Attachment—Additional Questions for the Record

Subcommittee on Communications and Technology
Hearing on
"Connecting America: Oversight of the FCC"
March 31, 2022

The Honorable Jessica Rosenworcel, Chairwoman, Federal Communications Commission

The Honorable Yvette D. Clarke (D-NY)

1. A disproportionate number of low-income consumers live in multi-family dwellings such as apartment buildings. According to the National Multifamily Housing Council, in 2020, the median household income of apartment dwellers was $43,000, as compared to $67,463 for all households. Because lower-income consumers struggle to pay inflated prices, exclusivity agreements will preclude the U.S. from better closing its digital divide. The FCC recently banned graduated revenue sharing agreements, sale-leaseback arrangements, and required more transparency around exclusive marketing agreements. Nonetheless, there could be other arrangements like bulk billing or similar loopholes that could lead to monopolies in multi-dwelling units. What additional steps can be taken to ensure that those living in or working in MDUs have access to the benefits of competition and close the loopholes for monopolies in MDUs?

   RESPONSE: As many as one-third of us in the United States live in multi-tenant units. Many of those units are in apartment buildings, where there may only be a single internet service provider. This lack of choice can mean that residents wind up paying higher prices for lower quality services. Moreover, there is very little these tenants can do if they want to switch providers or seek new services.

   On February 11, 2022, the FCC took action to address this problem. We made three changes to our policies governing service in multi-tenant environments. First, the agency adopted new rules that prohibit internet service providers from entering into certain revenue-sharing agreements with landlords that keep competing companies from serving those in multi-tenant units. Second, the agency required internet service providers to disclose any exclusive marketing arrangements they have with landlords to the tenants residing in their buildings. Third, the agency clarified that "sale-and-leaseback arrangements" where a provider sells its wiring to a landlord and leases it back on an exclusive basis are prohibited. These actions were designed to promote choice and broadband competition and benefit those who live and work in multi-unit environments.

   I believe these actions are only a starting point. We will need to monitor the market for broadband service in multi-tenant units and explore further efforts if necessary. In addition, we will need to ensure that our enforcement process is available

for those who might find themselves residing in buildings or communities that do not comply with our new rules. We have also begun a proceeding, pursuant to the Infrastructure Investment and Jobs Act, to consider policies to prevent digital discrimination, which may, as the record develops, include issues like this one. Going forward, I would be happy to work with your office on these efforts.

2. The National Verifier is intended to be a centralized application process for Lifeline and Affordable Connectivity Fund programs. Since the National Verifier does not have data on all qualifying programs, many applicants are forced to manually find and upload documents proving their eligibility. Of those applicants, over 60 percent don't finish their applications. How can Congress and the FCC work together to ensure that all state, federal, and tribal agencies with data make it available to determine eligibility for these important programs?

RESPONSE: The National Verifier works best when it securely connects directly to other databases and systems that can help it verify eligibility of a household seeking to enroll in the Affordable Connectivity Program and Lifeline program. Today, the National Verifier has direct access to 24 state and territory databases, including information about consumer participation in the Supplemental Nutrition Assistance Program (SNAP). In addition, the National Verifier has direct connections to two nationwide databases—one at the Centers for Medicare and Medicaid Services (CMS) and the other at the Department of Housing and Urban Development (HUD). The former assists with confirmation of enrollment in Medicaid and the latter assists with confirmation of participation in federal housing assistance programs. As a result of these connections, the National Verifier can automatically confirm a consumer's ability to participate in the programs 67 percent of the time.

The FCC and the Universal Service Administrative Company (USAC) continue to work with state, territorial, Tribal, and federal partners to increase the number of database connections available through the National Verifier. As noted above, during the past year these efforts have resulted in a range of agreements with states, territories, CMS, and HUD to match system data with what was previously the Emergency Broadband Benefit and is now the Affordable Connectivity Program. In addition, the FCC has been able to work with USAC to provide support to some agencies to develop direct connections for database access. However, notwithstanding this support, the FCC and USAC regularly hear from state partners that they do not have the resources necessary to prioritize the work required to complete these connections. Nonetheless, we will continue to work with these partners to seek to find cost-effective ways to establish database connections that will benefit consumers and simplify the application process.

Congress may wish to act to obviate the need for all of these state connections by encouraging the development of nationwide databases for the qualifying benefit programs for the Affordable Connectivity Program enumerated in the law. Right now, data on eligibility and participation in SNAP, free and reduced price school lunch and breakfast, Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families, and Tribal Head Start are maintained at the state or Tribal

level, often among different agencies. Because the data are decentralized, we must establish separate National Verifier connections with many entities. Congressional support for the creation of nationwide databases for federal qualifying benefit programs, where possible, would streamline the application process for consumers, reduce burdens on state and Tribal entities, and allow for more efficient administration of both the Affordable Connectivity Program and Lifeline program.

3. The EEOC recently announced that it will expand the available gender options in the voluntary self-identification questions included on its intake forms. Additionally, beginning April 11, 2022, individuals who do not identify as male or female can select unspecified or another gender identity (X) as their gender when applying for a U.S. passport. Currently, FFC Form-395A, Form-395B and FCC Biennial ownership report Forms 323, 323-E only require the collection of binary gender data. Does the FCC have plans to introduce changes to their ownership and employment data forms to include options for trans and non-binary individuals?

   RESPONSE: Thank you for raising this issue. We have an ongoing proceeding to reinstate FCC Form 395-B, which collects workforce diversity information from broadcast stations. The issue of including an option for trans or non-binary individuals on the form has been raised in the record. We have taken note of this and are also paying close attention to what the EEOC does to update its own forms.

4. The digital divide cannot be bridged without access to devices, but over 10 percent of all American households lack a computer - and this number rises to over 40 percent among low-income households. The benefits of obtaining affordable broadband are largely negated without a suitable means of connecting to it. Through the Affordable Connectivity Program, qualifying recipients can receive a $100 discount on devices, but this component of the program has been underutilized. How will the FCC ensure that eligible households are aware of and take advantage of the ACP device discount?

   RESPONSE: I agree that devices—computers and tablets—are an essential part of providing meaningful access to broadband for all households. That is why the $100 device reimbursement permitted under the law establishing the Emergency Broadband Benefit and then extended by Congress to the Affordable Connectivity Program is so important.

   The FCC has taken a series of steps to promote the availability of this reimbursement program. Specifically, the agency is using a range of tools and partnerships to reach eligible households and inform them about this opportunity, including developing an outreach network of 40,000 partners, holding training sessions for those working directly with eligible communities, working with journalists and developing social media content to expand awareness, and engaging directly with federal, state, and Tribal authorities. Congress also authorized the FCC to use funds to expand awareness of this program. As a result, we are exploring using a variety of outreach tools and strategies, as permitted by the law, including focus groups, consumer research,

surveys, a grant program, and paid media. The FCC has set aside $100 million over five years for these outreach efforts.

The FCC and USAC have developed outreach materials that highlight the one-time device discount. These include consumer FAQs, a fact sheet, flyers, handouts, overview videos, social media posts, and brochures. These materials can be accessed at https://www.fcc.gov/acp-consumer-outreach-toolkit and https://acpbenefit.org/help/resources/. Materials are available in English and Spanish. In addition, there are consumer handouts and fact sheets in Arabic, Traditional Chinese, Simplified Chinese, French, Haitian-Creole, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

To help consumers identify which providers have chosen to offer discounted connected devices as part of their participation in the Affordable Connectivity Program, a list of internet providers that indicates whether or not they offer connected devices is available at https://www.fcc.gov/affordable-connectivity-program-providers.

