

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

June 22, 2023

FCC Nominations

REPUBLICAN QUESTIONS FOR THE RECORD

Geoffrey Starks

Questions for the Record
Geoffrey Starks
Federal Communications Commission

RANKING MEMBER TED CRUZ (R-TX)

1. Should the Standard General-TEGNA Hearing Designation Order have been voted on by the full Commission, rather than issued under the Media Bureau's delegated authority? Yes or no.

Answer: The merger-applicants twice challenged the FCC's procedure, and the D.C. Circuit twice denied their appeals. I would welcome the opportunity to work with you and Congress on changes to the law that you believe would improve agency process.

2. Were you or your staff notified about the Standard General-TEGNA Hearing Designation Order prior to its release by the Media Bureau or FCC Chairwoman Rosenworcel's office? If so, how many hours' notice were you or your staff given?

Answer: Chairwoman Rosenworcel notified me the day the Hearing Designation Order was released on February 24, 2023, several hours before its release. Shortly after she notified me, one of her staff members notified one of my staff members.

3. Have you or any of your staff had any communications with Byron Allen or any board member, employee, or contractor of Allen Media Group or Entertainment Studios regarding the Standard General-TEGNA transaction? If so, please provide all documents concerning those communications and identify the dates on which any meetings or oral communications took place and the subject of those communications.

Answer: No.

4. When we met in my office, you stated that there was FCC precedent for issuing a hearing designation order under delegated authority regarding a broadcast transaction. You identified this precedent as Lake Broadcasting. Are you aware that this transaction involved a single FM radio translator that did not originate its programming? And that this FM translator's stated value was approximately \$1,000?

Answer: Yes.

5. Are you aware, in contrast, that the Standard General-TEGNA transaction was a multi-billion-dollar transaction for more than 60 full-power TV stations and two full-power radio stations?

Answer: Yes.

6. Are you aware that the FCC Media Bureau issued the hearing designation order in the Lake Broadcasting case because the applicant was a felon convicted of multiple counts of sexual assault against children and had previously misrepresented himself before the Commission?

Answer: Yes.

7. Are you aware that the full Commission had already made clear in past rulings that such illegal conduct can be disqualifying?

Answer: Yes.

8. Are you aware that in Standard General-TEGNA, there were no character issues or misrepresentations?

Answer: Yes.

9. Are you aware that the Media Bureau relied on novel interpretations of the Commission's public interest standard and appeared to ignore—if not contradict—the Commission's precedent "that an increase in retransmission consent rates, by itself" does not constitute a public interest harm?

Answer: The Hearing Designation Order addresses this precedent in paragraph 23. It states that "[w]hile the Commission ultimately held in [the *Nexstar/Tribune*] case that an increase in retransmission consent rates, by itself, was not necessarily a public interest harm, it was careful to qualify its holding." The Hearing Designation Order goes on to discuss the Bureau's view that the proposed transaction falls within the scope of those qualifications, and that "caselaw makes clear that increases in retransmission consent rates can constitute a public interest harm if such increases are not simply the product of a properly functioning competitive marketplace."

The merger-applicants twice challenged the FCC's procedure, and the D.C. Circuit twice denied their appeals.

10. Do you still maintain that Lake Broadcasting is precedent for the Media Bureau’s issuance of the Standard General-TEGNA hearing designation order under delegated authority?

Answer: Yes. In her letter responding to your inquiry regarding this transaction, Chairwoman Rosenworcel stated that Lake Broadcasting is one of several examples of a hearing designation order issued by the Media Bureau on delegated authority. Additional cases not cited in her letter may exist as well. Furthermore, the merger-applicants twice challenged the FCC’s procedure, and the D.C. Circuit twice denied their appeals.

I would welcome the opportunity to work with you and Congress on changes to the law that you believe would improve agency process.

11. At a 2021 address before the Media Institute, you [stated](#) that constitutionality and confidentiality questions concerning the FCC’s collection of EEO data were “stale questions.” What did you mean by this statement?

Answer: By “stale,” I meant that the FCC’s record on this matter was old and warranted a refresh. That’s why in the same address, I said that I “welcome the debate” over outstanding concerns – “constitutional or otherwise” – regarding the collection of this data. A few months later, the FCC unanimously, on a bipartisan basis, adopted a Further Notice of Proposed Rulemaking to “refresh the existing record regarding the statutorily mandated collection of data on the FCC Form 395-B.” The bipartisan Further Notice “seek[s] to update the record to better inform the Commission’s consideration of” constitutional questions and “specifically asks for any additional input on the outstanding issue” of whether data reported on the form “should be kept confidential.”

12. Local broadcasters have been in a dogfight with big tech behemoths and AM stations are facing the existential threat of being de-platformed by automakers. I fear the FCC could make things even worse by reimposing outdated ownership burdens on local stations—a threat that may loom large over the media's coverage of the 2024 election and distort what gets reported and when. My view is simple: The FCC should not be in the business of leveraging its power over journalists to influence elections. To protect the integrity of the media’s coverage of the election, will you commit to oppose any action to reimpose broadcast ownership restrictions in the year leading up to the 2024 election?

Answer: I unequivocally support the protection of election integrity.

Local broadcasters play a critical role in our media ecosystem, including with regard to news reporting and election coverage. The FCC is statutorily required to review our media ownership rules that affect these broadcasters every four years to ensure they serve the public interest. We currently have two such proceedings pending.

On December 13, 2018, the Commission released a Notice of Proposed Rulemaking commencing the 2018 quadrennial review. This NPRM sought comment on the three media

ownership rules in effect, and whether, in their current versions, they served the public interest. Those rules are: the local radio ownership rule, which regulates how many radio stations one entity may own in a market, *see* 47 C.F.R. § 73.3555(a); the local television ownership rule, which regulates how many TV stations one entity may own in a market, *see* 47 C.F.R. § 73.3555(b); and the dual network rule, which effectively prohibits a merger between any of the four major broadcast television networks (ABC, CBS, Fox, and NBC), *see* 47 C.F.R. § 73.658(g).

