

Response to Written Questions Submitted by Hon.
John Thune
Written Questions for the Record to
Chairman Pai

Question 1. Please describe actions the FCC has taken to meet its statutory obligations in regards to the T-band.

Response: Following passage of the Middle Class Tax Relief and Job Creation Act in February 2012, the Commission froze the processing of applications for new or expanded T-Band operations to avoid adding to the cost and complexity of public safety relocation. It also waived the pre-Act regulatory deadline for migration of T-Band licensees to narrowband technologies, in light of the need for future relocation. In February 2013, the Commission released a Public Notice to gather information to develop a better understanding of options for the Commission's future consideration regarding the T-Band. In October 2014, the Commission opened up the 700 MHz narrowband reserve channels (twenty-four 12.5 kilohertz bandwidth channel pairs) for general licensing and afforded T-Band public safety licensees priority access to these channels in T-Band areas. In a 2015 *Notice of Proposed Rulemaking*, proposing addition of interstitial channels to the 800 MHz band, the Commission proposed affording public safety T-Band licensees priority access to the 800 MHz interstitial channels. Currently, Commission staff are developing options and recommendations for Commission consideration on addressing the statutory requirements for initiation of a T-Band auction and relocation of T-Band licensees.

Response to Written Questions Submitted by Hon.
Roger Wicker
Written Questions for the Record to
Chairman Pai

Question 1. Chairman Pai, I appreciate your efforts to close the digital divide. I also appreciate the FCC's efforts to protect the Lifeline program through reforms by removing bad actors, including those wireless resellers that have perpetrated fraud in the Lifeline program. Nonetheless, there are many wireless resellers not engaged in such misconduct that play an important role in providing Lifeline services to Tribal lands and in other parts of my state and nationwide. In light of the August 10th U.S. Court of Appeals for the D.C. Circuit's stay order, will you commit to conducting further analysis on the impact that a proposed wireless reseller ban in the Lifeline program would have on access to essential voice and broadband services for low-income consumers on Tribal lands, as well as in non-Tribal areas?

Response: Yes.

Question 2. Chairman Pai, what will you do to ensure that the FCC addresses the specific needs of federal government customers during the IP transition, particularly those with multisite locations in rural areas?

Response: Our goal is to close the digital divide and make sure that residential and business consumers in rural America have comparable service to those in urban America. That goes for federal government customers in rural areas as well. As NTIA recently wrote us, "in most instances, the transition from legacy to next-generation networks and services will be seamless for residential and business customers." We continue to work with our federal partners at NTIA to make sure we address the needs of all customers, including federal government customers.

Response to Written Questions Submitted by Hon.
Roy Blunt
Written Questions for the Record to
Chairman Pai

Question 1. The Commission has several issues in front of it regarding the TCPA—some remanded from the DC Circuit and some stemming from petitions filed with the agency. What is your timing on answering these questions and can you elaborate on your intent for future proceedings related to the TCPA?

Response: We are deliberating on the appropriate path forward in response to the March decision by the U.S. Court of Appeals for the District of Columbia in *ACA International v. FCC*, which struck down much of the agency’s 2015 interpretation of the Telephone Consumer Protection Act (TCPA). I do not have a particular timeframe to report at this time, nor have I made a definitive judgment with respect to the issues raised by the court (e.g., the definition of autodialer). But I look forward to working with you and my colleagues on this matter.

In the meantime, we’re continuing our crackdown on unwanted robocalls—what former Senator Fritz Hollings once rightfully deemed the “scourge of civilization.” Unwanted robocalls are consumers’ top complaint to the Commission, and we have accordingly made combating illegal robocalls our top consumer protection priority. We have aggressively enforced the TCPA as well as the Truth in Caller ID Act, leveling \$120 million of fines and proposing more than \$82 million in fines, respectively, against two robocallers who engaged in illegal spoofing on a massive scale. We have authorized carriers to stop certain robocalls at the source while we pursue the creation of a reassigned numbers database and a robust call-authentication framework. And we have been working with our colleagues at the Federal Trade Commission, hosting a policy forum in March and a tech expo in April.