The FCC also has rules regarding advertising, notification, and public awareness that apply to all providers choosing to participate in the Affordable Connectivity Program. To this end, providers are required to "[f]requently carry out public awareness campaigns in their Affordable Connectivity Program areas of service that highlight the value and benefits of broadband internet access service and the existence of the Affordable Connectivity Program in collaboration with state agencies, public interest groups, and non-profit organizations." Moreover, providers that offer a laptop, desktop, or tablet through the Affordable Connectivity Program must inform consumers about the availability of the connected device discount.

As noted above, the FCC has an open proceeding regarding what efforts should be made to promote this program and increase awareness, including through paid media. In addition, this proceeding sought comment on the structure and objectives for an outreach grant program. Furthermore, the proceeding asked questions about the development of a pilot program to ensure that households relying on federal public housing assistance receive direct outreach to expand awareness of the Affordable Connectivity Program. The comment period for this rulemaking closed on April 15, 2022, and FCC staff are now reviewing the record.

5. An independent evaluation of the Lifeline program was conducted to assess whether it is achieving its objectives efficiently and effectively. The key findings and recommendations in the evaluation helped to inform the FCC's Wireline Competition Bureau's 2021 report on the "State of the Lifeline Marketplace". We ask for an update on the progress made with respect to each of the recommendations in the report.

RESPONSE: The FCC's Lifeline program is a valuable tool for bridging the digital divide in this country. It is important that we continue to work to make the Lifeline program as efficient and effective as possible, even as Congress has developed new affordability efforts like the Affordable Connectivity Program to help connect more

consumers to broadband. To this end, as you note, the FCC and the Universal Service Administrative Company (USAC) commissioned a third-party Lifeline program evaluation, which was released in July 2021.

The report made four sets of recommendations to improve the Lifeline program. I am pleased to report that the FCC has already made substantial progress implementing these recommendations.

First, the report recommended enhancements to the National Verifier, which determines household eligibility for all Lifeline participants and serves as a pathway for enrollment in the Affordable Connectivity Program. Specifically, the report recommended that the FCC explore opportunities to integrate the National Verifier with state integrated eligibility websites to increase awareness of the Lifeline program and simplify the application process. The report also recommended partnering with other federal benefit programs and state agencies to increase outreach about Lifeline and to integrate Lifeline's application processes into those program applications.

USAC and the FCC have been working diligently to implement these recommendations. The National Verifier currently has national database connections with the Centers for Medicare and Medicaid Services to confirm participation in Medicaid and the Department of Housing and Urban Development to confirm participation in federal housing assistance. In addition, the National Verifier has direct access to 24 different databases in states and territories that automatically confirm consumers' eligibility to participate in the Lifeline program. The FCC and USAC also regularly partner with other federal benefit programs and state agencies that administer those programs in order to increase outreach about the Lifeline program.

Second, the report recommended that the FCC and USAC address difficulties consumers may encounter with the program. Specifically, the report recommended that USAC obtain consumer feedback through qualitative surveys or focus groups to gather information on the application and recertification process and better understand consumer burden and challenges applicants may face in the enrollment process.

Since taking over as Chairwoman, I have made it a priority to increase outreach to participants and stakeholders, both for the Lifeline program and the FCC's newer affordability programs. In response to some of this feedback, in August 2021, USAC revamped its consumer-facing website, LifelineSupport.org. These changes improved site navigation and streamlined content. USAC also developed new consumer-facing videos detailing how to apply for Lifeline through either the National Verifier directly or with a service provider.

Additionally, USAC implemented changes in the National Verifier to allow consumers to more easily search for their application, include secondary e-mail addresses for contact purposes, and improve other related application workflows. We also have set up a process through which Tribal partners can gain direct access to the Lifeline National

Verifier. This functionality previously existed for state agency partners and allows Tribal organizations to better support consumers as they complete their Lifeline applications.

Third, the report recommended that the FCC develop measures to capture a better understanding of the program's impact on broadband adoption among low-income households and to determine the cost effectiveness of the program, including by publishing data.

The FCC and USAC currently publish a significant amount of Lifeline data and are considering additional improvements. USAC publishes Lifeline program data detailing the participation rate of potentially eligible consumers in each state on its webpage, at https://www.usac.org/lifeline/resources/program-data/. This information provides a snapshot of the impact the Lifeline program is having on eligible populations in each state. The FCC and USAC also report on data regarding performance of the program, including the percentage of enrollments requiring manual review, automated database pass rates, Lifeline subscribership over time, and the extent to which voice and broadband service expenditures exceed two percent of low-income consumers' disposable income. To the extent the FCC establishes additional performance metrics, we will strive to ensure that any associated data is shared with the public as appropriate.

Fourth, the report recommended that the FCC create a strategic plan for the program. In 2016 the FCC established goals for the Lifeline program, including ensuring the availability and affordability of voice and broadband service for low-income consumers while also minimizing the contribution burden on consumers and businesses.

That being said, I believe it is time to take a fresh look at the program, in light of changes in the marketplace as well as the work of Congress establishing new efforts like the Affordable Connectivity Program. At the same time, I am mindful that the FCC has a duty under Section 254(j) of the Communications Act to maintain the program in a manner consistent with Section 69.117 of Title 47 of the Code of Federal Regulations.

6. There has been a growing trend of consolidated ownership among broadcast television stations, as we have seen in other industries. In many instances we are seeing transactions that consolidate two, three and sometimes four stations in a single market. The Supreme Court just ruled last year that the FCC can relax its rules regarding the number of newspapers, radio stations, and television stations one company may own in a particular market. This decision will likely lead to further consolidation in the broadcast industry.

   a. In what ways are some of these broadcast groups exploiting loopholes to circumvent the FCC's prohibition on Top Four?

      RESPONSE: Changes in technology and the marketplace have made it more feasible for broadcasters to use a Low Power television station or the multi-cast stream of a Full Power television station to carry additional Big-Four network affiliations in a local market. While this may expand the availability of network

programming in some markets, it can also result in more concentrated ownership in a manner not historically contemplated by our rules.

b. What are the ramifications when these loopholes are exploited and how do they affect consumers?

RESPONSE: The local television ownership rule helps maintain competition, localism, and diversity among local broadcast stations. These values have long informed the work of the FCC with respect to media ownership. Even as technology evolves, undermining them may result in higher costs for local businesses seeking to purchase advertising, a reduction in the production of local news, and less diverse programming. Additionally, the power to negotiate for the carriage of two top-four stations in a market can result in higher retransmission consent fees, which are typically passed on to the consumer in the form of higher bills for cable and satellite services.

c. What is the measured effect on the amount or content of local broadcasting?

RESPONSE: While it is difficult to quantify the content of local broadcasting, we know that local broadcasting has long been a trusted source of local news. According to a study last year by the Pew Research Center, three out of four Americans have some level of trust in the information that comes from local news organizations. This is significantly higher than other sources. I believe the FCC's long-standing dedication to competition, localism, and diversity have helped to foster this trust in local news, and I am dedicated to upholding these values.

7. The way Americans access programming has changed dramatically since the 1992 Cable Act, but retransmission consent rules have largely remained the same. Over the last two years, there were an estimated 460 blackouts associated with retransmission consent impasses, resulting in consumers losing access to their favorite shows. Unfortunately, these blackouts may be used as leverage during retransmission negotiations by broadcasters at the expense of consumer access to television programming. Is there any concern that increased retransmission consent fees may negatively impact consumers during these negotiations? In what ways can Congress and the FCC work together to protect consumers from blackouts?

RESPONSE: The FCC is concerned about retransmission consent negotiations that result in consumers losing access to programming. To this end, we monitor blackouts that result from the failure of broadcasters and multi-channel video programming distributors to reach carriage agreements. Overall, we saw fewer blackouts in 2021 than in recent years, but some of those that took place lasted for an extended period. The number of blackouts is driven by the number of retransmission consent renewals, and based on our understanding of what agreements are presently in the marketplace, we expect more negotiations in 2022.

