Public School District, Baltimore City Public Schools, Miami- Dade School District, Clark County, Nevada, and more have faced similar devastating attacks. CISA released a report finding that "[w]ith greater connectivity among [education] systems and networks, threat actors attack these systems for financial gain, to disrupt classes, or for other potentially destructive purposes."

While a more comprehensive approach to address the security needs of schools and libraries should be pursued, the FCC should, at a minimum, permit schools and libraries to purchase advanced or next generation firewalls through the E-Rate program. This would constitute a major step forward in protecting K-12 students from this constant cyber threat. Advanced or next generation firewalls would make an immediate impact on school security by providing enhanced protections like intrusion detection and prevention, enabling the use of virtual private networks ("VPN"), DDoS protection, and advanced network access controls.

Without these tools, schools will continue to be targeted by cyber criminals. The E-Rate program today supports basic firewalls and could support advanced or next generation firewalls without impacting existing E-Rate supported connectivity, modifying or exceeding the E-Rate program budget, or causing other significant disruption to the Universal Service Fund.

Will the FCC consider permitting schools to use their Category II funding to purchase advanced firewalls?

E-Rate, which got its start as part of the Telecommunications Act of 1996, is the Nation's largest education technology program. It is responsible for connecting schools and libraries across the country to essential broadband services. Today, E-Rate funds basic firewalls. However, as you note, some stakeholders have called for funding next-generation firewalls and other cybersecurity services, including endpoint protection and advanced services. According to a study conducted by some of these stakeholders, funding a broad range of these kind of cybersecurity services would increase demand in the program as much as an additional \$2.389 billion a year, nearly doubling the overall spending on the program.

In considering whether to expand the E-Rate program to fund additional cybersecurity services, I believe it is important to keep two principles in mind. First, I think it is important that the Commission work in coordination with other federal agencies, including the Cybersecurity and Infrastructure Security Agency and the Department of Education, which have greater expertise and resources in this area, to collaborate on how to best help K-12 schools address cybersecurity threats. Second, I believe it is important that any increased spending on enhanced cybersecurity does not come at the expense of undermining E-Rate's statutory mission and historic success

promoting basic connectivity in communities across the country.

In light of this, earlier this month I shared with my colleagues a proposal to establish a Pilot Program to support cybersecurity services for K-12 schools and libraries. I believe that taking this step now will give us valuable insights about whether and how the Commission could leverage its resources to help address the cybersecurity threats that schools and libraries face. Among the issues we will be able to study will be the effectiveness of using advanced firewalls and other tools for cybersecurity protections. This proposed Pilot Program will run for three years with a proposed budget of \$200 million and will be established within the universal service fund, but separate from the E-Rate program. Ultimately, this Pilot Program will help us better understand the most cost-effective way to work in conjunction with other authorities—like the Cybersecurity and Infrastructure Security Administration and Department of Education—to address this growing problem.

2. **Chairwoman Rosenworcel, understanding the value and importance of reducing barriers to broadband deployment to unserved communities in unserved areas, under your leadership, and early in your tenure, the FCC started a proceeding to seek clarification of the FCC's existing utility pole attachment rules.**

Since then, billions of additional dollars are about to be committed for broadband deployment across the country, in both urban and rural areas. The timeliness of having modernized rules of the road regarding how fiber optic cable gets on utility poles to connect America, would appear to advance our common goal of closing the digital divide.

In that spirit, Chairwoman Rosenworcel, can you commit to this committee that you will help speed this critical docket and have a final order in front of the Commission by the end of this year?

I agree that the Commission should be doing everything it can to speed the deployment of broadband to all areas of the country and that ensuring there is a transparent, fair, and fast pole attachment process that considers the needs of pole owners and attachers is a key part of that effort. As you note, last year the Commission unanimously adopted a rulemaking that sought comment on questions on a number of complex economic and legal issues that may arise with pole replacements, including the allocation of pole replacement costs between utilities and attachers. The rulemaking also sought comment on whether there are other reforms we can make to speed up the process for negotiations over pole replacements and attachments, recognizing that certainty is good for both the providers seeking to build broadband networks and for the electric companies that own most utility poles. Commission staff is currently reviewing the record in this proceeding. Please be assured that we will take into consideration the issues and concerns presented by all stakeholders as the Commission deliberates on the appropriate course of action.

The Honorable Ann Kuster

1. **Chairwoman Rosenworcel: Last December, I joined a bipartisan group of members on a letter to your agency urging expeditious consideration of the proposed A-CAM program enhancements. I was pleased to see the FCC announce its plans for an Enhanced A-CAM program to require speeds of 100/20 Mbps or faster speeds. These enhancements will ensure that rural communities serviced by the program aren't offered subpar internet speeds and that their internet service keeps pace with their broadband needs.**
 - a. **Chairwoman Rosenworcel: Faster speeds is a win for rural communities and many providers have already begun to upgrade their services and deploy 100/20 Mbps speeds. How will the FCC work to include providers that took the initiative to improve their services before the A- CAM enhancements were announced?**

In order to keep pace with the demand for reliable broadband and meet the needs of consumers today and into the future, we need to optimize the Commission's high-cost programs to bring higher speeds and greater bandwidth to consumers, particularly for those living in high-cost and hard-to-reach areas. To this end, the Commission just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers for service support in some of the most rural areas of this country. The new model, known as Enhanced A-CAM, provides carriers with the opportunity to elect to serve all locations in their service areas at speeds of 100 Megabits down and 20 Megabits up in return for an extension of the AC-CAM program and an incremental increase in support for especially hard-to-serve areas. In light of the kind of earlier enhancements you describe, we also provide ongoing support to providers that built out networks before the Enhanced A-CAM program began.

- b. **Chairwoman Rosenworcel: Will you commit to working with providers to continue developing the Enhanced A-CAM program and quickly implement these much needed improvements?**

Yes. The Commission just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers. The staff will continue to work with providers to expeditiously implement the program and bring higher speeds and greater bandwidth to consumers.

2. **Chairwoman Rosenworcel: The National Broadband Map provided the foundation for determining the recently announced BEAD allocations to states. I know that the FCC, providers, and state broadband offices have put a tremendous amount of effort into developing this map to be the most comprehensive depiction of broadband availability nationwide. Now that the once-in-a-generation funding from the BEAD program has been allocated, it's time for states to determine how to best use this funding to build up broadband networks in their communities.**
 - a. **Chairwoman Rosenworcel: How can we ensure that this map continues to serve**

as the foundation for determining eligibility when states begin awarding grant funding?

In November 2022, the Commission developed its first location-based broadband map using new legal and technical tools in an effort to paint a more accurate picture of where broadband is and is not available across the United States. This map was light years better than preceding maps because it no longer relied on census block-level reporting. Instead, it identified every household and small business in the country that should have access to high-speed internet service. To illustrate how much more granular this is than what came before, consider that in our most recent mapping effort the Commission identified over 114 million locations where fixed broadband could be installed compared to data from just 8.1 million census blocks in our prior maps. Since November 2022, the Commission has worked closely with state and local governments as well as providers and other stakeholders to continue to improve the map. In May 2023, the Commission released an updated version of the National Broadband Map that identified more locations and incorporated feedback on broadband availability. The Commission has a duty under the law to continue develop these maps in an iterative fashion, so we will continue to update and improve the map. I look forward to working with local, state, and federal authorities to continue to use this tool to help inform efforts to close the Nation's digital divide.