

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

June 22, 2023

FCC Nominations

DEMOCRATIC QUESTIONS FOR THE RECORD

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Questions for the Record
Geoffrey Starks
Federal Communications Commission

SENATOR BRIAN SCHATZ (D-HI)

1. Do you commit to ensuring universal fixed broadband deployment to all Tribal homes and businesses?

Answer: Yes. I am committed to internet for all—that means everyone, everywhere, including in Tribal areas.

2. Do you commit to ensuring universal mobile broadband deployment, including to all Tribal homes and businesses and along Tribal roads?

Answer: Yes. I believe that mobility provides Tribes with access to essential services—including emergency services. That’s why I am committed to internet for everyone, everywhere, including in Tribal areas, and including mobile services.

3. Do you commit to adopting additional Tribal priority access windows, just like in the 2.5 GHz auction, where it is feasible and in the public interest to do so?

Answer: Yes.

4. When the United States auctions spectrum located over the lands of an Indian Tribe it does not share any portion of the proceeds with the Tribe, which is a sovereign government. Should the United States allocate a portion of these revenues to a Tribe or dedicate a portion to advancing universal and affordable communications services on the Tribal lands?

Answer: I believe that universal access to affordable communications services is vital in Tribal areas. As a commissioner, I have visited Tribal lands and listened to Tribal leaders in many parts of the country. I have witnessed first-hand the unique challenges that many Tribes face with broadband deployment, and the heightened importance of connectivity to their economic development and the improvement of their members’ day-to-day lives. I also have seen growing success and interest in self-deployment and spectrum access and have heard specifically from Tribal communities on the issue of Tribal consent. I appreciate your leadership on issues affecting Tribes. I would welcome the opportunity to work with you and Congress on solutions that respect Tribal sovereignty and bring us closer to our goal of connecting all communities, everywhere, including on Tribal lands.

5. Do you commit to expanding access to unlicensed spectrum? What bands do you view as the most promising opportunities to expand unlicensed access?

Answer: I believe that the FCC, Congress, and other agencies must work together to develop a strong spectrum pipeline for wireless services in the United States. That includes spectrum for our unlicensed networks, which provide essential local and last-mile connections for consumers and a low-barrier platform for sustained wireless innovation. I would welcome the opportunity to work with you on identifying particular bands as part of this effort.

6. Please provide your analysis of how well the FCC's new broadband maps portray the availability of broadband on Tribal lands. Should the FCC display Tribal boundaries just as it displays state boundaries? If not, why not? Should the FCC provide the number of locations associated with individual Tribal areas, in addition to offering an aggregated rollup of the number of Tribal locations and Tribal broadband availability nationwide? Are there changes you believe the FCC needs to adopt with respect to how it displays broadband availability on Tribal lands?

Answer: Our maps have come a long way since their initial release and will continue to improve over time. I strongly believe that as they continue to improve, our maps should work better for all communities—including Tribal communities. To date, the Commission has worked to improve the accuracy and portrayal of broadband availability on Tribal lands. For example, the area summary page on the National Broadband Map allows a user to view a particular Tribal area and displays the percentage of corresponding units covered, by speed of reported services, within the specified Tribal area. I would support the map including Tribal boundaries as another potential improvement. Additionally, Commission staff is currently working to add location counts to the geography summary download available on the data download page of the map that provides the unit counts associated with Tribal areas and other geographic areas. I support this effort.

I would welcome the opportunity to work with you on further improvements that can enhance the experience and accuracy for Tribes and respect their sovereignty. It is vitally important that our maps include all broadband serviceable locations, including Tribal locations, and are easy to navigate for all users.

7. In 2011 the FCC committed to working with Tribal communities and ensuring connectivity by establishing the FCC Native Nations Communications Task Force. This commitment was renewed in 2018 for three years. Since 2021, the term of the Commission has been extended annually. Do you commit to making this Task Force permanent?

Answer: Yes. I believe the Task Force serves a vital role and should be continued.

8. As the most populated remote place in the world, Hawaii has unique broadband needs, particularly with respect to inter-island and transpacific submarine cables. The State currently has significant plans in place to build inter-island submarine cables and to incentivize transpacific submarine cable landings. Can I have your commitment that you will not interfere with the State's plans and, to the extent it ever becomes necessary, that you will help ensure that Hawaii has the inter-island and transpacific submarine cable connectivity it needs?