With respect to the FCC's oversight of retransmission consent, the agency has taken the position that Section 325 provides it with limited authority over disputes. This authority extends only to the procedural aspects of a negotiation (*i.e.*, the requirement to engage in good faith), rather than its substance. That means absent a change in law we lack authority to order carriage or to require continued carriage during a dispute. Nonetheless, we can and will take enforcement action to the extent our retransmission consent rules are violated. For example, the FCC recently adopted and affirmed a decision imposing a $8.7 million fine against a group of broadcasters when the stations failed to negotiate for retransmission consent in good faith. I would welcome the opportunity to work with Congress to help protect consumers from being caught in the middle of retransmission consent negotiations.

The Honorable Marc Veasey (D-TX)

1. Local news and media outlets, including radio broadcasters, have had a difficult time during the COVID-19 pandemic. America's radio and TV's broadcasters take seriously their responsibility to report, inform, and educate local communities during and beyond the pandemic. I understand that there is a proceeding pending before the FCC that would enable local radio broadcasters to geo-target content, which would allow radio broadcasters to localize weather, news, alternate language programming, emergency alerts and more. Can you provide a sense of timing in completing this proceeding?

RESPONSE: GeoBroadcast Solutions, the proponent of using booster stations to offer geotargeted advertising for radio broadcasters, recently filed with the FCC reports on the market-based testing of its technology. These tests were conducted in San Jose, California and Jackson, Mississippi. The reports summarizing them provide detailed technical information regarding the ability of the system to provide geotargeted content, the compatibility of the technology with existing broadcasts, and the impact of the technology on Emergency Alert Services as well as digital FM broadcasting. Because this information is an important part of our record on this subject and was not available during our earlier rulemaking, on April 18, 2022, the FCC released a Public Notice seeking comment on these reports. Comments are requested by June 6, 2022, and reply comments are requested by June 21, 2022. Following the filing of these comments, the FCC staff will assess the record and develop next steps.

2. Can you provide an update on how the FCC and NTIA are communicating and coordinating to resolve concerns over the use of the C-Band (3.7-3.98 GHz band) near airports?

RESPONSE: The FCC continues to work closely with its federal partners and with aviation and wireless stakeholders to ensure that next-generation 5G networks can safely co-exist with air safety technologies in the United States, just as it does in more than three dozen countries around the world. As a result of these efforts, the Federal Aviation Administration has approved more than 98 percent of the commercial fleet for low visibility approaches in 5G environments, and new 5G wireless networks have been

deployed to more than 100 million consumers across the country.

FCC and NTIA staff are meeting weekly, exchanging information, and reviewing proposals to refine the technical mitigations—as well as the analysis and assumptions used to support them—currently in place around 5G networks. In addition, the agency is coordinating with NTIA and others on bench testing, over-the-air testing, and flight testing that will gather actual data on the impact of proposed 5G transmissions on radio altimeters, if any.

Looking ahead, both FCC and NTIA recognize that expanding spectrum opportunities for any sector—including in the C-band—will require the agencies to work together to navigate issues regarding gaps in governmental coordination, the length and complexity of spectrum allocation processes, inefficient uses of spectrum, challenges in making "room" for new services and technologies, and the lack of clarity about spectrum rights and the federal spectrum management process. To better address these challenges, in February, I announced a new Spectrum Coordination Initiative with Assistant Secretary Alan Davidson. This initiative builds on the fundamental strengths of the NTIA-FCC relationship and improves the processes for decision making and information sharing around spectrum policy issues. Specifically, we have committed to the policy actions described below.

- The FCC and NTIA will reinstate high level meetings. For the first time, the Chair of the FCC and the Assistant Secretary will hold formal, regular meetings, beginning monthly, to conduct joint spectrum planning.

- The FCC and NTIA will reaffirm roles and responsibilities. Building on NTIA's statutory role as manager of the federal government's use of spectrum, the FCC and NTIA will update the nearly twenty-year-old Memorandum of Understanding between the agencies.

- The FCC and NTIA will renew efforts to develop a national spectrum strategy. The agencies will collaborate to help inform the development of a strategy, increase transparency around spectrum use and needs, and establish long-term spectrum planning and coordination.

- The FCC and NTIA will recommit to scientific integrity and evidence-based policymaking. That means working cooperatively to develop processes for spectrum engineering compatibility analysis and compile principles, guidelines, and accepted technical standards, interference protection criteria, propagation models, and other characteristics.

- The FCC and NTIA will revamp technical collaboration. In March, the agencies identified experts to participate on each other's cross-agency advisory groups in order to foster proactive technical exchange.

I believe this initiative can help revitalize the interagency coordination process, which is important for the C-band and other proceedings involving the reallocation of wireless airwaves for new commercial uses. Moreover, I believe it can foster outcomes that will grow the digital economy and provide consumers nationwide with new ways to connect.

The Honorable Bob Latta (R-OH)

1. The COVID pandemic has proven that rural Americans desperately need quality high-speed broadband, making the timely authorization of RDOF support urgent. Recognizing the time a hybrid fiber/fixed wireless technology model can save to deploy gigabit services as compared to fiber only, and considering similar hybrid deployments are already functioning successfully around the United States, do you anticipate any delays in authorizing RDOF support for such hybrid gigabit deployments once FCC staff has completed its technical and financial review of the long form application?

   RESPONSE: The Rural Digital Opportunity Fund applications under review for hybrid fiber/fixed wireless winning bids require additional assessment by both our wireline and fixed wireless technical engineering review teams. This review includes a detailed study of wireless signal propagation assumptions and, as a practical matter this process has more steps than review of simple wireline technology. Because the agency is considering millions in support for these services, our review is especially careful in order to ensure that the technology can deliver as promised. To date, the agency has completed this process for more than a dozen fixed wireless applications offering speeds of 100/20 Mbps while the remaining applications are still being assessed.

2. In the Rural Digital Opportunity Fund proceeding, FCC staff have been working diligently to approve long form applications from winning bidders that are proposing to deploy fiber broadband networks. However, the FCC is lagging on approving long form applications from other broadband technologies. What is your plan for approving all long form applications as soon as possible?

   RESPONSE: Over 50 staff engineers, economists, and lawyers have been working on reviewing Rural Digital Opportunity Fund long-form applications to ensure that applicants can meet all technical, financial, and legal program requirements before any funding is disbursed. Of the 417 long-form applications filed with the agency, 31 initially included non-wireline technologies. To date, 20 of these applications have been resolved. Some of the pending applications involving non-wireline technologies still have pending ETC designations at the state level. Under the Communications Act, the FCC is unable to distribute universal service funds from the high-cost program without this designation. Accordingly, we will continue to resolve applications as expeditiously as circumstances permit.

The Honorable Cathy McMorris Rodgers (R-WA)

1. The Commission is currently considering new rules for use of the 4.9 GHz spectrum, a band used in my State for important public safety applications. What is the FCC doing to ensure that State and local interests are protected and that public safety officials, especially in Washington State, will continue to have the ability to make their own decisions about which communications services best serve their needs?

RESPONSE: Nearly two decades ago, the FCC designated 50 megahertz of spectrum in the 4.9 GHz band for use in support of public safety. All licenses in this band were limited to operations within their state and local jurisdictions. Currently, there are 3,541 active licenses that are being used to facilitate video streaming, backhaul, and data connections for advanced public safety devices. While this represents progress, the 4.9 GHz band remains underused outside of major metropolitan areas, with stakeholders citing high equipment costs and limited device availability as barriers to deployment.