This proceeding is still pending. It was delayed by the appeal of the FCC’s prior media ownership decision issued in 2017. In that decision, the Commission eliminated several media ownership rules, including the newspaper/broadcast cross-ownership rule and the radio/television cross-ownership rule, and relaxed other existing rules, including the local television ownership rule. Plaintiffs appealed. In 2019 the Third Circuit vacated and remanded the bulk of the Commission’s 2017 decision. This called into question the rules under review in the 2018 Notice of Proposed Rulemaking. Ultimately, in 2021, the Supreme Court unanimously reversed the Third Circuit’s decision. However, by that point, nearly two years had passed since the original comment period closed for the 2018 NPRM. The Media Bureau issued a public notice refreshing the record, and that proceeding remains pending.

While the 2018 review is still pending, the Media Bureau timely commenced the 2022 quadrennial review by issuing a public notice on December 22, 2022. In this notice, the Bureau sought comment on the same three rules currently in place – the local radio ownership rule, the local television ownership rule, and the dual network rule. The notice quotes the Commission’s statutory obligation, from Section 202(h) of the Telecommunications Act of 1996, to assess whether these rules remain “necessary in the public interest as a result of competition,” and seeks comment on the impact of the existing rules in today’s media marketplace.

The responsibility that Congress bestowed on the FCC to continually reevaluate the media ownership rules is one I take seriously. If you believe that mandate is at odds with our shared objective of ensuring election integrity, I would welcome a conversation with you about your concerns.

13. You have stated that you oppose broadband rate regulation. I would like to better understand what you mean by this. Clarity is especially important since there are many ways the FCC could attempt to regulate rates beyond setting broadband rates on an *ex ante* basis. Please define what you meant by broadband rate regulation when you made your previous statements opposing broadband rate regulation. Yes or no: Do you consider *ex post* review of providers’ broadband prices a form of rate regulation? Please also indicate if you would support giving such power to the FCC.

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

14. Yes or no: Would FCC declaring a broadband provider's rate unlawful on the grounds that it is not "just" or "reasonable" constitute a form of rate regulation? Please also indicate if you would support giving such power to the FCC.

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

15. Yes or no: Is the 2015 net neutrality order's mandate that broadband service providers provide free terminating access to edge providers a form of rate regulation?

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

16. Yes or no: If the FCC were to prohibit "zero-rating" by broadband providers, would that be a form of rate regulation? Please also indicate if you would support such a prohibition.

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

17. Yes or no: If the FCC were to prohibit usage-based pricing, would that be a form of rate regulation? Please also indicate if you would support such a prohibition.

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

18. Yes or no: If the FCC were to require broadband providers to provide "wholesale" unbundled access to their networks, would that be a form of rate regulation?

Answer: I oppose broadband rate regulation. Whether a particular action qualifies as such could depend on the facts and circumstances. Should these matters come before me as a

commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

19. Yes or no: Do you support requiring broadband providers to provide wholesale unbundled access to their competitors?

Answer: See answer to Question 18 above.

20. In 2020 California implemented a new rule precluding companies participating in the state's Lifeline program from charging low-income customers a co-pay for certain subsidized plans. Yes or no: Do you consider the prohibition on a co-pay in this context to be a form of rate regulation?

Answer: The federal Lifeline program that the FCC administers is distinct from the California LifeLine program and does not include the prohibition you describe. Whether an analogous rule adopted by the FCC might qualify as rate regulation could depend on the facts and circumstances. Should these matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

21. Yes or no: If the FCC were to require broadband providers to offer a specific cost tier, such as a low-income offering, would that be a form of rate regulation? Please also indicate if you would support such a requirement, and if so, how do you determine what a "low-income" price is without setting a rate?

Answer: The FCC declined to set a particular "low-income" rate for providers participating in the Affordable Connectivity Program. I supported that decision. Should related matters come before me as a commissioner, I would carefully review the record before reaching a decision and would welcome the opportunity to discuss them with you if they are of interest to your office.

22. Are you concerned that any harms could result from reclassification of broadband Internet access service under Title II? If so, what are those harms?

Answer: I believe any such action would require a new rulemaking under the Administrative Procedure Act. The record developed during such a rulemaking would inform my thinking on the costs and benefits of reclassification in light of developments in technology, law, and consumer usage.

23. FCC Chairwoman Rosenworcel wants the FCC to investigate the imposition of data caps on broadband service plans. As you know, broadband service is currently classified as an information service not subject to Title II regulation under the Communications Act. Pursuant to what authority can the FCC investigate broadband data caps?

Answer: Chairwoman Rosenworcel has proposed that the FCC adopt a Notice of Inquiry to better understand data caps and their impact. Unlike investigations that seek to uncover potential violations of an existing rule, Notices of Inquiry are administrative tools used to generate feedback before a rule is even proposed. Among many questions, the Notice of Inquiry seeks comment on the Commission’s legal authority to take actions regarding broadband data caps. If the Notice of Inquiry were adopted, I would review the record and carefully consider the question of our authority before supporting or opposing any subsequent step.

24. If the FCC determines that it wants to regulate broadband data caps, under which statutory provision could the FCC impose such regulations?

Answer: See response to Question 23.

25. In the press release announcing that FCC Chairwoman Rosenworcel would ask the Commission to investigate broadband data caps, it stated that the FCC would evaluate “whether the Commission should consider taking action to ensure that data caps do not cause harm to competition or consumers’ ability to access broadband Internet services.” Under the FCC’s current statutory authority and the classification of broadband services as information services, what actions could the FCC take with respect to broadband data caps?

Answer: See response to Question 23.

26. Should broadband be free for low-income Americans?

Answer: I believe that to close the digital divide, broadband must be affordable.

