

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

June 22, 2023

FCC Nominations

**REPUBLICAN QUESTIONS FOR THE RECORD**

**Anna Gomez**

**COVER PAGE**

## **RANKING MEMBER TED CRUZ (R-TX)**

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

As a general matter, I believe that the agency functions best when Commissioners have the opportunity to vote on more rather than fewer matters. However, having not been at the Commission during the agency's review of this transaction, I cannot comment on this specific proceeding.

**2. 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 I fear the FCC could make things even worse by reimposing outdated ownership burdens on local stations—a threat that may loom large over the media's coverage of the 2024 election and distort what gets reported and when.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?**

The independent media plays a critical role in our democracy. Local broadcasters provide much needed and greatly trusted information to their communities. As you know, the Chairwoman sets the agenda for the Commission. I will commit to fully reviewing any record and will seek to hear from all stakeholders in the media landscape, including broadcasters, before rendering any decisions on rulemakings put before me and my fellow Commissioners. The last major decision on media ownership was by the Supreme Court, and if confirmed, I would take no action at odds with that decision.

**3. You stated in my office that you were concerned about harms that could result from reclassifying broadband Internet access service as a public utility. What are examples of those harms?**

Thank you for taking the time to meet with me in your office. During our conversation, I acknowledged that the FCC should consider the possibility of unintended harms from rules generally. I did not have any particular harms in mind with respect to reclassifying broadband Internet access service as a telecommunications service.

**4. 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.**

Broadband rate regulation means regulatory efforts to control broadband prices a company can charge to consumers. I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation.

**5. 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.**

As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation. Whether *ex post* review of prices is a form of rate regulation or not would ultimately depend on the scope of the review and the specifics of any regulatory action—if any—taken pursuant to such review.

**6. 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.**

As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation. Whether the FCC declaring a broadband provider's rate unlawful on the grounds that it is not "just" or "reasonable" constitutes a form of rate regulation ultimately would depend on a number of case-specific factors.

**7. 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?**

The FCC's 2015 Open Internet Order expressly eschewed the use of prescriptive, industry-wide rate regulation. As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation.

**8. 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.**

As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation. Whether a prohibition against "zero-rating" would constitute a form of rate regulation ultimately would depend on a number of case-specific factors.

**9. 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.**

As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation. Whether a prohibition against usage-based pricing would constitute a form of rate regulation ultimately would depend on a number of case-specific factors.

**10. 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?**

To the extent the Commission were to prescribe how the service provider calculates the wholesale rate, then yes.

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

As a general matter, I believe it is important to pursue regulatory frameworks that can continue to facilitate the tremendous investment and innovation on the Internet.

**12. 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?**

No.

**13. 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?**

As a general matter, I believe that effective competition can be more efficient at lowering the rates that service providers charge their customers than regulation. Whether requiring providers to offer a low-income tier would constitute a form of rate regulation ultimately would depend on case-specific factors.

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

I believe the FCC should consider the possibility of unintended harms from rules generally. I do not have any particular harms in mind with respect to reclassifying broadband Internet access service as a telecommunications service.

**15. 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?**

Since I am not currently at the Commission, I have not seen the Notice of Inquiry circulated by the Chairwoman. However, I do know based on public reporting of the NOI that it seeks to ask questions regarding the FCC's authority with respect to data caps.

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

Since I am not currently at the Commission, I have not seen the Notice of Inquiry circulated by the Chairwoman. However, I do know based on public reporting of the NOI that it seeks to ask questions regarding the FCC's authority with respect to data caps.

**17. 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?**

Because I am not at the Commission, I cannot speak to the details of what the FCC may or may not do with regards to this particular matter and would not want to prejudge an issue that may be before me if confirmed.

**18. 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?**

Not being at the Commission during the time of this decision, I am unable to speak to the specific facts involved in this issue. I believe we need more connectivity in more places and that in doing so we must have an “all of the above” approach to connect all households.

**19. 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)?**

I believe the Commission should use an “all of the above” strategy when it comes to connecting all households.

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

I believe the Commission should adopt technology neutral policies when doing so is technically feasible and best serves consumers.

**21. 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?**

Deploying next generation wireless is critical to American competition and innovation. Aligning permitting timelines, particularly on federal property, would streamline deployment.