Answer: I appreciate that Hawaii is not just predominantly rural but also extremely remote—and that its location and geography poses unique broadband deployment challenges. I also appreciate that in light of these challenges, subsea connectivity, including inter-island connectivity, is vital to ensure robust, reliable, and resilient communications throughout the State. That's why I was excited to learn about Hawaii's broadband allotment under the Capital Project Fund, the bulk of which will support the State's subsea middle-mile program. I look forward to working with you on ways that the Commission can support Hawaii's broadband needs.

9. In 2020, the FCC Native Nations Communications Task Force published "Recommendations for Improving Required Tribal Engagement Between Covered Providers and Tribal Governments." Since publication, what steps has the FCC taken to meet these recommendations?

Answer: The Commission has taken several steps to advance the goals of the Task Force's report. For example, to improve outreach and engagement with Tribes, the FCC's Office of Native Affairs Policy (ONAP) commenced a Tribal Library Tour, which has resulted in ten FCC site visits since December 2022 to discuss the E-Rate program. In addition, the FCC has held several consultation and listening sessions on the pending E-Rate rulemaking. The FCC also has conducted significant outreach to Tribes on the Affordable Connectivity Program, including webinars on the ACP Outreach Grant Program and in-person presentations at six locations since March 2023. The FCC also has participated in Tribal workshops hosted by Tribes to discuss a variety of FCC broadband initiatives, including the Broadband Data Collection and mapping, ACP, E-Rate, and other USF support programs. ONAP also has improved its webpage and email distribution system, which it regularly has used to disseminate messages to Tribal leaders on upcoming funding and educational opportunities and related Commission activities. These activities have taken place alongside ongoing meetings of the Native Nations Communications Task Force, which have provided additional opportunity for coordination between the FCC and Tribes.

The FCC also has worked to ensure compliance with Tribal engagement requirements. In February 2022, the Wireline Competition Bureau, in collaboration with ONAP, requested additional information from four recipients of high-cost support regarding their Tribal engagement certifications and their plans to comply with the requirement going forward, leading to the filing of supplements to Form 481 in FCC WC Docket Nos. 10-90 and 14-58.

In addition, in November 2022, the FCC, NTIA, and the Department of Interior executed a Memorandum of Understanding to increase coordination among federal agencies to promote broadband and wireless deployment on, and expand access to spectrum over, Tribal lands and Hawaiian home lands. Separately, in July 2022, the FCC established the Enhanced Competition Incentive Program (ECIP) to expand opportunities for Tribal Nations, small carriers, and rural wireless entities to gain access to licensed spectrum. The Program will incentivize secondary-market transactions that put spectrum in the hands of qualifying entities. Recognizing the unique connectivity challenges that Tribes face and the need to facilitate their access to spectrum, our ECIP rules expressly include Tribal Nations as an additional eligible beneficiary under the program.

Our work on this matter continues. I would welcome the opportunity to work with your office on additional steps the FCC can take to expand connectivity on Tribal lands.

SENATOR TAMMY DUCKWORTH (D-IL)

I am concerned about the lack of coordination that took place between the FCC, NTIA, and the FAA during the initial rollout of 5G.

We averted an aviation crisis – barely – in January of last year when President Biden’s Administration helped broker a deal to delay full rollout of 5G to give airlines time to retrofit their altimeters to avoid interference.

If aircraft are not retrofitted by July 1st, they might not be able to conduct lower visibility approaches and may need to divert.

What I find so frustrating is that none of this confusion and delay should have been necessary. The FCC and FAA should have better coordinated much earlier in the process. The clear lack of coordination amongst industry and government stakeholders to consider all impacts of spectrum use and facilitate desired outcomes negatively impacted aviation and broader stakeholders, including those in the telecommunications sector seeking to deploy and utilize spectrum.

There needs to be more accountability at FCC and collaboration and risk mitigation planning between the FCC, NTIA, and agencies like the FAA whose industries will be impacted by new telecommunication technologies.

Unfortunately, when we’ve asked the FCC about its willingness to be more forthcoming with the FAA, we’ve heard a reluctance to do so.

Question 1. What additional authority, if any, does FCC need to share more information and better collaborate about new communication technology, including risk mitigation planning, earlier in the process with impacted agencies such as the FAA?