Under my leadership, the FCC is working with public safety entities and associations to increase investment in and maximize use of the 4.9 GHz band. In doing so, I am committed to preserving public safety opportunities and protecting the investments they have made in communications services.

These efforts began last year when the FCC stayed implementation of new rules that threatened to remove public safety from these airwaves in favor of more fragmented commercial deployments. The FCC ultimately vacated those earlier policies and kicked off a rulemaking on September 30, 2021, to chart a new course for the 4.9 GHz band that puts public safety interests front and center. Specifically, the agency sought comment on how to increase public safety use of the band and ensure that it helps foster access to the latest technologies, like 5G. It also asked about a variety of different frameworks that can help achieve this goal, including priority and preemption for public safety users, excess capacity leasing, shared access models, or a single, nationwide framework that protects and fosters the growth of critical operations.

At present, FCC staff is reviewing the record filed in response to this rulemaking and developing recommendations for next steps.

2. In August 2019, the Commission unanimously adopted new rules intended to streamline the Part 25 process for constellations of up to ten small satellites that meet additional, specific criteria. How is this new regulatory framework working? In the period since the new rules were adopted, how many applications has the Commission received through the new process, and have the new rules resulted in a shorter timeline for review?

RESPONSE: The United States is on the cusp of a new space age, and the FCC has taken steps to reform its satellite licensing for this new era. For constellations of up to ten small satellites, we have adopted a new framework for authorization that provides greater certainty than our experimental regime under Part 5 of our rules and less red tape than our traditional licensing regime under Part 25 of our rules. It also allows applicants

to take advantage of a lower application fee and a shorter timeline for review. In other words, the FCC has filled a gap in its policies in order to expand the deployment of small satellite-based services in the United States.

These new rules have had a strong start. Since August 2019, the FCC has received 14 applications seeking approval under this new licensing process for small satellites. To date, the agency has taken final action on nine of these applications. Most were granted within three to four months of being filed, with the exception of two applications that were filed before the date the new rules became effective and one application that required the FCC to consider a novel frequency assignment. That means, on average, new small satellite applications are being processed more rapidly than traditional applications under Part 25 of our rules.

Three small satellite applications and two applications for non-Earth-orbiting small spacecraft are currently pending with the FCC. Of these, one has been pending for less than two months. The others have either been updated or amended since the start of the year, raise novel issues that have generated significant opposition, or ultimately will be processed outside the small satellite licensing process. We will continue to process these applications expeditiously.

Of course, we have more work to do to update the FCC's rules to speed up our process, address the growing challenge of orbital debris, foster competition, and coordinate our activities across the public and private sectors. I welcome the opportunity to work with your office on these efforts.

3. One critical issue for low Earth orbit satellite systems is access to spectrum. The FCC has ongoing proceedings to update the rules for how these systems share spectrum and the rights they have, as well as applications for new satellite constellations. These proposed large constellations are raising new questions about whether and how to coordinate, share information, and promote transparency among competing systems. How does the Commission view the balance between facilitating information sharing while protecting proprietary information so that the United States can have the kind of efficient use of the shared spectrum necessary for all of these systems to operate together?

RESPONSE: Over the past year, the FCC has taken action to update its spectrum policies to better meet the needs of the next-generation of space-based connectivity. This is important because industry experts estimate that more satellites will be launched in the next two to three years than in the last 50 years combined. These satellites will need access to spectrum as well as a transparent regulatory environment.

To support this growth, for the very first time, in an order adopted on April 22, 2021, the FCC identified spectrum to support increased competition among commercial space launch providers and launch sites, which will help the industry overall. In an order adopted on August 4, 2021, the FCC cleared the way for more satellite operators to use spectrum in the 50.4-51.4 GHz band to support new services. At present, the FCC is also

working with satellite companies and other stakeholders to explore additional opportunities in the 70/80/90 GHz bands.

The FCC also is taking action to improve both spectrum sharing and information sharing between satellite operators. On December 14, 2022, we proposed revisions to our rules for spectrum sharing among non-geostationary satellite orbit fixed-satellite service (NGSO FSS) systems. The proposed revisions would require satellite systems approved in later processing rounds to protect already approved systems, but we also ask about sunsetting that interference protection after a period of time in order to encourage new market entry. Moreover, while NGSO FSS operators already have an obligation under the FCC's "good faith" coordination requirement to share data on an ongoing basis, we have sought comment on broader information sharing requirements for operator-to-operator coordination. Specifically, we have asked whether sharing certain types of information, such as beam-pointing information, may be necessary to implement spectrum sharing or protection criteria between operators. We have also asked whether we should provide additional guardrails on what "good faith" coordination entails. Finally, we have asked about what safeguards are needed to protect information that may be competitively sensitive.

Comments in this proceeding were due on March 25, 2022, and reply comments were due on April 25, 2022. FCC staff is currently reviewing the record and considering next steps.

4. This Committee has a longstanding interest in streamlining the process of deploying broadband infrastructure as a means to increase access to fast and affordable Internet service. For its part, the FCC deserves credit for making progress on this front also over recent years. But more work remains to be done—particularly on Federal lands—to modernize our nation's siting rules. This is particularly important given the recent, massive influx of funding that will spur new builds across the country.

    a. Do you support further streamlining of our broadband infrastructure rules?

    RESPONSE: Yes.

    b. What is the FCC doing currently in support of this goal?

    RESPONSE: Section 224 of the Communications Act provides the agency with authority to oversee the rates, terms, and conditions of pole attachments. Some of the companies that are building broadband to unserved and underserved areas have shared with us that the cost of these pole attachments can make up as much as one-third of the cost of deployment in rural areas—on top of the time required to negotiate agreements with pole owners.

    To address these concerns, on March 16, 2022, the FCC unanimously voted to seek comment on changes to our rules governing pole attachments. In particular, we sought comment on how to address situations when poles must be

replaced before additional attachments are possible, including how the cost of pole replacements should be allocated between the pole owner and the new attachers. We also ask if there are other reforms we can make to speed up and simplify the process for negotiations over pole replacements and attachments. I look forward to reviewing the record in this proceeding and determining what steps are necessary to update our policies regarding poles in order to facilitate further deployment of broadband infrastructure.

c. Are there additional policies that you support that would further modernize/streamline broadband builds across the US?

RESPONSE: Yes. I believe we need to acknowledge that we have a history of local control in this country but also recognize that more uniform policies can help us deploy more updated infrastructure across the country. Fundamentally, this requires a framework that incentivizes streamlining nationwide. This could entail the development of model codes for different kinds of infrastructure deployment that are supported by a wide range of industry and state and local officials. Then we could review every policy and program, including new broadband funding opportunities at the Department of Commerce, Department of Agriculture, and Department of the Treasury, and build in incentives to use these models. The FCC could consider, too, how to encourage the use of these practices through the high-cost support program that is part of the universal service system. In the process, we would create a more common set of national practices. But to do so, we would use carrots instead of sticks.

In addition, I believe that "dig once" policies can simplify the process of deployment of broadband and other infrastructure. These policies can encourage or require the installation of broadband-supporting conduit during highway or other transportation projects, and many states have implemented these policies. I am encouraged that the Department of Transportation finalized a rule encouraging coordination between transportation projects and broadband providers in December 2021. This rule requires states to identify a broadband utility coordinator that will notify broadband providers of transportation projects. I believe it is essential to monitor this new policy to ensure that it is effective. We may also wish to encourage the development of these policies at the local level through the reward of funding in new initiatives like the Broadband Equity, Access, and Deployment Program.