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

The Chairwoman sets the agenda but I would be open to hearing from all stakeholders on ways we can deploy wireless technologies in faster, smarter, or more efficient ways.

**23. In our meeting, you committed that you would not support any effort to reverse the Restoring Internet Freedom Order without a fresh record. Do you still hold by this commitment?**

I believe the Commission should seek comment before taking any action on such a proceeding.

**24. Does the federal government control too much spectrum?**

Wireless spectrum is a vital and limited national resource that contributes to our economic growth and a variety of critical federal missions. I believe that more transparency about how spectrum is being used by stakeholders, including the federal government, would improve the ability of the FCC and NTIA to assess the spectrum landscape more accurately. Given this is a critical national resource, it is important that the FCC and NTIA manage and make policy decisions with the most accurate data possible.

**25. Last August, the FCC and NTIA signed a new Memorandum of Understanding (MOU) on radiofrequency coordination. What changes, if any, would you make to improve the MOU?**

The new Memorandum of Understanding between the FCC and the NTIA builds on the fundamental strengths of the FCC-NTIA relationship and improves the processes for decision making and information sharing around spectrum policy decisions. To further strengthen this document, I would consider outlining a clearer process for escalating issues where there continues to be policy or technical disagreement between the agencies after coordination.

**26. You are currently leading preparation at the State Department for the International Telecommunication Union World Radio Communication Conference (WRC-23). If confirmed, are you concerned that leaving this position vacant just months in advance of WRC-23 will undermine the United States' ability to advance international spectrum interests?**

The State Department is well aware of the importance of WRC-23 for U.S. spectrum and will ensure continuity of leadership in preparing for and participating in the conference.

**27. In your hearing and in conversation with my staff, you stated that the State Department was preparing a contingency plan regarding WRC-23 preparation if you are confirmed. What does that plan entail? Please be specific?**

The State Department is consulting internally to consider all potential options should the Senate confirm me to serve at the FCC. There is a very strong, interagency team I have been working alongside that is well-informed about the issues and the process leading to WRC-23, which will help the Department ensure a continuity of leadership.

**28. You have tweeted or re-tweeted posts regarding the proliferation of "disinformation." In February 2020, for example, you [tweeted](#) about a conference panelist's description of "DARPA programs to counter disinformation campaigns." You wrote "Please hurry." Then, in the lead-up to the 2020 election, you retweeted a [post](#) that referred to "Trump's targeted mass disinformation campaign" against "Black voters in 2016." Do you believe the FCC should act to prevent the spread of online disinformation?**

I support the First Amendment. Social media is a tool many use for communicating, sharing information, and finding community. As individuals, we must be mindful about how we can best use this tool to inform and educate ourselves and others. The First Amendment protects each of us to share ideas and communicate with others and that right must be protected.

**29. In [endorsing](#) your nomination, the Open Technology Institute wrote that you understand “the proliferation of online disinformation and hate speech.” Do you believe the FCC has a role in regulating online disinformation and hate speech?**

While social media can be a great tool to engage and learn with others, it can also be a frustrating and difficult place. I support the First Amendment and believe in ensuring that each of us can exercise that right.

**30. What is your definition of misinformation?**

Misinformation is false or inaccurate information.

**31. What is your definition of hate speech?**

Hate speech is speech that expresses hate or encourages violence against a group or an individual based on inherent or immutable characteristics. Hate speech is nevertheless speech protected by the First Amendment.

**32. During your confirmation hearing, Sen. Budd asked you how this committee can have confidence in your ability to steward taxpayer dollars given your role in the wasteful Broadband Technology Opportunities Program (BTOP). In response, you said: “I am certainly hopeful that I can bring my experience to bear and the lessons learned from prior programs.” What specific lessons did you learn from administering the BTOP program?**

There are several lessons to be learned from the BTOP program. The first is the importance of hearing from all stakeholders, including developing partnerships with localities. Second is the importance of technical assistance to, and strong oversight of, grantees. And third is the appreciation for using data to drive policy decisions and measure impact.

**33. If you could go back in time, what are specific things you would have changed about the BTOP program to prevent inefficient, wasteful spending and subsidized overbuilding?**

If I could go back in time, I would have the broadband map that Congress subsequently required in the Broadband Data Act. If we had the current FCC map then, we would have had a much better ability to directly target funding where there was greatest need.