Answer: I strongly believe that effective interagency collaboration on spectrum matters is essential and thank you for your leadership on this important issue. Since the adoption of the C-band Order in 2020, the FCC has established much more regular communication between the agencies to enhance spectrum coordination. In February 2022, the FCC and NTIA established a new Spectrum Coordination Initiative to address gaps in interagency coordination and promote a whole-of-government approach to spectrum policy. In August 2022, the Commission and NTIA entered into a new Memorandum of Understanding to increase coordination on spectrum matters, including by providing more advance notice of proposed actions that could potentially impact the operations of other agencies and facilitating the more regular exchange of information at both the staff and leadership level. The FCC also has continued to maintain a designated liaison on each of the subcommittees of the Interdepartmental Radio Advisory Committee, which is comprised of representatives from 19 different federal agencies. I look forward to working with you on additional steps Congress can take to enhance our collaboration across government, including with agencies such as the FAA

Question 2. Can I have your commitment that you will use all existing authority to ensure spectrum policy addresses safety issues, to collaborate and do risk mitigation planning on new communication technology with impacted agencies like FAA?

Answer: Yes.

SENATOR JOHN HICKENLOOPER (D-CO)

Wireless Emergency Alerts. Wildfires continue to increase in their frequency and devastation across the U.S. In Colorado, the Marshall Fire wreaked havoc on the Boulder community as first responders fought to suppress the fire and evacuate residents. After the Marshall Fire, we learned the Wireless Emergency Alert (WEA) system was not used due to longstanding concerns about the geolocation accuracy of alerts being delivered to devices in a specified area.

I, along with Senator Bennet, sent a letter to the Commission encouraging action and adoption of items found in the Further Notice of Proposed Rulemaking (FNPRM) entitled “*Improving Public Reporting on Wireless Emergency Alert Reliability*”, including steps to improve the geolocation accuracy of WEA alerts sent to cellular devices. We were pleased to see the Commission release the results of its [nationwide test of the WEA system](#), which included participation from first responders in Colorado. This nationwide test demonstrated that while “91.9% of volunteers located within the target areas received a test alert”, mobile devices over 3 miles outside a target area still received an alert, indicating that “geofencing works approximately one third of the time.”

Question 1. Commissioner Starks, what technological, regulatory, or other barriers do you believe prevent the Commission from adopting stronger standards regarding the geolocation accuracy and delivery of alerts sent through the WEA system?

Answer: I agree that WEA is vitally important, and that we must work to improve its performance and reliability. We have several proceedings underway seeking to do just that. For example, specific to your concern, our April 2023 Further Notice of Proposed Rulemaking (FNPRM) proposes new reliability requirements for WEA participants, including with regard to geotargeting accuracy. That item also seeks to make WEA more accessible, by proposing, among other things, delivery of alerts in additional languages beyond English and Spanish.

Our proceedings are informed by experts directly involved in the origination, delivery, and receipt of WEA alerts. In December 2022, the Commission’s Communications Security, Reliability, and Interoperability Council VIII (CSRIC VIII) issued a report to the FCC on WEA performance and reliability, focusing on issues raised by both Alert Originators and the cellular industry. The FCC incorporated CSRIC VIII’s learnings into the April 2023 FNPRM.

I would welcome the opportunity to work with your office on additional steps the FCC can take on this important public safety issue.

SENATOR RAPHAEL WARNOCK (D-GA)

Affordable Internet Access. The Bipartisan Infrastructure Law’s broadband infrastructure investments have put the United States on the cusp of closing the digital divide. Closing this gap will allow millions of Americans to access the internet and connect with others in education, health care, and numerous other sectors. That said, broadband infrastructure is just half of the equation. Without investments in digital equity and affordability, many Americans will struggle to afford this new infrastructure and may continue to be left behind in the digital age. One of the hallmarks of federal digital equity and affordability resources is the Federal Communications Commission’s (FCC) Affordable Connectivity Program (ACP), which provides a monthly internet service discount and one-time discount for households to purchase a laptop, desktop, or tablet.

Question: In addition to encouraging ACP enrollment, what more can the FCC do to help address barriers to accessing devices and continued issues of internet affordability for middle and low-income families and historically marginalized communities?

Answer: I strongly agree—every American deserves access to broadband that is affordable. The Universal Service Fund is also an important tool to address barriers to devices and broadband affordability. The Commission recently submitted its *Future of Universal Service Fund Report* to Congress, which discusses possible paths forward for the Universal Service Fund. I would welcome the opportunity to work with you to discuss potential solutions.

Question: What mechanisms would you add to measure the impact of the ACP on closing the digital divide and improving broadband affordability, and how would you regularly share that data with states to better inform local digital inclusion work?