The Honorable Steve Scalise (R-LA)

1. As you may know, since coming to Congress, I have led efforts to modernize our nation's outdated video laws. My goal has been to ensure that everyone in the marketplace gets paid for their products and consumers have more freedom to choose what programming they want to pay for.

a. Can you describe the extent to which streaming services that wish to offer local stations have been able to do so without retransmission consent?

b. Has the lack of retransmission consent agreements between broadcasters and streaming services created distortions in the marketplace?

2. In your view, does the lack of regulation for streaming services correlate with the innovation and popularity of these services? If so, please explain why?

3. In light of your consideration of question 2, what steps can and should the Commission take to reform the video marketplace in a manner that allows all services (including streaming, cable, and satellite) to compete on a level playing field?

4. In light of your consideration of question 2, what steps can Congress take to reform the video marketplace to better reflect the competition in the marketplace today?

RESPONSE: I agree that, as the marketplace evolves, consumers should have more freedom to choose what programming they pay for and want to watch. We also probably can agree that the video programming market has changed substantially since the passage of the Cable Television Consumer Protection and Competition Act of 1992, which amended the Communications Act of 1934. Today many of us watch what we want, when we want it, on any screen handy.

Under the law, online distributors are not subject to the retransmission consent policies that apply to broadcasters and traditional multi-channel video programming distributors. Nonetheless, many of the largest distributors of video programming content like Hulu+ Live TV, fuboTV, DirecTV STREAM, Sling TV, and YouTube TV include the major broadcast networks in their channel packages. In some cases, local affiliates are included as well.

I believe a number of factors have contributed to this development, including increased innovation in the video market, as well as the expansion of high-speed broadband nationwide. More competition in the video market has resulted in expanded choice for consumers along with pressure on price, quality, and customer service. To the extent that Congress seeks to develop regulatory parity between older and newer services, this would require revisions to the Communications Act to impose certain obligations, such as retransmission consent and other consumer protection requirements, on a range of online video distributors. Moreover, I believe any legislative effort that seeks to update these policies should put consumers at the center so that they have access to innovative services as well as their favorite programming, including the broadcast stations that uniquely serve their local communities.

The Honorable Brett Guthrie (R-KY)

1. As a co-lead of the Secure and Trusted Communications Networks Act, I fully understand the national security concerns with untrusted equipment from China that prompted the establishment of this program, as well as the financial burdens this could place on our small rural carriers.

    a. If the FCC certifies that there is a shortfall between what has been requested and what Congress has appropriated, what more do you believe will be needed to ensure the rip-and-replace law is effectuated with the fullest extent that Congress intended?

    RESPONSE: In the Consolidated Appropriations Act, 2021, Congress provided the FCC with $1.9 billion for its FCC Secure and Trusted Communications Networks Reimbursement Program. The filing window to participate in the Reimbursement Program opened on October 29, 2021, and closed on January 28, 2022. The gross demand for funding, based on an initial review of the cost estimates contained in the applications submitted, was roughly $5.6 billion. The Secure and Trusted Communications Networks Act requires the FCC to review Reimbursement Program applications and "approve or deny" them by June 15, 2022. This review is still underway. Accordingly, we will have more complete information about the status of program demand by the deadline in the law.

2. As Co-Chair of the House Spectrum Caucus, I believe freeing up additional spectrum for 5G and other wireless technologies is critical to ensure America remains a global technology leader over countries like China. Currently the FCC is reviewing whether to update the rules in the 12GHz band to determine if it is suitable for 5G. If there is an opportunity to unlock some spectrum in the 12 GHz band for 5G while protecting incumbent operators from harmful interference, I believe we should explore that option. It is critical the Commission study this band closely and get the policy right.

    a. Chairwoman Rosenworcel, what is the status of the FCC technical review?

    RESPONSE: The FCC has started a proceeding to explore opportunities for making more intensive use of 500 megahertz of spectrum in the 12 GHz band. Historically, this band was used for Direct Broadcast Satellite Service and Multi-Channel Video and Data Distribution Service. More recently, proponents of a new generation of satellite operations have received authorization from the agency to launch and operate constellations of hundreds or thousands of satellites using several frequency bands, including the 12 GHz band. Thousands of satellites have been launched already, with new commercial satellite broadband services rolling out across the country. With this proceeding, the FCC is reviewing whether there may be additional opportunities to open this band up for new terrestrial use, including 5G, without causing harmful interference to existing users. That will require carefully examining the characteristics of this spectrum band—including its propagation and capacity characteristics, the nature of in-

band and adjacent band incumbent use, and the potential for international harmonization—before deciding whether and, if so, how to make it available for more intensive terrestrial or satellite use.

This is a complex process that involves analyzing competing technical analyses. At present, the agency is considering the criteria that should be used for assessing interference between mobile and satellite services. This is important because one study in our record points to an interference-to-noise ratio based on an ITU-R specification that applies to terrestrial and satellite interference, while others advocate for a more stringent threshold that some satellite systems are required to use to coordinate among themselves under FCC rules. In addition, we are studying how to model the increase in probability of interference to satellite user terminals and how to determine what level of probability increase, if any, should be determined as acceptable. Work is also underway regarding the specific assumptions that should be made regarding the operational parameters and technical specifications of satellite user terminals in the band—such as how many there will be, what will be the separation distances between satellite user terminals and 5G stations, what will be the elevation angle, antenna height, and antenna gain of the satellite user terminals—and how best to structure a Monte Carlo simulation. Furthermore, we are determining what propagation model should be used to assess how the radiofrequency energy from 5G transmitters will travel and dissipate in rural, suburban, urban, and dense urban environments. In our record, some parties point to a 3GPP model, while others assert that an ITU-R specification is more appropriate.

A wide range of legal, technical, and policy experts from the FCC's Wireless Telecommunications Bureau, International Bureau, and Office of Engineering and Technology are engaged in this review, analyzing these questions, and coordinating, as necessary, with other federal authorities in the process.

3. I recently joined Rep. Matsui on a letter urging the FCC to work with Congress to update satellite rules to continue American leadership in this sector. Our letter also mentioned spectrum coordination, which is critical issue for low earth orbit satellite systems.

    a. Chairwoman Rosenworcel, do you agree that more coordination guidance is needed to ensure systems cooperate in good faith and can effectively use their spectrum?

    RESPONSE: Yes. I agree that as the number of satellites in our skies grows, we need to improve the ways that satellite operators coordinate their systems. On December 14, 2022, the FCC began a proceeding to modernize its rules to better reflect the development of new, larger non-geostationary satellite orbit fixed-satellite service (NGSO FSS) systems. This proceeding recognizes that NGSO operators already have an obligation under the FCC's "good faith" coordination requirement to share data on an ongoing basis to ensure operational compatibility

and to identify potential interference events in advance. However, it also asks whether broader information sharing requirements for operator-to-operator coordination could help ensure systems cooperate in good faith and effectively use their spectrum. Specifically, the proceeding asks whether sharing certain types of information, such as beam-pointing information, may be necessary to implement spectrum sharing or protection criteria between operators. Finally, it asks about what safeguards are needed to protect information that may be competitively sensitive.

Comments in this proceeding were due on March 25, 2022, and reply comments were due on April 25, 2022. FCC staff is currently reviewing the record and considering next steps.

The Honorable Adam Kinzinger (R-IL)

1. Radio amateurs voluntarily provide an array of public services. For example, amateurs facilitate astronauts aboard the International Space Station to talk with school kids using amateur radio to encourage interest in STEM subjects. Another example is that amateurs train and provide emergency and disaster-related support communications when other means have failed because the necessary infrastructure has been destroyed by a hurricane or similar disaster.