**34. During the confirmation hearing, in response to questions from Sen. Markey about expanding E-Rate, you said that “E-rate has done much good in connecting schools and libraries and if confirmed [you] would look forward to delving into the program and how to best benefit students.” Do you think the Commission has the legal authority to subsidize E-Rate services outside schools, such as, in students’ homes? If so, please**



**identify the specific provision of the Communications Act that you believe gives the FCC such authority.**

<https://www.fcc.gov/document/chairwoman-rosenworcel-announces-learn-without-limits-initiative>

For more than two decades, the E-rate program has been an essential source of funding to connect the nation's schools and libraries to the internet. I appreciate that some stakeholders have interpreted the statute as allowing the Commission to make changes to the E-rate program in response to emergencies or to subsidize home classroom hotspots and other off-campus connectivity solutions. In particular, some stakeholders have noted that the Commission previously 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. Such stakeholders note that Section 254 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, the FCC has the authority to "designate additional services" for support from the E-Rate program. If confirmed, I would review the relevant statutes and assess these potential sources of authority.

**35. 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?**

I would review its effectiveness based on how well such E-rate support for Wi-Fi on school busses contribute to the overall goals for the E-rate program: (1) ensuring affordable access to high-speed broadband sufficient to support digital learning in schools; (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.

**36. 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?**

Because the current USF funding mechanism relies on telecommunications companies' interstate and international revenue from voice telephony services, as the subscription to landline telephony continues to decline, the contribution factor—percentage of end user revenue that will be contributed to the Fund—has jumped from 7 percent to 30 percent over the last two decades.

Since the USF fee is generally assessed equally on all consumers regardless of income, the burden of an increased contribution fee has fallen disproportionately on low-income households which are more price sensitive yet pay a greater portion of their income toward telecommunications services than high-income households. I am committed to working with the Chairwoman, Congress, and stakeholders in ensuring that lower- and middle-income consumers are not harmed should the Commission take action on contribution reform.

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

As a redistributive subsidy mechanism, the USF program has traditionally relied on fees on consumers' landline and wireless phone bills to fund telephony connectivity to specific segments of America: high cost areas, low-income consumers, schools and libraries, and rural health care providers. As the Commission considers reforming the USF contribution mechanism, it should consider how any assessments on consumers' bills will affect the affordability of the assessed services.

**38. 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.**

Affordable broadband service is critical to closing the digital divide. We must ensure that consumers have the ability to get and stay online, 24/7. The Affordable Connectivity Program is a program that does more than simply increase the number of broadband subscribers, it is making broadband services affordable to millions of consumers so they can avoid making the difficult choice between putting food on the table or staying connected to broadband. As someone who has experienced income instability, I understand the importance of a program like the ACP in ensuring no one is disconnected or left offline.

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

I believe eligibility criteria for the ACP, as set by Congress, targets households who otherwise would not be able to adopt, afford, or maintain their broadband internet access service.

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

Measuring uptake and adoption rates of internet usage can be a complex endeavor as many low income households may have internet service for a time but then may lose it during periods of economic hardship. This is why ensuring broadband affordability is so critical so that households can get and stay online. If confirmed, I look forward to working with the Commission, your office, and others to identify additional ways to understand how we can most effectively reach these consumers.

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

Although the FCC has developed good goals and metrics for ACP, every program has room for improvement. If confirmed, I would work with all stakeholders to ensure the effectiveness of the program.

**42. 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?**

Although the FCC has developed good goals and metrics for ACP, every program has room for improvement. If confirmed, I would work with all stakeholders to ensure the effectiveness of the program.

**43. 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?**

I have not, but if confirmed I will review it.

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

I have not reviewed the report, but if confirmed I will do so.

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

I have not reviewed the report, but if confirmed I will do so.

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

I have not reviewed the report, but if confirmed I will do so.

**47. 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. Would you support this recommendation?**

The ACP, as directed by law, allows for multiple forms of identification, including the last four digits of a social security number. I would support continuing to allow for multiple forms of ID to better assist accurately identifying qualifying individuals.

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

Yes.

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

Yes.

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

If I were to become Chairwoman, I would work with my colleagues and the Office of General Counsel to determine whether it would be appropriate to release circulates to the public at the same time they are being considered by Commissioners.