27. You’ve previously [said](#), “The Affordable Connectivity Program [ACP] has achieved significant results this year—over 13 million eligible households have signed up to receive discounted or free broadband! This growth is worth celebrating, even more so because outreach and development has been organic, without a separately funded FCC outreach effort.” Is the program’s popularity ipso facto proof of its benefits?

Answer: I believe that enrollment in ACP demonstrates much more than the program’s popularity. It also demonstrates that millions more Americans are secure in their access to broadband and the opportunities that broadband can deliver in a 21st-century economy. In

addition, it demonstrates an overall increase in the value of American networks, which benefit from a broader and more stable user base. More fundamentally, ACP enrollment demonstrates the success of the program as Congress defined it. Congress established the eligibility criteria for the program in the bipartisan Infrastructure Investment and Jobs Act, and the FCC has followed them. Currently, over 19 million households have enrolled. That's a figure that Congress and the country can be proud of.

28. Eligibility criteria for the ACP are estimated to sweep in 40% of U.S. households, over 70% of whom were already broadband subscribers prior to the ACP. In May, the largest recipient of both Emergency Broadband Benefit (EBB) and ACP funds stated, “[t]he vast majority of the [ACP] customers we have were already existing customers who are now benefiting from that benefit.” Does this statement raise any concerns for you regarding the efficiency of the subsidy? If so, please describe your concerns.

Answer: While I am unfamiliar with the basis for the numbers reported in your question, the efficiency of ACP is among my highest priorities, and I agree that the FCC must be a responsible steward of taxpayer funds. Congress established the eligibility criteria for ACP in the bipartisan Infrastructure Investment and Jobs Act. Eligibility is capped at households earning 200 percent of the Federal Poverty Guidelines, or households participating in federal assistance programs, tribal assistance programs, or Lifeline. The FCC has followed these eligibility criteria.

Today, a high-speed internet connection is critical to participate fully in American society. But studies have shown that low-income households are more price sensitive and tend to have an irregular income. For low-income families who are already broadband subscribers, ACP ensures that they can stay connected month after month—even during times of financial stress, when the pressure to cancel service and the benefits to retaining it are both at their peak. ACP also can help households climb to the speeds they need to make full use of the internet. For other low-income families, ACP provides the means to become broadband subscribers for the first time. I have had the opportunity to meet families across this country who are benefiting from ACP, and I can tell you that for these recipients, access to affordable broadband is often a life changer.

29. Do you believe ACP subsidies are effectively targeting households that would otherwise not subscribe to broadband?

Answer: I believe that ACP subsidies are effectively targeting the eligible households specified by a bipartisan Congress. The FCC has followed these eligibility criteria.

30. Do you believe the FCC has developed effective processes to identify low-income households that do not already subscribe to broadband service?

Answer: I believe the FCC has developed effective processes to identify the eligible households specified by a bipartisan Congress. The FCC has followed these eligibility criteria.

The Commission has partnered with other agencies administering ACP qualifying programs and undertaken extensive outreach opportunities to identify target subscribers. Additionally, the

FCC has created the ACP Outreach Grant Program, which provides grants to local outreach partners who are well-positioned to identify eligible households in their local communities. One of the factors the FCC considers when awarding grants under the ACP Outreach Grant Programs is “the extent to which an applicant would target unserved low-income households or individuals that are not currently on a low-income broadband plan or do not have broadband service.”

31. Do you believe the FCC has developed sufficient goals and metrics to track the ACP’s effectiveness and progress over time?

Answer: Yes. I also believe that the FCC should always look for ways to improve its programs. In creating the ACP, the FCC unanimously, on a bipartisan basis, established three performance goals after an expedited 60-day rulemaking mandated by Congress. These goals are to (1) reduce the digital divide for low-income consumers; (2) promote awareness of and participation in the ACP; and (3) ensure efficient and effective administration of the ACP. The Commission continues to work hard to improve ACP. As part of that process, and in response to a GAO report from January, the Commission acknowledged that ACP’s performance goals should evolve to more specific and clearly defined targets. I agree with that assessment and that the FCC should coordinate with GAO to improve its programs. I look forward to closely reviewing the FCC’s response to the GAO’s specific recommendations, which is forthcoming.

32. GAO has criticized the FCC for its failure to develop specific goals and metrics to track ACP’s effectiveness and progress over time. Do you agree with these concerns?

Answer: The GAO report goes on to state in its conclusions that “the FCC’s efforts to establish program performance goals and measures, dedicate funds to outreach and translate its outreach materials into non-English languages, and conduct a program fraud risk assessment demonstrate its commitment to the program’s success.” I share that commitment and believe we should always look for ways to improve ACP. The GAO’s January 2023 report identified nine recommendations to help the Commission enhance ACP’s performance goals and measures. I support the Commission’s effort to respond to these recommendations and believe that doing so in coordination with GAO will further improve the program. I look forward to closely reviewing the FCC’s response to the GAO’s recommendations, which is forthcoming.

33. In 2016, the Universal Service Administrative Company contracted Grant Thornton Public Sector LLC to conduct an independent program evaluation of Lifeline. Have you read this report?

Answer: Yes.

34. Do you agree with the recommendations in the Grant Thornton report?

Answer: I agree that the FCC should continue to look for ways to improve its programs.

35. Do you think the recommendations in the report should have been implemented in setting up the ACP program?

Answer: Some of the report's recommendations were incorporated into ACP. For example, the report's recommendation that the FCC integrate the National Verifier with state eligibility websites has benefited both Lifeline and ACP. Additionally, to administer ACP, the FCC uses connections with federal and state eligibility databases to automatically verify applicants' eligibility whenever possible to streamline the application process. The National Verifier has 23 connections to different states and territories, and four connections to federal databases (CMS, HUD, Dept. of Education, and VA). All of those connections were established after the Grant Thornton Report was completed. I am always open to any ideas or recommendations on how we can improve our programs.

36. Do you believe that the FCC has adequately implemented the Grant Thornton report's recommendations in setting up the ACP?