   I am hearing that these activities are being constrained by antiquated FCC rules, and that proceedings to update amateur specific amateur rules have been stalled for up to eight years. In particular, at the amateurs' request, the Commission in 2016 proposed to remove an obsolete digital "symbol rate" limit that restricts the speed of amateur digital transmissions and is wasteful of spectrum, but no action has been taken since 2016 to move it along. Related proceedings that would reform permitted frequency uses to account for the increased use of digital signals also are unaddressed after pending for years. (RM-11759 and RM-11828).

   a. Would you commit to resolving the amateur proceedings in the next 6 months?

      RESPONSE: The amateur radio service is a key component to the global communications ecosystem that has long fostered innovation, provided important public benefits including in the service of public safety, and has been a model of intensive spectrum sharing.

      We are presently considering a variety of ideas that would revise the FCC's amateur radio rules. This includes, as you note, an idea from a rulemaking in 2016 that proposed to remove the "symbol rate" limit on certain amateur transmissions. Commenters in this proceeding were split on different technical points, including whether the symbol rate limit should be removed and the need for bandwidth limits on data transmissions. In addition, some commenters raised other issues, including whether certain transmission protocols may be used.

The FCC has collected comment on the two related proceedings you reference, RM-11759 and RM-11828. In these cases, petitions for rulemaking were submitted to the FCC and the agency sought comment on the petitions, without initiating formal rulemakings. In one instance, the petitioner sought to reapportion how spectrum in a particular frequency range was dedicated to either telephony or data. The record in response to the petition revealed significant opposition to this approach. In the other case, the petitioner sought to make certain additional telephony and data privileges available to a particular class of amateur licensee. Commenters in response to the petition were split, but many were opposed and cautioned that this approach might result in service degradation.

In each of these cases, the issues are complex and highly technical, and there currently is not a consensus position within the amateur radio community. Moreover, the proceedings are at different points in the regulatory process. For these reasons, providing a guarantee regarding resolution in the next 6 months, as you request, is not easy. Nevertheless, recognizing the time that has passed and the important role of amateur radio, I agree that it is important that these issues be resolved. Accordingly, I've asked the FCC's staff to assess whether these matters can be resolved expeditiously, and if not, to identify any further information required in the record.

The Honorable Bill Johnson (R-OH)

1. In April 2020, the Commission authorized unlicensed use of the 6 GHz band subject to limitations that it believes will prevent harmful interference. The FCC's deference on these technical decisions was upheld by the DC Circuit. However, it is absolutely critical that when the FCC opens a band to new and diverse users, it does not undermine existing users—especially critical infrastructure. What considerations does the FCC take into account when balancing the interests of incumbents and continuing to make spectrum available for commercial use?

RESPONSE: Ensuring there is a pipeline of licensed and unlicensed spectrum is important for the development of 5G wireless service, next-generation services and devices, and our national economic growth and global competitiveness. The spectrum management practices required to support this effort involve a complex, multi-year process that relies on significant input from the public and private sector. It also requires extensive technical, economic, legal, and policy expertise from across the FCC. The engineering work on any spectrum band contemplated for new commercial use typically begins years before an auction or rule change. Among other things, this involves analysis of characteristics of the airwaves at issue and the potential for coexistence between incumbent operations in the frequency band or adjacent band and new commercial uses that might enter the band. As was the case in the 6 GHz band, this analysis is often done in the context of a rulemaking proceeding in order to collect public comment that will shape the technical service rules for the new band. If the band at issue has incumbent federal users, FCC engineers also will work closely with our

federal partners, through a range of formal and informal coordination processes, including the NTIA's Interdepartment Radio Advisory Committee, the interagency Policy and Plans Steering Group, and regularly scheduled meetings between FCC staff and their counterparts at NTIA and other federal agencies.

Nonetheless, every reallocation presents unique engineering and policy issues, so careful attention and planning is vital. In addition, the complexity of spectrum management has increased steadily as the agency works through more difficult technical and policy matters in an environment where there is less and less vacant spectrum. This will necessitate continued exploration of new coexistence mechanisms like the Automated Frequency Coordination capability being developed in 6 GHz and the Spectrum Access System approach taken in the 3.5 GHz band for mixing federal, non-federal, licensed, and unlicensed use. These innovative approaches to spectrum sharing enable more efficient use of limited airwaves by diverse services.

2. I have concerns about the FCC device certification process given the ongoing threat of countries like China who pose not only security risks but also challenge our global leadership in many areas, particularly those related to technology. The concern I have is that devices continue to be certified in spite of the fact they were knowingly developed using stolen American IP.

    a. Does the FCC's certification process take into account if IP has been stolen to produce the device being considered for certification?

    RESPONSE: The FCC's equipment authorization program ensures that radiofrequency devices comply with the certain technical requirements before they can be marketed in or imported to the United States. Under Section 302 of the Communications Act, the FCC is authorized to make reasonable regulations governing the interference potential of devices that emit radio frequency energy and that can cause harmful interference to communications. Accordingly, under existing law, the equipment authorization program does not currently consider if intellectual property has been stolen to produce the device being considered for certification.

    b. If not, does the FCC have the authority to no longer certify such devices?

    RESPONSE: I am not aware of any provision of the Communications Act or other law giving the FCC authority to withhold grant of equipment authorization based upon a device incorporating stolen intellectual property.

    c. Do you believe devices should be certified if they were built using stolen IP?

    RESPONSE: Under the Communications Act, the equipment authorization system at the FCC is designed to ensure devices comply with the agency's technical rules governing radio frequency emissions. This process ensures the safety of devices and prevents harmful interference between devices. While at present the law does not contemplate the agency using this process to assess

stolen intellectual property, Congress may change the underlying statute if it wishes.

Currently, the FCC does have an ongoing rulemaking that proposes changes to the equipment authorization process, namely barring any equipment that is on the list of covered communications equipment or services published by the agency under section 2(a) of the Secure and Trusted Communications Networks Act. This list includes communications equipment and services that are deemed by certain national security authorities to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. The Secure Equipment Act specifically directs the FCC to adopt rules in this proceeding this year.

At present, Customs and Border Protection and Immigration and Customs Enforcement are the entities with responsibility for protecting intellectual property rights through the targeting and seizing of imports of counterfeit goods as well as the enforcement of exclusion orders on patent-infringing goods that violate intellectual property rights. Determining whether a device was built using stolen intellectual property may involve legal and technical determinations that are outside the institutional expertise of the FCC or its authorized testing laboratories. However, I would be happy to work with your office to identify how the FCC may be able to better assist these agencies on these matters.

3. Do you believe Congress must fully fund the Secure and Trusted Communications Network Reimbursement Program in order for it to be successful in securing our nation's communications networks?

RESPONSE: I believe additional support from Congress for the Reimbursement Program will best ensure that insecure communications equipment that poses a threat to our safety and security will be removed from our networks as expeditiously as possible.

Securing our communications networks against national security threats is an important objective that is shared by Congress and the FCC. To this end, Congress appropriated $1.9 billion in funding to the FCC to set up the Reimbursement Program to assist with the removal of equipment and services that pose a national security risk, as contemplated in the Secure and Trusted Communications Networks Act.

Absent an additional appropriation, the Secure and Trusted Communications Networks Act requires the FCC to prorate the available funding equally across all requests in the first prioritization category mandated by Congress, which includes approximately 99 percent of all applicants. In this scenario, it is possible that some applicants may choose not to participate in the Reimbursement Program or will participate and receive only a portion of the total funding they estimate they need to complete the removal, replacement, and disposal of equipment and services produced or provided by Huawei and ZTE from their networks. However, applicants will still be required to comply with the FCC's rules limiting the use of universal service funds to

purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services provided or produced by Huawei or ZTE.

I welcome the opportunity for the FCC to work with Congress to ensure that that there is adequate funding available for this program to advance our shared national security goals.