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

If confirmed, I would work with my colleagues and the Office of General Counsel to determine whether it would be appropriate to release circulates to the public at the same time they are being considered by Commissioners.

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

If I were to become Chairwoman, I would work with my colleagues to determine whether to call up a bureau level item for a Commission vote.

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

If confirmed, I would work with my colleagues to determine whether to call up a bureau level item for a Commission vote.

**54. If you become Chairwoman, will you commit that you will not block a large transaction without a Commission vote?**

I believe Commissioners should vote on more items, not fewer.

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

I believe Commissioners should vote on more items, not fewer.

## **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?**

*Answer:* The coronavirus pandemic demonstrated that access to broadband is no longer just nice-to-have, it is a necessity for work, education, healthcare, and for full participation in society. Title II classification is important for protecting our fundamental values of universal service and consumer protection when accessing broadband networks. Without it, the FCC would lack a mechanism for protecting the fundamental values of our most critical communications systems today.

**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:* I welcome Congressional action on net neutrality. While several states have set up their own rules, including California, Montana, and others, I believe a federal response is what is needed.

**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:* If confirmed, I commit to working with state and local partners to support the expeditious deployment of 5G and avoid unnecessary delays in state and local approval processes.

**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.

**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:* Yes. Furthermore, given appellate challenges to the USF, it is imperative to get legal clarity about the status of the fund.

**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 with you about the importance of the FCC, NTIA, USDA, and Treasury working together to avoid unnecessary duplication. For its part, the FCC should coordinate to ensure funding is directed to areas without adequate service and avoid unnecessary duplication. Congress in its wisdom required FCC, NTIA, and USDA to enter into an agreement to share information to facilitate coordinated funding decisions and I am pleased to see that these agencies entered two interagency agreements, one of which included the Department of Treasury, that specifically require coordination relating to broadband deployment. I understand that the May 12 agreement requires the agencies to share information on a regular basis about their respective funding programs and to develop consistent and complementary formats, standards, protocols, and reporting processes.

**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 agree that continued progress on making the 6 GHz band available for unlicensed use is important. As a member of the U.S. delegation, the FCC also should assist with working with regional telecommunication organizations to adopt a "No Change" position to the 6 GHz band

under WRC-23 Agenda Item 1.2. Doing so will keep the band open and globally harmonized for unlicensed uses like Wi-Fi.

**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 am unfamiliar with industry's practices with respect to data caps, but if confirmed I would review the record.



## **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?**

*Answer:* Measuring uptake and adoption rates of internet usage can be a complex endeavor as many low income households may have internet service for a time but then may lose it during periods of economic hardship. This is why ensuring broadband affordability is so critical so that households can get and stay online. If confirmed to the FCC, I look forward to working with the Commission, your office, and others to identify additional ways to understand how we can most effectively reach these consumers.

**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:* For so many, affordable internet and mobile service is a true lifeline. It can be especially critical to help veterans and families in rural communities access remote health care, remote work, online upskilling and job training. If confirmed, I look forward to working with your office and the Commission to see how we can ensure these programs are available to the households who need them most.

***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.

***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:* I believe that Commissioners should vote on more items, not fewer.

## SENATOR MARSHA BLACKBURN (R-TN)

**1. Throughout your career, you have worked for and represented major telecommunications companies before the FCC and Congress. You have also donated to the campaigns of Democrat members on this committee and the House Energy and Commerce Committee.**

*a. If confirmed, how will these past actions affect your recusals from FCC proceedings?*

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement into which I have entered with the Commission's Designated Agency Ethics Official.

*b. How will this impact your role at the FCC, if confirmed?*

If confirmed, I will work with the Commission's Designated Agency Ethics Official to resolve any potential conflicts of interest in accordance with the terms of the ethics agreement into which I have entered.

**2. Much of your focus in recent years has been dedicated to drones. Earlier this month, I introduced the STOP Illicit Drones Act with Senator Warner. That bill aims to address Chinese espionage and security threats posed by drone companies like DJI—an issue highlighted by several military branches and federal agencies.**

*a. Can you speak to the threats posed by Chinese drone companies like DJI?*

I am aware that sixteen U.S. senators recently asked U.S. security officials at the Cybersecurity and Infrastructure Security Agency to assess possible threats posed by drones that are manufactured by SZ DJI Technology Company, asserting that the widely used devices could be used to inform foreign government officials about critical infrastructure such as pipelines, railways, and power stations. If confirmed, I would work with you and Senator Warner to better understand such threats and how the FCC can help address them.

