



# PUBLIC NOTICE

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DA 22-455

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## NOTICE CONCERNING *EX PARTE* STATUS OF INFORMATION SUBMITTED TO THE TECHNOLOGICAL ADVISORY COUNCIL

The Technological Advisory Council (TAC), formed in October 2010, is a federal advisory committee comprised of a diverse group of leading technology experts who provide technical expertise to the Commission to identify important areas of innovation and develop informed technology policies supporting the United States' competitiveness in the global economy.<sup>1</sup> The TAC will consider and advise the Commission on topics such as 6G, artificial intelligence, advanced spectrum sharing technologies, and emerging wireless technologies, including new tools to restore Internet access during shutdowns and other disruptions. The TAC is organized under, and operates in accordance with, the provisions of the Federal Advisory Committee Act (FACA).<sup>2</sup>

Under FACA, the Commission is responsible for oversight of the TAC, including its working groups.<sup>3</sup> As a result, FCC staff or Commissioners may participate in or attend meetings or other activities held by the TAC or its working groups. In light of this, we are announcing that pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), presentations to the TAC, including to its working groups and sub-working groups, and at any roundtable discussions sponsored by the TAC, and presentations between TAC members (including members of any working groups and sub-working groups) and FCC staff or Commissioners, incidental to and in connection with such TAC meetings or roundtable discussions, will be treated as exempt presentations for *ex parte* purposes.<sup>4</sup> This exemption covers presentations from TAC members to FCC staff and Commissioners in other settings only to the extent that the TAC members are presenting the views of the TAC or its working groups, as opposed to an individual member's own views or that of a member's organization. We find that this modification of the *ex parte* rules is in the public interest because it will allow the TAC to develop and shape its advice

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<sup>1</sup> FCC Announces Intent to Re-establish the Technological Advisory Council and Solicits Nominations for Membership, DA 21-867 (rel. July 21, 2021); FCC Announces the Membership and First Meeting of the Technological Advisory Council, DA 22-56 (rel. Jan. 19, 2022).

<sup>2</sup> See 5 U.S.C. App. 2.

<sup>3</sup> See *id.*

<sup>4</sup> Exempt presentations are not subject to the restrictions and reporting requirements that otherwise would apply to *ex parte* presentations and presentations made during the Sunshine Agenda Period. See 47 CFR § 1.1204 (a) (providing that *exempt ex parte* presentations are not subject to the prohibitions in sections 1.1203 and 1.1208 and the disclosure requirements in section 1.1206). See also 47 CFR §§ 1.1202(a), (b) (definitions of "presentation" and "ex parte presentation").

and recommendations to the Commission more efficiently and effectively. Furthermore, the treatment is consistent with that afforded to prior advisory committees. The treatment of *ex parte* presentations specified in this notice shall apply to this and future terms of the TAC unless modified by a subsequent public notice.

We recognize, however, that the TAC may address issues during its work that are the subject of various pending FCC proceedings. The Commission will not rely in these proceedings on any information submitted to the TAC, or to any of its working groups, sponsored roundtables, or information conveyed by TAC members (including members of any subcommittees or working groups) to FCC staff or Commissioners unless that information is first placed in the record of the relevant proceeding.

More information about the TAC can be found at <https://www.fcc.gov/general/technological-advisory-council>. You may also contact Michael Ha, Designated Federal Official (DFO) for the TAC, Office of Engineering and Technology, at [Michael.Ha@fcc.gov](mailto:Michael.Ha@fcc.gov) or (202) 418-2099.

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