The Honorable Billy Long (R-MO)

1. In response to my question asking whether you will commit to not abusing the delegated authority process to expand existing programs, such as the scope of the E-Rate program, you said, "any substantial expansion of any program would require that my colleagues and I agree on it, and vote on it at the full Commission level."

    a. Do you consider redefining the term "classroom" to mean households off-campus or off-premises of a library to be a "substantial expansion" of the E-Rate program that would require a full Commission vote?

    RESPONSE: Yes, as I testified, any substantial expansion to the E-Rate program would require a vote by the full FCC. However, while expanding E-Rate to support off-campus learning may be substantial right now with respect to the current interpretation of E-Rate rules, it is an approach that is contemplated by the statute. Section 254(h)(1)(B) of the Communications Act only requires that telecommunications services supported by the E-Rate program serve "educational purposes." The FCC has defined "educational purposes" as "activities that are integral, immediate, and proximate to the education of students." Moreover, under section 254(c)(3), the FCC has the authority to "designate additional services" for support from the E-Rate program.

    In the past, the FCC has made E-Rate support available for off-campus services when such support serves an educational purpose. For example, the FCC has funded the use of wireless telecommunications services by school bus drivers while driving students to and from school. The FCC also has funded internet access for the residential areas of schools that serve unique populations, including schools on Tribal lands and schools designed to serve students with medical needs, because such services are used primarily for educational purposes.

The Honorable Tim Walberg (R-MI)

1. Congress created a $7 billion Emergency Connectivity Fund to help schools and libraries stay connected to their students during the COVID-19 pandemic. The FCC has distributed over 5 million connected devices through the ECF.

    a. Does the FCC have a system in place that has kept track of where these devices went after they were sent to schools and libraries?

RESPONSE: Yes. In order to ensure compliance with our policies and protect against waste and abuse, the FCC put in place a series of safeguards in the Emergency Connectivity Fund. Specifically, to help ensure that devices are used in accordance with our rules, applicants must maintain inventories of devices and services purchased with Emergency Connectivity Fund support. When a school or library provides a device to a student or library patron, the school or library must complete an asset inventory including: (i) device type (i.e., laptop, tablet, mobile hotspot, modem/router); (ii) device make/model; (iii) equipment serial number; (iv) the name of the person to whom the device was provided; and (v) the dates the device was loaned out and returned to the school or library. For devices used to provide service to multiple eligible users, the asset inventory must include: (i) device type (*i.e.*, laptop, tablet, mobile hotspot, modem/router); (ii) device make/model; (iii) equipment serial number; (iv) the name of the school or library employee responsible for that device; and (v) the dates the device was in service. Applicants are required to retain this documentation, as well as records related to their participation in the program sufficient to demonstrate compliance with the rules, for at least 10 years from the last date of service or delivery of equipment. Participants are further required to present this information upon request to the FCC or its delegates, including the Universal Service Administrative Company, as well as to the FCC's Office of Inspector General.

In addition to the device inventory requirements, the FCC also requires schools and libraries to restrict access to eligible connected devices to only those students, school staff, and library patrons with appropriate credentials. Furthermore, to maximize the use of limited funds, the rules prohibit schools and libraries from providing more than one supported connected device and Wi-Fi hotspot to a student, school staff member, or library patron.

The FCC and the Universal Service Administrative Company are currently conducting audits and inquiries to verify compliance with these requirements.

b. What safeguards are currently in place to make sure that devices purchased through the Emergency Connectivity Fund are not duplicated across other programs?

RESPONSE: The Emergency Connectivity Fund rules require that schools and libraries certify that the equipment or services sought have not been supported via other sources of funding, including the FCC's Emergency Broadband Benefit and its successor, the Affordable Connectivity Program. Similarly, the Affordable Connectivity Program requires that providers certify that no costs for service or devices sought for reimbursement have been paid or promised to be paid by another entity, including any other federal or state program. These policies are the subject of ongoing auditing, as contemplated at the start of the program.

2. On March 11, my colleagues and I sent a letter to you to thank you for your focus on improving the efficiency of the E-Rate program, a goal which I share. In some instances, it appears the E-Rate program is overbuilding areas that are already being supported by the

High-Cost program. As the FCC considers its future of USF proceeding, will you examine whether aspects of the E-Rate program, such as its special construction funds, are funding projects that are also being funded by the high-cost programs, such as unserved households with students?

RESPONSE: I agree that it is important to improve the efficiency of the E-Rate program, which is responsible for keeping thousands of schools and libraries nationwide connected to high-speed broadband. To this end, on December 14, 2021, the FCC began a rulemaking to consider improvements to the competitive bidding process in the program recommended by the Government Accountability Office and the agency's independent Office of Inspector General.

Under our current rules, requests by E-Rate applicants for special construction support are subject to enhanced application reviews by the Universal Service Administrative Company (USAC) to verify compliance with E-Rate Program rules, including the competitive bidding requirements and cost-effectiveness requirements. If an applicant is seeking bids for a self-provisioned network, they are also required to seek bids for services delivered over a third party's existing network on the same FCC Form 470, which is used to initiate the competitive bid process for the E-Rate program, and issue a request for proposals for these services. Our rules establish a minimum 28-day competitive bidding window to solicit bids but allow parties up to one year to complete the competitive bidding process. In addition, applicants are required to select the most cost-effective option, using price of the eligible equipment and services as the primary factor in their bid evaluation process. Applicants also are required to consider the total cost of constructing, owning, operating, and maintaining the network when comparing the cost of a proposed self-provisioned network with services provided over a third party's existing network and provide this information to USAC. As part of these reviews, USAC staff evaluates whether the applicant provided enough information in its request for proposal to allow different providers to respond, considered all bids received, and selected the most cost-effective option.

I expect that as part of our rulemaking on improvements to the competitive bidding process in the E-Rate program and other proceedings like the upcoming report to Congress on the Future of the Universal Service Fund, the FCC will have the opportunity to assess polices that improve the efficiency of the E-Rate program and help ensure that it continues to provide cost-effective connections for schools and libraries that need support.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. The IIJA requires the NTIA to utilize the FCC's new maps when deciding how much of the $42.5B each State should receive.

    a. Upon the release of the first version of the FCC's broadband DATA Maps, to what extent do you expect the first version to be challenged – both because of the accuracy of the Broadband Fabric and the providers' filings?

RESPONSE: As Congress recognized in the Broadband DATA Act, user-friendly challenge processes for the Broadband Serviceable Location Fabric and provider availability data are an essential part of ensuring that we can refine and update our national broadband maps over time. That is why providing methods for consumers and state, local, and Tribal governments to contest the accuracy of information that is provided in the Broadband Serviceable Location Fabric and submitted by broadband service providers are both so important.

The FCC held a multi-part procurement process to award the contract for creation of its Broadband Serviceable Location Fabric. At the end of that process, we selected CostQuest Associates as the vendor for the fabric. The creation of the fabric will be an iterative process involving a series of data sources available to CostQuest. Some of these sources can be found in public databases but many others are proprietary and therefore unavailable to the public. CostQuest, in consultation with the FCC and based on business rules that are consistent with FCC precedent, is identifying broadband serviceable locations from this mix of data sources for the initial production version of the fabric that will be made available to fixed broadband service providers and other entities by June 30, 2022.