## SENATOR TED BUDD (R-NC)

***Question 1.*** The FCC has been clear in the past that mid-band spectrum 2.5 GHz band spectrum can deliver 5G broadband to Americans, particularly in rural and underserved locations. That is why I am concerned that the FCC is missing an opportunity by failing to act on requests to use the 2.5 GHz band auctioned off last summer on either a permanent or temporary basis. I understand that there are 1.6 million people in my state that could receive enhanced wireless service – including wireless home internet – within days of the FCC permitting the use of this 2.5 GHz spectrum. I realize the FCC’s auction authority has expired. Many experts<sup>[1]</sup>, however, have said that the FCC has authority to still issue licenses won at auction and certainly has authority to permit temporary authority of that spectrum. Do you believe, like Commissioner Carr, that Section 309A of the Communications Act allows the FCC to still issue licenses won at auction? If confirmed, will you commit to finding a timely solution to get this spectrum put to use as quickly as possible?

*Answer:* It is my hope that Congress will act to restore FCC auction authority as quickly as possible. If that does not occur before my potential confirmation, I commit to working with the General Counsel and my colleagues to understand what actions the FCC can take pursuant to its statutory authority with regard to the 2.5 GHz band licensees, including the General Counsel’s interpretation of the Commission’s authority under Section 309(a) notwithstanding the expiration of the Commission’s auction authority.

[1] <https://assets.law360news.com/1595000/1595328/fcc-auction-authority.pdf>

## **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 RDOF, 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. Ms. Gomez, do you support the kinds of improvements in my bill?***

*Answer:* I support ensuring that USF funding is used for its intended purpose, and would welcome reforms, such as those in the Rural Broadband Protection Act.

### **ACP**

**Ms. Gomez, there are 108,000 West Virginians in the Affordable Connectivity Program. Affordable connectivity is a priority for me, but up to 200 percent of the federal poverty rate to qualify and a number of other provisions leave the program too broad and open it up to potential wrongdoing.**

***Question 2. Do you think changes to the program are needed? If so, what specifically on the waste, fraud, and abuse side?***

*Answer:* Ensuring that broadband is affordable and reliable is critical to closing the digital divide. As someone who has experienced personally the impact of income instability, I know how important a program like the ACP is to a family struggling to pay the bills at the end of the month. If confirmed, I look forward to working with you and others at the Commission to find ways to ensure the ACP is available to those who need it most.

### **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 3. How do you feel about the importance of being technology neutral when it comes to connecting people?***

*Answer:* I believe that successfully connecting all homes and businesses requires an “all of the above” strategy.

**SENATOR DAN SULLIVAN (R-AL)**

**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?**

Yes.

**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?**

Yes.

**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?**

I would welcome Congressional action on net neutrality. The coronavirus pandemic demonstrated that access to broadband is no longer just nice-to-have, it is a necessity for work, education, healthcare, and for full participation in society. Title II classification is important for protecting our fundamental values of universal service and consumer protection when accessing broadband networks. Without it, the FCC would lack a mechanism for protecting the fundamental values of our most critical communications systems today.

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

I would welcome Congressional action on net neutrality.

**We are in the process of distributing a historic amount of funding for broadband deployment across the country - \$65 billion alone from IIJA. 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?**

Yes, although, if confirmed, I would work with the agencies to ensure continued and improved safeguards to protect the programs' integrity.

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

It is important that the FCC, NTIA, USDA, and Department of Treasury work together to ensure funding is directed to areas without adequate service and to avoid unnecessary duplication. Congress in its wisdom required FCC, NTIA, and USDA to enter into an agreement to share information to facilitate coordinated funding decisions and I am pleased to see that these agencies entered two interagency agreements, one of which included the Department of Treasury, that specifically require coordination relating to broadband deployment. I understand that the May 12 agreement requires the agencies to share information on a regular basis about their respective funding programs and to develop consistent and complementary formats, standards, protocols, and reporting processes. If confirmed, I would work with the agencies to ensure continued and improved safeguards to protect the programs' integrity.

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

The IG can be consulted and can share their insights into ensuring program integrity. This can be especially helpful as the Commission drafts and considers rulemakings.