This work will continue this fall. We are currently studying the record in response to our open rulemakings regarding a reassigned numbers database and additional opportunities for carriers to block illegal robocalls. In addition, we are closing loopholes in our rules that allow robocallers to profit through regulatory arbitrage (e.g., with toll-free calls), and we are working with carriers to implement a call-authentication framework by next year so that consumers can once again trust Caller ID.

Response to Written Questions Submitted by Hon.
Deb Fischer
Written Questions for the Record to
Chairman Pai

Question 1. On May 15, 2018, I sent you a letter with Senator Klobuchar and 61 Senators emphasizing long-term certainty needed for small, rural carriers receiving Universal Service Fund high-cost support. I appreciated the response you sent on August 6, 2018, reaffirming our concerns with regard to sufficient funding and consistency both for small carriers on the cost model, and those not on the model. In your response, you noted that the Commission is still in the process of reviewing the record on the pending Notice of Proposed Rulemaking (NPRM). The Commission's conclusions will have a significant impact on rural broadband deployment in rural Nebraska.

- Can you please provide further detail on when the Commission plans to take action on the NPRM?
- At this point in time, what are your recommendations for stabilizing much needed high-cost support going forward?
 - For legacy companies, what considerations would enable these companies to plan predictably so that they can service loans, implement periodic fiber network upgrades, and pay for annual repair and maintenance expenses?
 - For A-CAM model companies, is there an updated status on the issue of additional funding of up to \$200 per location?

Response: I'm grateful for your advocacy on this issue and glad you agree that our reforms in March were a big win for rural communities that want high-speed Internet access and are served by rate-of-return carriers.

The NPRM seeks comment on ways to improve and simplify the funding system so that rate-of-return carriers have predictable support and the right incentives to efficiently invest in broadband connectivity in the rural areas they serve. We're also considering a second offer of model-based support to carriers, as well as how the legacy rate-of-return system might be improved. The public comment and reply period cycle for the NPRM closed on June 25, 2018. Like you, I believe it is a priority to ensure that small carriers can offer high-quality, affordable broadband to rural America. I look forward to working with my colleagues to put forward an order that would do just that before the year is over.

Response to Written Questions Submitted by Hon.
Jerry Moran
Written Questions for the Record to
Chairman Pai

Question 1. The MOBILE NOW Act, which was signed into law as part of the most recent omnibus package, called for the FCC and NTIA to identify 100 megahertz of new unlicensed spectrum while also requiring the creation of a “National Plan for Unlicensed Spectrum.” What steps will the Commission take to free up much-needed unlicensed spectrum to support growing consumer demand for existing technologies and to provide innovation space for the technologies of the future? How are you coordinating with NTIA?

Response: The FCC has a routine consultation process with NTIA, especially through the Interdepartment Radio Advisory Committee (IRAC). We also have less formal staff contacts through various bureaus and offices, especially the Office of Engineering and Technology.

We plan to move forward on a rulemaking for the 6 GHz band this fall. Indeed, before passage of the RAY BAUM’S Act (FY2018 Consolidated Appropriations Act, Division P), we issued a July 14, 2017 Notice of Inquiry including that subject, resulting in a broad range of support for 6 GHz unlicensed use for Wi-Fi. I’m pleased that we’re working in concert with NTIA and have a congressional mandate to proceed.

Question 2. This committee worked hard to ensure that adequate funding for the broadcast channel repack in the omnibus this past March, including money for impacted FM radio stations and Low Power TV and Translators. Next month, phase one of the repack moves begin. What process does the Commission have in place to ensure that, if a broadcaster being moved to a different channel is unable to meet their phased move deadline, through no fault of their own, that they will not be moved off of their current channel?