Answer: I agree that we must work closely with states on closing the digital divide. In the 2021 Infrastructure Investment and Jobs Act, Congress on a bipartisan basis required the Commission to promulgate rules requiring providers participating in ACP to submit data on the price and subscription rates of internet service offerings received by households enrolled in the program. The Commission’s rules, adopted unanimously on a bipartisan basis, established an aggregate approach requiring providers to submit to the Commission plan characteristics, price, and subscription rate information at the ZIP code level for all plans that are subscribed to by an ACP-enrolled household. The Commission will make available to the public non-provider specific data, aggregated at the state level, on the average or median prices of plans in which ACP subscribers are enrolled within designated speed tiers and data on the number of subscribers within those tiers. Additionally, the Infrastructure Investment and Jobs Act directed the Commission to promulgate regulations to require the display of broadband consumer labels, which include prices, introductory rates, speeds, and other information.

I would welcome the opportunity to continue to work with you on this important issue.

Question: Can public-private partnerships help improve broadband affordability in high-need and high-cost communities? If so, what more can the FCC do to encourage these partnerships?

Answer: Partnerships with local government, trusted community leaders, and community organizations have helped to enroll Americans in programs such as ACP. These partnerships often build on existing relationships between unconnected Americans and community members, and help the private sector reach unconnected Americans where they are. The FCC will continue to rely on these partnerships to bring households online, including through our ACP Outreach Grant Program.

Question: What is your best estimate of when the ACP will come to an end if Congress does not provide additional authorization and appropriations? What would the impact be on families if the ACP program came to an end?

Answer: The impact on families would be distressing—and potentially lifechanging. Enrolled households could lose access to healthcare, employment, and the opportunity to build the digital skills they need to succeed in the 21st century. They could lose access to online government services and the ability to benefit from online career education. Their children could lose access to the connection they need to keep up with schoolwork. Even if they manage to pay to maintain access, they would face the risk of disconnection if they suffer a job loss or reduced hours—moments when their need for connectivity would be especially strong. Fundamentally, connectivity is about access to opportunity. For many of these families, a connection would not be the only thing lost. I would welcome the opportunity to work with you on this important issue.

Question: Following the implementation of the National Telecommunications and Information Administration's (NTIA) Broadband, Equity, Access, and Deployment (BEAD) program, millions of Americans, particularly in high-cost areas, will have internet service and access for the first time. What should the FCC do to ensure this new service remains affordable after the conclusion of the BEAD program, especially in high-cost areas?

Answer: Congress and the FCC are both considering the future of broadband affordability and the FCC's Universal Service Fund. The Commission recently submitted its *Future of Universal Service Fund Report* to Congress, which discusses possible paths forward for the Universal Service Fund to continue to support affordable access to communications, including in high-cost areas. I would welcome the opportunity to work with you on these important issues.

Supporting Local Media.

Question: What tools can Congress give the FCC to strengthen localism and media diversity?

Answer: The FCC currently has underway two quadrennial review proceedings, in which, as required by Congress, we review our media ownership rules to determine whether they serve competition and are in the public interest. As the Supreme Court unanimously recognized as recently as 2021, our public interest analysis involves consideration of localism and diversity. I will continue to be guided by our core considerations of competition, localism, and diversity in considering these rules. I would welcome the opportunity to discuss ways to advance these goals with you.

Universal Service Fund.

Question: Do you believe the FCC has authority to act on modifying the Universal Service Fund?

Answer: I believe that Section 254 of the Communications Act gives the FCC authority to adopt certain modifications to the Universal Service Fund.

Question: What do you believe needs to be done to reform the Universal Service Fund?

Answer: As the Commission said in its *Future of USF Report*, I believe that the FCC should work and coordinate closely with Congress on reforms to the Universal Service Fund. I would welcome the opportunity to discuss potential changes with your office.

Question: What can Congress do to support reforming the Universal Service Fund in a positive way?

Answer: As mentioned, I believe the FCC should work closely with Congress on potential reforms that promote fund sustainability, access, and affordability. I look forward to coordinating with you as we consider potential solutions to reform with the Congress.