Answer: I believe the FCC has taken significant steps to protect against waste, fraud, and abuse in ACP. In setting up ACP the Commission learned from administering the Emergency Broadband Benefit and Lifeline programs. The Commission also coordinated with its Office of the Inspector General and incorporated many of OIG's recommendations.

For example, among others, the Commission incorporated the following protections into ACP:

- Use of the National Verifier, NLAD, and RAD. The Commission implemented the National Lifeline Eligibility Verifier (National Verifier) and National Lifeline Accountability Database (NLAD) to make eligibility determinations, prevent duplication, and record enrollment systems for ACP.
- Requiring Households to Interact Directly with the National Verifier. As required in the Lifeline program, the Commission required households to interact directly with the National Verifier during the eligibility verification process.
- Requiring both Independent Audits and USAC Program Integrity Reviews. The Commission adopted additional USAC-led reviews for particular high-risk areas, such as duplicate addresses, household eligibility documentation, and alternative verification processes.
- Sales Agent Commission-Compensation Rules. The Commission imposed limits on providers paying commission-based compensation to representatives tasked with enrolling individuals in the program.

- Provider Removal Process. The Commission established a provider removal process, which gives the FCC the ability to quickly question providers if they have a trend of troubling consumer complaints or concerns related to waste, fraud, and abuse and remove them from the program if appropriate.
- Prohibition Against Tying FCC Discounts. The Commission prohibited providers from linking a subscriber's prior consent in a different context to consent to enroll in ACP.

Our Office of Inspector General is currently conducting an audit of ACP, and I look forward to working with OIG to the extent the audit identifies additional steps for the Commission to consider.

37. Do you believe the FCC has adequately communicated with participating providers to prepare for potential lapses in ACP funding?

Answer: I believe that we should continue to work with Congress on these matters given that our present statutory directive is to continue enrollment and ACP relies on Congressional appropriations. Providers receive ACP information via a provider bulletin managed by USAC. The FCC works closely with USAC to make sure necessary communications are shared with providers. Additionally, FCC staff is available to answer questions.

38. You've recently travelled to different states promoting the ACP program to expand enrollment. Do you think it a good idea to be promoting and actively expanding subscriptions when the funding might lapse soon?

Answer: I think that Congress directed us to get eligible households enrolled including by conducting outreach for the program.

39. I understand that when the ACP program was being designed, FCC Commissioners Carr and Simington pushed to include the IG's recommendation to require ACP applicants to include the last four digits of their social security number to help the FCC identify fraud more quickly. Did you support this recommendation?

Answer: Congress established the eligibility criteria for ACP in the bipartisan Infrastructure Investment and Jobs Act. In doing so, Congress specified that households with a student on the Free and Reduced Lunch Program were eligible for ACP and that households participating in the Women, Infants, and Children Program were eligible for ACP. Neither program requires a social security number to enroll. In order to fully implement the program as Congress intended, the FCC provided alternative options for participants to prove their identity (e.g., provision of a military ID or passport). While applicants may also submit the last four digits of their social security number, permitting these alternatives ensures that all participants in the Free and Reduced Lunch Program and WIC are able to apply for ACP, as Congress prescribed. I would welcome the opportunity to discuss this issue with you if you have concerns.

40. I understand that some on the left, including the National Hispanic Media Coalition, called FCC Commissioners Carr and Simington “xenophobic” for taking this position and claimed that they “used their positions as leaders of a federal agency to dehumanize and disrespect the immigrant community.”

Answer: I do not support personal attacks on my colleagues.

41. Do you submit your last four digits of your social security number when you file your taxes? Yes or no.

Answer: Yes.

42. Is this requirement xenophobic? Yes or no.

Answer: No.

43. Is FCC Commissioner Carr xenophobic? Yes or no.

Answer: No.

44. Is FCC Commissioner Simington xenophobic? Yes or no.

Answer: No.

45. To address ongoing waste, fraud, and abuse in the program, would you support the adoption of the IG’s recommendation—that applicants provide last 4 digits of their social security number—today?

Answer: As discussed in my response to Question 39, the FCC did not implement this recommendation because it would have limited the ability of participants in the Free and Reduced Lunch Program and Women, Infants, and Children Program to participate in ACP, as Congress required. I would welcome the opportunity to discuss this issue with you if you have concerns.

46. In 2022, the FCC’s IG issued a [memo](#) to the FCC regarding the significant and ongoing fraud scheme and other threats to the ACP program’s integrity. The FCC’s IG found, for example, that more than one thousand households were enrolled based on the eligibility of a single 4-year-old child who receives Medicaid benefits. Please describe how the Commission could correct flaws in the ACP program’s design and management to prevent such waste, fraud, and abuse to occur.

Answer: When the Commission has become aware of any concern in the program, including by the Inspector General, it has swiftly investigated and corrected any mis-use of the program’s funds. This includes the instance above, when the FCC announced additional program integrity measures surrounding the enrollment of households in the Affordable Connectivity Program based on a Benefit Qualifying Person on the same day that the IG issued its memo.

In addition, the Commission has considered and implemented a number of changes to ACP to protect the program’s integrity in light of feedback from the OIG. Examples of these changes include: strengthening the certifications that providers must make to participate and claim reimbursement from the program, explicitly requiring providers to search their internal records for potential intra-company duplicate subscribers prior to enrolling subscribers in ACP, making changes to the National Verifier to prevent certain types of duplicate enrollments, implementing a multi-level quality assurance review process for eligibility documentation, and establishing rules to prevent conflicts of interest between ACP outreach grant recipients and ACP provider.

47. You said it is “imperative and consistent with [the FCC’s] telecom programming to allow Wi-Fi on buses.” What is the specific provision of the Communications Act that you believe authorizes the FCC to subsidize Wi-Fi on buses?

Answer: Section 254 of the Communications Act authorizes the FCC’s Universal Service Program, including the E-Rate program. Specifically, Section 254(h)(1)(B) of the Communications Act requires telecommunications carriers to provide services to schools and libraries for “educational purposes,” subject to reimbursement. According to the Commission’s rules, “activities that are integral, immediate, and proximate to the education of students” qualify as “educational purposes.”