Response: There are options for stations to keep broadcasting even if there are circumstances beyond their control that prevent them from completing construction on their new channel at the end of their construction permit. Stations may be able to seek an extension of time to construct (though they will not be allowed to continue operating on their pre-auction channel more than 39 months after the repacking process started). Stations also could seek special temporary authority to operate on temporary facilities on their new channel or on another channel, if available. And the Commission of course has the ability to waive our rules when necessary and in the public interest. Commission staff are monitoring the transition through quarterly progress reports filed by the stations.

Question 3. I was successful in getting the FCC CIO Parity Act signed into law as part of the recent omnibus. This law requires the FCC to ensure that the agency’s Chief Information Officer (CIO) has a significant role in the budgeting, programming, and hiring decisions of the agency, and given the CIO’s subject matter expertise, prioritizing the replacement of costly and vulnerable legacy IT systems would be accounted for in this critical decision-making. Will you please describe the current role of the FCC’s CIO in the agency’s efforts to formulate an effective and targeted budget?

Response: I appreciate your ongoing and substantial commitment to ensuring that the Federal Government has robust and resilient Information Technology (IT) resources. It is essential that CIOs feel empowered to make critical decisions essential to upgrading and modernizing our IT systems. I'm pleased to note that our Acting CIO currently plays an important role in working with our Managing Director and my office to develop our budget and allocate resources.

Our top budget priority related to IT modernization is to end our reliance on outdated legacy systems by moving systems and applications to the cloud, a priority strongly supported by our Acting CIO. Such efforts not only improve the quality of our IT services, they also decrease expenses in the long run because it is quite expensive to keep many of our legacy systems running.

Consistent with this priority, in our Fiscal Year 2019 Budget Request, we have asked for \$8,535,200 for IT modernization and implementation, including \$4,619,000 for shifting systems to the cloud and \$3,666,200 for shifting applications to the cloud. In fact, this request comprises the vast majority of the new spending contained in that budget request.

Moreover, it is important to note that we recently received and are grateful to you and your colleagues for approval for a reprogramming that would move de-obligated resources to current IT needs, improving our security and redesigning our Electronic Comment Filing System.

Question 4. As a Senator from rural Kansas, I always want to make sure that our broadband policies are moving towards connecting more rural Americans. Do you plan to take a balanced approach in the 3.5 gigahertz Citizens Broadband Radio Services (CBRS) proceeding, that ensures that both those who are connecting urban America and those who are connecting rural America are given fair opportunity to participate?

Response: Yes. We are reviewing the recommendations made by Commissioner O'Rielly, who I asked in 2017 to lead the FCC's review of our 3.5 GHz plans. I am actively engaged in the issue, having taken meetings just in the past several weeks with entities as varied as industrial Internet of Things representatives, fixed wireless providers, and others. Our goal is yours: to maximize the value of this band for American consumers and encourage broad participation.

Question 5. In May, the FCC approved an NPRM proposing to modernize part of the 2.5 GHz band, better known as Educational Broadband Service or EBS. EBS currently operates through a public-private partnership model among educators, commercial entities, and the public. In many places, for example, partnerships between EBS licensees and commercial lessees have led to low-cost internet service for schools, libraries, and anchor institutions. Additionally, some of these partnerships have supported the buildout of 4G and future 5G mobile networks, as well as fixed wireless systems that are closing the digital divide. As the FCC pursues this rulemaking, what is the agency considering and prioritizing related to existing lease agreements, service areas, levels of service, and current programs provided through these existing partnerships?

Response: This is an ongoing proceeding, the FCC (as you mention) having issued an NPRM on this topic earlier this year. The record is still open, and we have not made any definitive judgments on the way forward. Nonetheless, we have proposed to accommodate various interests involving this spectrum. For example, in paragraph 17 of the NPRM, we specifically

sought comment “on whether we should first open up to three new local priority filing windows to give existing licensees, Tribal Nations and educational entities an opportunity to access 2.5 GHz spectrum to serve their local communities.” Additionally, I personally met with representatives of Northern Michigan University last month in Michigan to learn how they are making innovative use of this spectrum to provide broadband access to very rural and remote towns in the state’s Upper Peninsula.