Buy America Compliance for Broadband Programs. On February 9, 2023, the Office of Management and Budget (OMB) released a draft rule entitled “Guidance for Grants and Agreements,” which detailed statutory authority for the Made in America Office in OMB to maximize and enforce compliance with Made in America laws.^[1] This draft rule lays out guidance for defining construction versus manufactured materials and provides implementation guidance to Federal agencies on the application of Buy America preference to Federal financial assistance programs for infrastructure and a transparent process to waive such a preference when necessary.⁴ The application of a final rule on this matter will be critical in the rollout of the Broadband Equity, Access, and Deployment (BEAD) Program, which will provide \$42.45 billion in funding to states for planning, deployment, and adoption of high-speed internet access.^[2] The definitions of broadband infrastructure and its components such as fiber optic cable and optical glass under a final rule, and thus their applicability to Build America, Buy America requirements, will impact how many producers will be able to supply the infrastructure needed to

implement the BEAD program. Overall, it is important that states, municipalities, and their contractors have access to the necessary infrastructure to implement BEAD and that this infrastructure is affordable and able to be delivered on an efficient timeline in order to maximize the efficacy of the BEAD program.

Question: Do you believe it is important to have multiple Build America, Buy America compliant producers of optical glass to ensure the efficient distribution of fiber under the BEAD program?

Answer: I believe that federal investment in American infrastructure should support the creation of American jobs, and I thank you for your leadership on this issue. With respect to BEAD, the Department of Commerce is responsible for implementing BABA requirements. I would welcome the opportunity to work with you on other ways we can support our broadband workforce. As I have said before, building networks that reach every American is a central challenge of our generation. In that challenge lies opportunity—not just for the newly connected, but also those who will do the connecting.

Spectrum Use. In March 2023, the FCC’s authority to auction spectrum lapsed for the first time in three decades.^[3] It is crucial that spectrum be allocated fairly, while protecting the American security interests that utilize spectrum bands.

Question: How can the FCC more effectively work with other federal agencies responsible for regulating spectrum use?

Answer: I agree that our future success in wireless depends on effective interagency collaboration. Over the past several years, the FCC has established much more regular communication between the agencies to enhance coordination on spectrum matters. In February 2022, the FCC and NTIA established a new Spectrum Coordination Initiative to address gaps in interagency coordination and promote a whole-of-government approach to spectrum policy. In August 2022, the Commission and NTIA entered into a new Memorandum of Understanding to increase coordination on spectrum matters, including by providing more advance notice of proposed actions that could potentially impact the operations of other agencies and facilitating the more regular exchange of information at both the staff and leadership level. The FCC also has continued to maintain a designated liaison on each of the subcommittees of the Interdepartmental Radio Advisory Committee, which is comprised of representatives from 19 different federal agencies. I look forward to working with you on additional steps to improve interagency collaboration.

Question: How can the FCC effectively allocate both licensed and unlicensed spectrum resources to drive innovation?

Answer: I agree that the FCC, Congress, and other agencies must work together to develop a strong spectrum pipeline for wireless services in the United States. That includes both licensed and unlicensed networks. I believe that restoring FCC auction authority will be an essential step,

as will progress on the development and implementation of the Administration’s National Spectrum Strategy. In the meantime, the FCC’s work on bands that do not have significant federal incumbencies continues. I would welcome the opportunity to work with you on these matters.

Question: What steps can the FCC take to work with the those who won licenses for the 2.5 GHz spectrum band, while still working with congressional and administration leaders to extend the Commission's auction authority?

Answer: I believe that 2.5 GHz is an essential band for 5G and should be deployed to the greatest extent possible. I am also mindful that because the auction sold overlay licenses in unused “white spaces,” many of the licenses pending assignment are in rural areas in need of greater wireless opportunity. I am willing to work with anybody on a path forward that results in this spectrum being turned on for consumers. In this band and others, I agree that the reinstatement of FCC auction authority would provide the clearest path forward.

Question: What steps can the FCC take to work with Congress and other federal agencies to resolve concerns about L-band spectrum terrestrial use?

Answer: I appreciate your leadership on spectrum coordination matters. As I mentioned above, we have substantially improved interagency coordination over the past several years. I believe that our future success in wireless depends on using those tools to collaborate effectively on all interagency spectrum matters, including use of the L-band. I would welcome the opportunity to work with you on this important issue.

^[1] <https://www.federalregister.gov/documents/2023/02/09/2023-02617/guidance-for-grants-and-agreements>

^[2] <https://broadbandusa.ntia.doc.gov/funding-programs/broadband-equity-access-and-deployment-bead-program-0>

^[3] <https://www.fcc.gov/document/chairwoman-rosenworcel-expiration-spectrum-auction-authority>