48. Do you believe Wi-Fi on buses eligible for E-Rate would enhance educational outcomes?

Answer: Yes. Many students in rural communities face long bus rides to and from school. More and more school lessons and assignments require the internet. Giving young learners the opportunity to do their homework while on the school bus means they have more time to attend to their studies. This is especially the case for students who otherwise may not have access to broadband at their home.

49. If Wi-Fi on school buses became eligible for E-Rate, how would you track the effectiveness on the subsidy, in terms of specific goals and metrics?

Answer: The Commission has identified three specific goals for E-Rate, as set forth in the *E-Rate Modernization Order*. They are: (1) ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries, (2) maximizing the cost-effectiveness of spending for E-Rate supported purchases, and (3) making the E-rate application process and other E-Rate processes fast, simple and efficient. I would welcome the opportunity to discuss additional metrics that you believe we should consider.

50. Last year, the FCC abruptly reversed its decision to authorize nearly \$900 million to Starlink to provide high-speed broadband to hundreds of thousands of rural homes and businesses across 35 states. This decision comes at a high cost to taxpayers. It's been estimated that funding high-speed fiber broadband to the areas Starlink was previously awarded will cost \$2 billion *more than* Starlink could have provided with low-earth orbit satellite service. And this estimate doesn't even account for inflation since 2020. Do you support this decision by Chairwoman Rosenworcel?

Answer: Starlink has filed an Application for Review of Wireline Competition Bureau's decision, which is currently pending.

In a statement I made when the FCC released the *Rural Digital Opportunity Fund Procedures Public Notice*, I said that "next-generation satellite broadband holds tremendous technological promise for addressing the digital divide and is led by strong American companies with a lengthy record of success." I further stated that Commission staff should evaluate low earth orbit satellite systems applications on their own merits. I believe low earth orbit satellite systems are an important part of closing the digital divide.

51. Do you think a bias against wireless technologies violates the Commission's binding responsibility to promote technological neutrality in its administration of the Universal Service Fund (USF)?

Answer: Yes.

52. If confirmed, will you commit to advocating for technology-neutral policies across FCC proceedings?

Answer: Yes.

53. The previous FCC led by former Chairman Pai provided critical relief from state and local obstacles that increased costs and delayed deployment of “5G small cells.” Eliminating such burdensome regulations has been critical for American leadership in 5G; in the aftermath of the previous FCC’s reforms, the number of cell sites in the U.S. increased by 35% between 2016 and 2021, after increasing only 1% between 2013 and 2016. What are ways the agency can expand upon the previous FCC’s permitting reforms?

Answer: I believe that wireless infrastructure drives economic growth, job creation, and innovation, and that unnecessary permitting delays slow its deployment. I would highlight the need to streamline procedures for siting facilities on federal lands and to better equip state and local governments to handle new applications.

54. Will you commit to preserving the previous FCC’s permitting reforms and expanding upon them during your tenure?

Answer: I commit to working with you and Congress on our shared goal of achieving robust wireless infrastructure deployment.

55. In our meeting, you committed that any efforts to reverse the Restoring Internet Freedom Order must be preceded by a fresh record. Do you still hold by this commitment?

Answer: Yes.

56. At a recent subcommittee hearing on May 11, 2023, several Democrat witnesses advocated assessing USF taxes on broadband service. Are you concerned that imposing a USF tax on broadband service would make broadband more expensive, particularly for lower- and middle- income consumers?

Answer: As the Commission said in its *Future of USF Report*, I believe that we should work closely with Congress on any potential reforms to Universal Service Fund contribution requirements.

57. Do you have any reservations about taxing the very service the subsidies are meant to promote? Please explain.

Answer: I believe that we should work closely with Congress on any potential reforms to Universal Service Fund contribution requirements.

58. If you become Chairman, will you commit to maintaining former Chairman Pai's policy on publicizing FCC meeting items prior to the Commission's vote?

Answer: Yes.

59. Irrespective of whether you become Chairman, will you commit to vocally supporting maintaining Chairman Pai's policy on publicizing FCC meeting items prior to the Commission's vote?

Answer: Yes.

60. If you become Chairman, will you commit to making non-meeting items (referred to as "circulates") public at the same time Commissioners are considering them?

Answer: Chairman Pai's initiative has shown that the public release of meeting items is a helpful practice. We do not have precedent for the public release of non-meeting items, however, so I would need to carefully consider such a policy with staff, my colleagues, and interested parties.

61. Irrespective of whether you become Chairman, will you commit to vocally supporting making circulates public at the same time Commissioners are considering them?

Answer: Chairman Pai's initiative has shown that the public release of meeting items is a helpful practice. We do not have precedent for the public release of non-meeting items, however, so I would need to carefully consider such a policy with staff, my colleagues, and interested parties.

62. If you become Chairman, will you commit to allowing any two Commissioners to call up a bureau level item for a Commission vote?

Answer: I believe that FCC Chairs should be willing to engage and listen to their fellow Commissioners in crafting internal policies, and I would commit to considering this policy carefully with my colleagues if I were Chair. Under Section 5 of the Communications Act and the rules adopted pursuant to it, the Chair of the FCC has unique duties and responsibilities to manage and set the priorities of the agency, including the responsibility "generally to coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission."

63. Irrespective of whether you become Chairman, will you commit to vocally supporting allowing any two Commissioners to call up a bureau level item for a Commission vote?

Answer: I believe that FCC Chairs should be willing to engage and listen to their fellow Commissioners in crafting internal policies, and I would commit to considering this policy carefully with my colleagues irrespective of whether I become Chairman. Under Section 5 of the Communications Act and the rules adopted pursuant to it, the Chair of the FCC has unique duties and responsibilities to manage and set the priorities of the agency, including the responsibility “generally to coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.”