Question 6. While EBS licenses have been issued in approximately half of the U.S., the FCC has not issued any new licenses since 1995, leaving much of the U.S. without a license. Some of these unlicensed areas are irregular-shaped gaps that currently exist between current license areas. In an effort to make certain this spectrum between licenses areas can quickly be put to use for mobile broadband, the FCC is considering automatic expansion of existing geographic service areas (GSAs) to the nearest county boundary in counties that service areas already intersect. Do you support this proposal? If not, please explain.

Response: This is indeed one of the proposals I made to my colleagues when we considered the NPRM and one which my colleagues unanimously adopted. The proceeding is still ongoing, as you know, and we are still receiving public feedback, so we have not made any definitive judgments on the appropriate way forward.

Question 7. In 2007, Kelsey Smith was abducted in broad daylight as she was getting into her car outside a department store in Overland Park, Kansas. While a search for her began immediately, law enforcement encountered difficulty in obtaining location information from her cell phone provider. After four days of searching, law enforcement located her body within 45 minutes of receiving her device location data.

Following Kelsey’s murder, 23 states have enacted legislation in her name, the Kelsey Smith Act, which requires Commercial mobile service providers to provide call location information to law enforcement when the device has been used to call 9-1-1 for emergency assistance, or for a device that is in the possession of a user that law enforcement believes to be in an emergency situation involving risk of death or serious physical harm.

While current federal law doesn’t prohibit telecommunications companies from providing location information to the police in true emergency situations that involve the risk of physical harm or death, it doesn’t require them to do so either. Therefore, inconsistencies can arise in the way that firms respond to emergency requests from law enforcement officials for device location data and delay attempts to locate individuals in need of life-saving assistance. In testimony given before this committee on September 15, 2016, you stated that legislation, “can make a difference,” and, “is already helping law enforcement save lives.”

- Do you still believe that enacting the Kelsey Smith Act at the federal level will help law enforcement save lives by requiring telecommunications providers to provide call location information to law enforcement officials when responding to a call for emergency service or in an emergency situation that involves the risk of death or serious physical harm?

- Do you believe the Kelsey Smith Act, as introduced by Senators Roberts, Moran, Fischer and Blunt on May 24, 2018, adequately safeguards civil liberties?

Response: I still believe that enacting the Kelsey Smith Act could help law enforcement save lives. And I will not forget meeting Kelsey's parents a few years ago in Kansas; hearing from Johnson County law enforcement officials about a small child who was recovered during a carjacking in part because of location information like this; and working with you, Congressman Yoder, and others on this issue. I would also note that the proposed legislation also contains several safeguards to protect civil liberties.

Response to Written Questions Submitted by Hon.
Shelley Moore Capito
Written Questions for the Record to
Chairman Pai

Question 1. In many rural communities, students have long commutes on school buses sometimes upwards of half an hour, an hour, or even longer one-way. Given the connectivity challenges many students face in rural communities, how could E-rate help connect school buses with wifi to allow students to use commute time to do homework, projects, or other school work?

Response: I agree with you on the value proposition of this approach. As just one example, I recently visited Moab, Utah, where I heard firsthand how Wi-Fi-enabled buses allow students in rural Utah schools to do their homework while they are traveling to and from athletic events.

My top priority is closing the digital divide, and that includes by leveraging existing programs such as the E-Rate program to ensure that low-income and rural students receive access to next-generation technologies and opportunities. Although the current E-Rate program does not support Wi-Fi on school buses, the idea is intriguing and worthy of further study—especially for those in rural communities where students generally have longer bus rides.