

Questions for the Record
Committee on Energy and Commerce
Subcommittee on Communications and Technology
Hearing on
“The Fiscal Year 2025 Federal Communications Commission Agency Budget”
July 9, 2024

The Honorable Anna M. Gomez, Commissioner, Federal Communications Commission

The Honorable Earl L. “Buddy” Carter

1. The relationship between landlords and tenants historically has been a state-law issue. It seems far removed from the FCC’s core mission. Does the FCC have jurisdiction to regulate the contractual relationship between landlords and tenant, including agreements regarding the provision of broadband services provided to their tenants as a building amenity?

RESPONSE: All actions the Commission takes emanate from the statute (the Communications Act). Under the Act, the Commission may regulate agreements service providers may enter into with third parties, including landlords or Multi-Tenant Environment (MTE) owners. Specifically, under sections 201(b) and 628(b) of the Act the Commission can prohibit the execution and enforcement of certain types of agreements that constitute unreasonable practices or unfair methods of competition between providers and MTE owners.

2. The Commission previously has repeatedly reviewed broadband bulk billing arrangements and determined each time that their benefits exceed any potential downsides. Would the Commission’s decision to reverse this decision without first developing an administrative record to support the opposite conclusion open the Commission to substantial legal scrutiny as a decision that is arbitrary and capricious under the Administrative Procedure Act?

RESPONSE: I support protecting consumers, promoting consumer choice, and competition.

The Commission is currently considering adoption of a Notice of Proposed Rulemaking. If adopted, it would seek comment on actions the agency can take to lower costs and encourage greater choice of communications services for residents of MTES. Such a Notice would seek public comment and refresh the record on the state of bulk billing arrangement marketplace, on which the Commission last sought comment on over 14 years ago.

This is a complex issue. I am continuing to listen to and hear from stakeholders as I review the item.

The Honorable August Pfluger

Commissioner Gomez, given your experience leading the U.S. preparation for the International Telecommunication Union World Radiocommunication Conference, several concerns have been raised that the U.S. delegation may not be in the best position to promote U.S. positions as effectively as possible. A 2002 and a 2023 GAO report have raised the concern that the inability to reach an agreement affected the U.S.'s ability to present a unified position for the WRC. It is clear to me that we need to take immediate action to improve our coordination and preparation for future WRCs to secure U.S. economic and national security interests and counter the Chinese Communist Party's influence at this critical international standard-setting body.

1. From your experience, how can Congress and the FCC improve the overall process leading up to CITEL and the WRC, and what tools are needed to succeed in the future?

RESPONSE: Preparing for each World Radio Conference is a long-game and having the right processes in place is key to our success. WRC 2023 just finished, and participant states are already hard at work preparing for WRC 2027. Countries like China are pouring massive resources into their preparation and engagement. It is crucial that the United States has sufficient resources in place early, across the federal stakeholder agencies. In addition, one specific process change I believe would have a significant impact is naming the U.S. Head of Delegation earlier in the process. Success at the WRC depends on building relationships both domestically and internationally because we need to reach consensus at home and abroad. The sooner the Head of Delegation is in place the sooner she or he can begin building those critical relationships.

2. This Committee has held two hearings on the video marketplace. One thing that seems clear to me is that consumer demands have changed. They want more flexibility in choosing what they watch, when they watch it, where they watch it, and what they are charged for it. What actions should Congress take to modernize our nation's video laws to allow the marketplace to continue to evolve—especially for traditional PayTV providers who are trapped in a decades-old regime? What can the FCC do also to help foster this evolution?

RESPONSE: As you note, the ever-evolving ways to watch programming has changed the video marketplace. Viewers can now consume content from near and far at virtually anytime and anyplace. The Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992 are the main laws governing the distribution and carriage of broadcast television stations by Multichannel Video Programming Distributors (MVPDs). These laws were adopted prior to the development of current technology and the advent of widespread streaming.

To meet the moment, Congress will need to balance competing public interest factors and update applicable laws, and the Commission will need to implement such laws through rules and regulations. Key issues to balance will be the importance of protecting consumers, the value of diverse local broadcasters and independent programming to communities and civic engagement, and that it is competition that drives innovation for the benefit of consumers.

The Honorable Debbie Dingell

1. With each new generation of wireless technology, network speeds have significantly improved, and the number of connected devices has significantly increased. As Co-Chair of the 5G and Beyond Caucus, I am a strong supporter of innovative technologies and the need to strengthen network security.

Commissioner Gomez, could increased investment in domestic and allied wireless equipment enhance our supply chain resilience and minimize network vulnerabilities? And would fostering competition and domestic development in this sector increase industry standards for network security?

RESPONSE: Securing our nation's networks is extremely important and a continued FCC priority. It is essential for national security to support equipment that reduces network vulnerabilities. The Secured and Trusted Communications Act and the Commission's Reimbursement Program (otherwise known as the Rip and Replace program) is a critical tool that can be used to help providers particularly, small rural providers, remove insecure equipment from their networks. We need Congress's help to fully fund this program and continue the process of removing this equipment from our nation's communications infrastructure. Furthermore, as you note, a competitive market of trusted equipment as well as strong domestic and allied participation in standards development are critical components of ensuring our nation's networks are trusted and secure.