64. If you become Chairman, will you commit that you will not block a large transaction without a Commission vote?

Answer: I commit to looking at the facts and circumstances of all transactions that come before me and to process them according to the law. I would welcome the opportunity to work with you and Congress on changes to the law that you believe would improve agency process.

65. Irrespective of whether you become Chairman, will you commit to vocally opposing the Chairman/Chairwoman if they block a large transaction without a Commission vote?

Answer: I commit to looking at the facts and circumstances of all transactions that come before me and to speak up if they are not processed according to the law. I would welcome the opportunity to work with you and Congress on changes to the law that you believe would improve agency process.

SENATOR JOHN THUNE (R-SD)

Question 1. During the hearing, I asked you if you believe the FCC should come to Congress for more direction before attempting any iteration of net neutrality rules and you answered “No.” However, you could not provide a single harm that has happened since the FCC’s 2017 Restoring Internet Freedom Order. I’d like to ask again, since the FCC’s 2017 order to repeal the heavy-handed Obama-era Title II regulations, what sort of activities have ISPs engaged in that the FCC would need Title II authority? What specific harms have you seen?

Do you support federal legislation on net neutrality, or do you believe it is preferable for the rules to be determined by the party in control of the FCC? If you support federal legislation, do you support the pre-emption of states to ensure consumers are provided a consistent set or protections when using the Internet?

Answer: While the President from a particular party holds the power to appoint a majority of the FCC’s commissioners, I value and subscribe to the Commission’s role and mission as an independent agency. I support and would prefer federal legislation on net neutrality and would welcome the opportunity to work with you on this important issue. In the absence of legislative action, however, I believe the FCC has authority to act. In my view, any FCC action revisiting this issue would require a new rulemaking under the Administrative Procedure Act. The record developed during such a rulemaking would inform my thinking on the matters you have raised. Should the matter come before me, I would carefully review the record on issues including reported cases of throttling and their public safety impacts, and changes in access to poles necessary for broadband deployment. I also would review the record on the impact of state laws on the broadband market, among other questions relevant to any reclassification inquiry.

Question 2. The previous FCC led by former Chairman Pai provided critical relief from state and local obstacles that increased costs and delayed deployment of “5G small cells.”

Will you commit to preserving the previous FCC’s reforms and expanding upon them during your tenure?

Answer: I believe that wireless infrastructure drives economic growth, job creation, and innovation, and that unnecessary permitting delays slow its deployment. I commit to working with you and Congress on our shared goal of achieving robust wireless infrastructure deployment.

Question 3. “Yes” or “no,” do you think the FCC should regulate the rates charged for broadband services? If so, what would your proposal for broadband rate regulation look like?

Answer: No. I do not believe the FCC should regulate the rates charged for broadband services.

Question 4. The Universal Service Fund at the FCC, particularly the High Cost Program, has had a significant impact on states like South Dakota that have large rural areas. Do you believe it is important to provide rural broadband providers, particularly rate of return carriers, regulatory certainty in the USF program?

Answer: It is vital that rural broadband providers have regulatory certainty in the USF programs, and I will continue to work with my colleagues at the FCC, as well as you and your colleagues in Congress, to provide such certainty.

Question 5. In addition to the FCC's programs aimed at closing the digital divide, NTIA, USDA, and the Department of Treasury are disbursing funds to support the buildout of broadband networks.

How would you characterize the coordination between the FCC, NTIA, and USDA given that they all have programs that support broadband? Are you concerned that programs administered by NTIA, Treasury, and RUS are going to overbuild FCC-funded locations? What steps can the FCC take to ensure these programs do not overbuild other federally funded networks?

Answer: I agree that agencies administering broadband deployment funding programs must coordinate effectively and ensure that we make the most of scarce federal resources. To advance this important goal, Section 60105 of the Bipartisan Infrastructure Investment and Jobs Act required the FCC to "establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government." The FCC released the Broadband Funding Map on May 15, 2023. Consistent with the Broadband Data Act, the Commission will release updated versions of the map no less than twice a year. I believe the Broadband Funding Map will be a vital tool for ensuring that we are spending scarce resources appropriately.

Question 6. The FCC took the bold step to lead the world by allocating all 1,200 MHz of the 6 GHz band for unlicensed services. As we prepare for the WRC in November 2023, we are asking the world to follow in our footsteps and unlock the band's potential for global Wi-Fi connectivity. I am concerned because the Commission has yet to authorize the use of VLP, enable standard power through AFC, or increase power limits through LPI. Finalizing these outstanding items seems critical to demonstrate our leadership globally.

What steps can the FCC take to bolster the US delegation's position heading into WRC?

Answer: I appreciate your interest in this band and its global harmonization. I also share your view that the U.S. delegation must be in a position of strength for the WRC. In my statement supporting the 6 GHz Order, I said that our "decision to make 1200 megahertz in the 6 GHz band available for unlicensed use holds special promise" for the millions of Americans that rely on Wi-Fi in their homes and other venues across the nation. I also said that I "look forward to a rapid resolution of the issues presented in [our] Further Notice of Proposed Rulemaking." Over

the past several months, proponents of expanded unlicensed operations and 6 GHz incumbents have continued to submit and refine their coexistence analyses. Given the potential of this band and its important existing uses, getting the engineering right is vitally important.

Question 7. Chair Rosenworcel announced recently that she would be asking the Commission to vote on a Notice of Inquiry examining the practices of broadband providers imposing so-called data caps on consumer broadband plans. Do you think there is a pervasive industry problem with respect to data caps that warrants the FCC spending its time and resources to examine this practice?

Answer: I believe it is important that the Federal Communications Commission be vigilant in seeking to protect consumers. Chairwoman Rosenworcel's circulated Notice of Inquiry seeks to help the FCC determine whether a problem with respect to data caps exists, and if so, whether the Commission has authority to, and should, act. If adopted, I look forward to reviewing the record to determine whether this is an area that warrants further FCC attention.