In preparation for opening this window for filing on June 30, 2022, the FCC has published detailed data specifications for how fixed and mobile broadband service providers must format and submit their availability data into the new broadband data collection system. This information was first published on March 4, 2022, in order to provide adequate time for providers to prepare for the upcoming filing requirements. Until we have received provider data and have opened the challenge process, we are unable to speculate as to what extent the fabric data or provider-submitted data will be challenged, but we believe that robust participation by consumers, state, local, and Tribal governmental entities, and others in that process is essential to the long-term success of the broadband data collection as envisioned by Congress in the Broadband DATA Act. For this reason, the FCC is procuring additional technical and consumer support services to provide assistance to those who wish to participate in the challenge process.

b. In addition, how long do you believe it will take to process any challenges that are received and how much more accurate will the map be as a result of the challenge?

RESPONSE: The FCC will accept challenges to fixed and mobile availability data and challenges to the locations shown on the Broadband Serviceable Location Fabric. Under FCC rules, each of these processes affords providers an opportunity to respond to and rebut challenges. Our rules also allow the FCC to request additional information if necessary to resolve a challenge. As directed in the Infrastructure Investment and Jobs Act, the FCC will resolve challenges "not later than 90 days after the date on which a final response by a provider to a challenge to the accuracy of a map or [other coverage information or the fabric] is

complete," but we anticipate that many challenges will be able to be resolved more quickly.

2. I understand the Universal Service Fund's ACAM Program was designed to bring broadband to America's most rural areas. These programs, however, only require participating carriers to build out networks to 4:1 and 10:1 speeds. Since the enactment of the Infrastructure Investment and Jobs Act, several Federal agencies may now overbuild these same areas at much greater speeds.

   a. What is the FCC doing to attempt to address this situation?

   RESPONSE: The ACAM program provides model-based support to rate-of-return carriers in return for broadband deployment obligations. Under current rules, the ACAM program ends in 2028 for most electing carriers. As you note, this program currently requires locations to be served at speeds ranging from 4/1 Mbps to 25/3 Mbps, while the Infrastructure Investment and Jobs Act generally requires deployment of speeds of 100/20 Mbps.

   On April 27, 2022, I shared with my colleagues a proposal to start a rulemaking to increase the standard ACAM deployment obligations to 100/20 Mbps. If adopted, the goal of this rulemaking would be to harmonize the ACAM program with the speeds required by the Infrastructure Investment and Jobs Act.

   b. Under your leadership, is the agency doing anything to try to update these archaic programs, in order to boost the speeds to reasonable levels and prevent Federal government duplication?

   RESPONSE: As noted above, I have shared with my colleagues a proposal to update the ACAM program. In addition, it is worth noting that the agency's most recent high-cost programs, including the Bringing Together Puerto Rico Fund, Connect USVI Fund, and Rural Digital Opportunity Fund, have generally only funded networks providing speeds of 100/20 Mbps or greater.

   More broadly, I agree with you about the importance of working together with our federal partners to avoid unnecessary duplication. On June 25, 2021, the FCC, NTIA, and Rural Utilities Service at the Department of Agriculture entered into an Interagency Agreement that specifically "require[s] coordination . . . for the distribution of broadband deployment." As a result, the FCC, NTIA, and Rural Utilities Service share information on a regular basis about our respective funding programs, including the entities seeking and receiving funding to provide service in a given area, the speed and technology funded, and the terms and conditions of the funding under the law. We are currently working to finalize a similar information-sharing agreement with the Department of Treasury, which is funding broadband projects through the Coronavirus State and Local Fiscal Recovery Fund and the Coronavirus Capital Projects Fund.

However, it is important to note that the programs each agency oversees may be different under the law. In other words, these efforts each have unique elements like eligibility criteria, funding purposes, and speed thresholds. In some instances, those features could result in separate funding in the same location working together—like, for instance, where one program funds capital expenditures and another supports operating expenditures. I believe it is essential to make sure that these programs, consistent with the law, operate in a complementary manner. At the same time, it is critical that those responsible for these programs—including the FCC—coordinate to ensure funding is directed to areas without adequate service and avoid unnecessary duplication.

The Honorable John R. Curtis (R-UT)

1. I am excited about the promise of low earth orbit (LEO) satellite systems and their ability to deliver high speed connectivity to remote communities in Utah. LEO satellite providers have announced plans to launch thousands and even tens of thousands of satellites, which drastically increases the need for safety rules and coordination among competing systems. How do you intend to address these space safety concerns and ensure these new technologies are deployed responsibly?

RESPONSE: Across the board, I believe we need to do more to prepare for the proliferation of satellites in our higher altitudes.

This effort begins with tackling the growing challenge posed by orbital debris. Unchecked, growing debris in our orbit could make some regions of space unusable for decades to come. That is why I am pleased that on April 20, 2022, the Administration announced that the United States was committing not to conduct destructive, direct-ascent anti-satellite missile testing and is seeking to establish this as a new international norm for responsible behavior in space. I hope other nations will join us and make similar commitments.

For its part, the FCC has long been a global leader in adopting regulations concerning orbital debris mitigation and applying these regulations to commercial, experimental, and amateur satellite systems. The agency first adopted rules to address the growing risk of orbital debris in 2004 based on federal guidelines for government satellites. Since then, the FCC has provided technical support to the National Aeronautics and Space Administration-led process to update the Orbital Debris Mitigation Standard Practices and supported United States participation in international activities and organizations, such as the Inter Agency Space Debris Coordination Committee and the United Nations Committee on Peaceful Uses of Outer Space. On April 23, 2020, in order to harmonize its policies with an update to the federal guidelines for government satellites, the FCC modernized its orbital debris mitigation rules for commercial satellites. The changes were intended to help ensure the sustainability of space as new satellite constellations proliferate and innovative satellite technologies emerge. The new rules address several issues, including disclosures regarding collision risks and safety measures, casualty risk assessments, post-mission disposal, spacecraft tracking and data sharing, and frequency coordination during orbit-raising.

These efforts are substantial. Nonetheless, I agree with you that we have more work to do. To this end, in a rulemaking adopted on April 23, 2020 the FCC has sought further comment on issues related to newer, larger low-earth-orbit constellations. Specifically, we have sought comment on standards for evaluating aggregate constellation risk, additional post-mission disposal requirements, satellite maneuverability above a certain low-earth-orbit altitude, and liability requirements. I would welcome the opportunity to work with your office on these issues and other initiatives to ensure space safety and sustainability.

The Honorable John P. Joyce (R-PA)

1. Chairwoman Rosenworcel, I am concerned about the accuracy of the maps once they are released.

    a. For the mobility maps, how does the FCC plan to validate the self-reported?

    RESPONSE: The Broadband DATA Act, and FCC rules adopted pursuant to it, established the basic parameters that mobile broadband service providers must use when modeling their coverage areas for submission in the broadband data collection. These requirements are meant to improve the granularity and consistency of the mobile broadband availability data collected by the FCC. To help validate the accuracy of these mobile filings, the FCC has incorporated into the data collection system several ways to automatically check to ensure filers have complied with these requirements. In addition, the FCC recently issued a Request for Information seeking information from vendors to provide software and technical and engineering assistance and analysis to aid FCC staff verifying the accuracy of the mobile broadband availability data. FCC staff are reviewing the responses and will proceed as necessary to ensure we have the tools and resources to fulfill our various obligations under the Broadband DATA Act.

    b. Could Independent RF testing to validate service areas be helpful as parties challenge the maps through the FCC's process?

    RESPONSE: As noted above, the FCC recently issued a Request for Information seeking information from vendors regarding their capabilities and proposals to provide software and technical and engineering assistance and analysis to the FCC's Wireless Telecommunications Bureau and Office of Economics and Analytics in verifying, validating, and potentially auditing provider-submitting mobile broadband availability data. We believe the use of such services, combined with a robust challenge process, will ensure that providers follow the parameters established in the Broadband DATA Act and related FCC rules. This, in turn, will improve the accuracy and consistency of the mobile broadband coverage data over time.