SENATOR JERRY MORAN (R-KS)

Question 1. Do you believe the Affordable Connectivity Program (ACP) is properly targeting Americans who would not otherwise have broadband service? What changes would you make to ACP to ensure it is properly targeting Americans who would not otherwise have broadband service?

What can be done to simplify and streamline federal broadband affordability programs? What should be done to ensure federal broadband affordability programs, including Lifeline and the Affordable Connectivity Program, do not have overlapping objectives?

Answer:

I agree that it is vitally important for the Commission to act as a good steward of public funds used in its programs. With ACP, I believe the program is properly targeting the eligible households specified by Congress. Congress established the eligibility criteria for ACP in the bipartisan Infrastructure Investment and Jobs Act (IIJA). Eligibility is capped at households earning 200 percent of the Federal Poverty Guidelines, or households participating in federal assistance programs, tribal assistance programs, or Lifeline. The FCC has followed these eligibility criteria.

In the IIJA, Congress also directed the FCC to submit a report on the future of the Universal Service Fund (USF). Consistent with that report, I believe that the Commission should continue to coordinate closely with Congress on potential reforms to USF contribution requirements and the future of USF. I would welcome the opportunity to work with you on this important issue.

Question 2. While significant resources have been provided to NTIA to bridge the divide for fixed services, the FCC has an opportunity to make sure that rural communities and small towns have access to mobile connectivity and the benefits of 5G wireless services. However, the rules for the 5G Fund were adopted in 2020 and may need to be updated for changes in technology and to reflect the release of the FCC's broadband maps.

Do you believe the 5G Fund should allocate support to rural areas lacking quality 5G, based on the FCC's new maps?

Answer: Yes, and I appreciate your ongoing interest in this important issue. I strongly believe that we must do more to make high-quality broadband services, including 5G wireless services, available in our rural communities. That's why I previously emphasized the importance of proceeding based on reliable mapping data that does not leave rural Americans behind. While much of our recent attention has focused on the National Broadband Map for fixed broadband services, our work on improving maps for mobile broadband services is also well underway. Once released, those maps will help us determine where mobile service exists and where it is lacking and should be used to identify areas in need of support.

Question 3. A topic of the June 21 House Energy & Commerce Committee FCC oversight hearing was whether the full commission should be required to vote on mergers and acquisitions that fall under the FCC’s purview, in light of the FCC’s treatment of the Standard General – TEGNA attempted merger.

Setting aside the question of whether the Chair currently has the authority to defer mergers and acquisitions to an administrative law judge without a full committee vote, as occurred in the TEGNA case, do you believe this policy needs to be amended, to ensure the full Commission is able to weigh in?

Answer: Agency accountability is important to me, and I would welcome the opportunity to work with you on changes in policy that you believe would improve agency progress. Further, I believe that FCC Chairs should be willing to engage and listen to their fellow Commissioners in crafting internal policies. I would want to gain their input before developing a view on any policy changes in this area.

Question 4. If the FCC decides to again require broadcasters to report equal employment opportunity information, what will this information be used for?

Answer: Workforce data would only be used for the purposes permitted under our rules: “analyzing industry trends and making reports to Congress.”

SENATOR MARSHA BLACKBURN (R-TN)

1. Last month, an FCC spokesperson said the “FCC is actively studying the potential impacts of artificial intelligence, in particular the opportunities for advanced communications networks like spectrum sharing and wireline network management, as well as its potential as a tool and a challenge for consumers.”

a. Can you provide an update on the FCC’s work related to AI?

Answer: As with any new technology, I believe that the FCC should consider the impact of AI on matters within its statutory mandate, while being mindful of the limits of its expertise and authority. Spectrum utilization and administration provides a key example of an FCC matter where researchers believe AI/ML techniques could have an impact. The FCC’s Technological Advisory Council, which provides technical advice to the FCC, has begun to explore these topics in its working groups.

b. What should Congress be considering about AI with respect to communications networks and spectrum sharing?

Answer: I applaud your leadership on addressing the novel challenges posed by AI. I believe that Congress should consider how AI can enhance and compromise our network security. I also believe Congress should consider how AI can improve spectrum use in a way that enhances U.S. leadership in wireless, the maturity of such technologies, and the risks inherent in their widespread deployment. I would welcome the opportunity to work with you on this important issue.

2. The Chinese Communist Party poses a direct threat to American interests, particularly in the tech industry. This has been recognized by both Republicans and Democrats, including some of you, who have been vocal about ByteDance and TikTok, the Chinese drone company DJI, submarine cables connecting the U.S. and China, and the need to rip and replace Huawei equipment from our networks.

a. What role does the FCC play in combatting Chinese tech threats?

Answer: The FCC plays an important role in protecting the United States from threats, including those from Chinese technology. As I have repeatedly said, network security is national security. I appreciate the opportunity to highlight a few of the important actions the Commission has taken recently:

- I have long been concerned about the threat of Chinese technology in our networks. In 2019, I organized a stakeholder workshop on this issue called “Find It, Fix It, Fund It.” This ultimately culminated in the FCC designating Huawei Technologies Company and ZTE Corporation as threats to the Integrity of Our Communications Networks and the Communications Supply Chain. This meant Universal Service Fund support could not be

used for Huawei or ZTE equipment and services.

- With Congress' help, we were able to go further. After Congress passed the Secure and Trusted Communications Networks Act (Secure Networks Act), the Commission created the Secure and Trusted Communications Networks Reimbursement Program (also called the Rip and Replace Program), which reimburses eligible providers to remove, replace, and destroy of Huawei and ZTE equipment and services.
- The Secure Networks Act also directed the Commission to publish a List of Covered Communications Equipment and Services (Covered List) of untrusted equipment; the list currently includes equipment and services from 10 companies, nine from China and one from Russia. To ensure that insecure equipment from these companies is not authorized for sale in the United States, the Commission will no longer review or approve any authorization application that includes any equipment on the Covered List.
- On a unanimous, bipartisan basis, the Commission has voted to revoke or reject Section 214 international authorizations from four Chinese carriers to protect our networks and consumers.

b. We recently learned of a relationship between autonomous vehicle car Waymo and Chinese company Geely, which has launched satellites using CCP resources. What risks could Chinese access to satellites pose to U.S. consumers and how can Congress and the FCC work together to mitigate these threats?

Answer: I have been an outspoken advocate for mitigating the risks posed by insecure equipment in our terrestrial networks. These risks include unauthorized surveillance and data collection, the sharing of sensitive data with our foreign adversaries, and the potential disruption of mission-critical communications. I believe similar concerns apply to insecure satellite networks that serve the United States. Whether the access network operates in orbit or right here on Earth, we must work together to ensure that Americans' communications are safeguarded and secure. I would be eager to working with you on this important issue.

SENATOR SHELLEY MOORE CAPITO (R-WV)

Rural Broadband Protection Act

Ensuring that USF high-cost programs are being well managed is a goal all of us share. As we await a potential Phase II auction of RDO, there were clearly ways to improve upon Phase I - to speed up the process and to make sure smaller ISPs are better able to participate. I have a bill - the Rural Broadband Protection Act with Senator Klobuchar that seeks to improve future phases of high-cost programs by requiring a more thorough vetting and verification process for ISPs. I know I have discussed my legislation with a few of you.

Question 1. Commissioner Starks, do you support the kinds of improvements in my bill?

Answer: Yes, and thank you for your leadership on this important issue, along with Senator Klobuchar. Given my background at the Department of Justice and in the Enforcement Bureau, I have been vocal in calling for the Commission to enforce our rules to ensure that providers that pledge to provide broadband service to a community as part of the FCC's Universal Service Fund uphold their promises. I have been immensely frustrated at the carriers that have defaulted. I support your legislation's goal of creating a vetting process for applicants that wish to participate in the FCC's broadband deployment programs to ensure that they will be able to uphold their commitments and serve the communities that are counting on them. I would welcome the opportunity to work with you on this important issue.

Tech Neutrality

A growing number of West Virginians rely on non-fiber broadband coverage - like Starlink. Last year, the FCC abruptly reversed its decision to authorize nearly \$900 million to Starlink to provide high-speed broadband to hundreds of thousands of rural homes and businesses across 35 states.

Question 2. How do you feel about the importance of being technology neutral when it comes to connecting people?

Answer: Technology neutrality is important to connecting people across our country, and I support technology-neutral policies across FCC proceedings.

Questions for the Record

Senator Dan Sullivan

To All Commissioners:

1. Alaska's dedicated high cost program, the Alaska Plan, has been a massive success that recognizes the unique challenges associated with broadband connectivity in Alaska. As you all are aware, the FCC is currently working on an extension of the Alaska Plan. The certainty of the Plan has been critical to build-out in Alaska and will continue to be, especially with the significant investments in broadband infrastructure taking place.
 - a. Will you commit to continue to recognize Alaska's unique needs and support an extension of the Alaska Plan?

Answer: Yes, I commit to continuing our work to tailor Commission programs in light of Alaska's unique needs. Earlier this month, I had the privilege of visiting Alaska to experience first-hand some of the unique challenges that residents and providers face. Alaska is vast, remote, and vitally important. Programs like the Alaska Plan and the Rural Health Care program have made a major difference in serving rural and very remote communities, including Tribal lands. We must continue to account for the obstacles that remain in the path of universal service in Alaska.

- b. Do you agree that the Commission should work expeditiously on the extension in order to provide certainty to service in our state as more broadband deployments are being planned?

Answer: I agree that regulatory certainty is critical and that the FCC should work expeditiously on the extension matter.

2. It is assumed that if all of you are confirmed, a 3-2 Commission will re-implement the heavy handed “Net Neutrality” regulations under Title II of the Communications Act. It has been 5 years since the “Net Neutrality” regulation rollback, and I think we can agree that the apocalyptic predictions have not played out.
 - a. If “Net Neutrality” rules are put into place again, is it good for stakeholders and consumers to experience this sort of regulatory whiplash?

Answer: I agree that certainty is important, and a long-term solution would benefit stakeholders and consumers. I support and would prefer legislative action on net neutrality and would welcome the opportunity to work with you on this important issue.

- b. Shouldn’t the FCC defer to Congress to settle this issue?

Answer: I support and would prefer legislative action to address this issue. In the absence of legislative action, however, I believe the Commission has authority to act.

To All Nominees:

3. We are in the process of distributing a historic amount of funding for broadband deployment across the country - \$65 billion alone from IJJA. Alaska is eager to make the most of this opportunity, and we have more work to do than most. But one thing I continue to be very conscious of, is the letting this opportunity to go to waste. I’ve talked to the Chairwoman about this concern. She mentioned a number of steps to take, including making clear, loudly, from the beginning, the penalties for waste, fraud, and abuse; also extensive vetting on the front end to ensure that applicants can deliver the service and speeds they claim.
 - a. Do you think the various agencies tasked with distributing this money have established adequate safeguards against waste, fraud, and abuse?

Answer: I believe that waste, fraud, and abuse is wrong and unfair to taxpayers, and that it undermines the ability of federal programs to help the Americans they are intended to serve. I also believe that agencies should continuously evaluate their programs to safeguard against waste, fraud, and abuse.

b. What more can be done in terms of agency coordination?

Answer: Section 60105 of the Bipartisan Infrastructure Investment and Jobs Act required the FCC to “establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.” The FCC released the Broadband Funding Map on May 15, 2023. I believe greater use of the Broadband Funding Map will significantly enhance coordination between agencies. The maps will be updated no less than twice a year, which will ensure that agencies are using the most up-to-date data. I would welcome the opportunity to work with you on these matters.

c. What role can the IG play in this effort?

Answer: I think the Inspector General can play a very important role investigating program participants and ensuring compliance with all of our program requirements.