



# **FEDERAL COMMUNICATIONS COMMISSION**

## **Fiscal Year 2020 Annual Performance Report**

(October 1, 2019 – September 30, 2020)

# *Message from the Chairman*

## **Message from the Chairman**



As Chairman of the Federal Communications Commission (FCC or Commission), it is my pleasure to present the FCC's Annual Performance Report for Fiscal Year (FY) 2020. This Annual Performance Report reflects the FCC's strategic and performance goals implemented under my leadership. The Commission has acted to link the FCC's mission to its strategic goals, which can be found in the FCC's Strategic Plan for FY's 2018 to 2022, and which include: Closing the Digital Divide, Promoting Innovation, Protecting Consumers and Public Safety, and Reforming the FCC's Processes. The FCC's Strategic Plan for FY's 2018 to 2022 is available at: <https://www.fcc.gov/about/strategic-plans-budget>. The FCC made significant progress in FY 2020 towards implementing these priorities. Below are examples of the Commission's substantial efforts to carry out its mission during the past fiscal year; the accompanying Annual Performance Report provides additional information and details about the FCC's accomplishments in FY 2020.

To accelerate the deployment of 5G, the next generation of wireless broadband connectivity, the FCC has continued to implement its comprehensive strategy to Facilitate America's Superiority in 5G Technology (the 5G FAST Plan). The Plan has three key components: (1) pushing more spectrum into the marketplace; (2) promoting the deployment of wireless infrastructure; and (3) modernizing outdated regulations. As part of this plan, earlier this year, the FCC concluded Auction 103, in which bidders won licenses for 3,400 megahertz of spectrum in the upper 37, 39, and 47 GHz bands, the most spectrum ever offered in a single auction. On August 25, the FCC concluded its auction of Priority Access Licenses in the 3550-3650 MHz portion of the 3.5 GHz band, raising over \$4.543 billion in net bids, with 228 bidders winning a total of 20,625 licenses. The Commission also has taken a major step forward to reform the rules for 2.5 GHz band spectrum, which is underused mid-band spectrum. For the first time in FCC history, we created a special opportunity—a Rural Tribal Priority Window—to enable Tribal entities to get early access to 2.5 GHz spectrum over rural Tribal lands for free, before the start of an auction. Altogether, through this and other work, we are on track to make available more than 600 megahertz of mid-band spectrum for next-generation wireless services like 5G. We have also opened up the entire 6 GHz band for unlicensed operations, providing a powerful complement to licensed 5G cellular services.


Over this past year, the Commission also took its boldest step yet to close the digital divide by establishing the new Rural Digital Opportunity Fund to efficiently fund the deployment of high-speed broadband networks in rural America. This new program builds upon the success of the FCC's previous efforts and will provide up to \$20.4 billion over the next decade to support up to gigabit service for up to 5.3 million rural homes and businesses through a competitive reverse auction process. The FCC will target support to areas lacking access to fixed 25/3 Mbps broadband

through a two-phase approach. The first phase addresses areas of the country that everybody agrees are unserved, and the Phase I reverse auction began last month. The second phase will cover areas in which the first phase doesn't yield winning bidders, as well as any areas that are partially served. Through the Rural Digital Opportunity Fund, the Commission will connect more Americans to faster broadband networks than any other Universal Service Fund program in the history of the Commission.

The FCC also took aggressive action in response to the COVID-19 pandemic. For instance, the Commission successfully implemented the COVID-19 Telehealth Program to help health care providers deliver connected care services to patients at their homes or mobile locations in response to the pandemic. The Program provided immediate support to eligible health care providers responding to the pandemic by fully funding their telecommunications services, information services, and devices necessary to make critical connected care services available to their patients. In the CARES Act, which was signed into law on March 27, Congress provided the FCC with \$200 million for this program. Just four days later, the Commission adopted rules to implement the program. The FCC then began accepting applications on April 13. All funds were committed by July 8—less than four months after enactment of the CARES Act—aiding patients, hospitals, and healthcare providers in some of the hardest-hit areas of the country. The Commission funded 539 worthy applications from health providers in 47 states plus Washington, D.C. and Guam, including, among others, the Navajo Nation Department of Health in Window Rock, Arizona.

Beyond the COVID-19 Telehealth Program, the Commission has done much more to address the pandemic—ranging from rule waivers to assist schools and libraries through the E-Rate program to regulatory dispensations to make it easier for low-income Americans to benefit from the Lifeline to increased funding for the Rural Health Care program. The FCC has also afforded new flexibility to ensure continued access to Telecommunications Relay Services for individuals with speech or hearing disabilities, established the Keep Americans Connected Pledge to ensure Americans could remain online during lockdowns earlier this year, and granted special temporary authority for wireless providers to use additional spectrum so that wireless networks could quickly adapt to the new patterns of use occasioned by the pandemic.

It has been the honor of a lifetime to serve at the Commission, including as Chairman of the FCC over the past four years. It's also been an honor to work with my fellow Commissioners to execute a strong and broad agenda. Together, we've delivered for the American people over the past four years: closing the digital divide; promoting innovation and competition, from 5G on the ground to broadband from space; protecting consumers; and advancing public safety. As a result, our nation's communications networks are now faster, stronger, and more widely deployed than ever before.



Ajit V. Pai  
Chairman

## *Mission*

As specified in section one of the Communications Act of 1934, as amended, the Federal Communications Commission's (FCC's or Commission's) mission is to "make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges."<sup>1</sup> In addition, section one provides that the Commission was created "for the purpose of the national defense" and "for the purpose of promoting safety of life and property through the use of wire and radio communications."<sup>2</sup>

## *About the Federal Communications Commission*

The FCC is an independent regulatory agency of the United States Government. The FCC is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. The Commission also regulates telecommunications and advanced communication services and video programming for people with disabilities, as set forth in various sections of the Communications Act.

The FCC is directed by five Commissioners, who are appointed by the President and confirmed by the Senate for five-year terms, except when filling the unexpired term of a previous Commissioner. Only three Commissioners can be from the same political party at any given time. The President designates one of the Commissioners to serve as Chairman.

The FCC is organized by function. There are seven Bureaus and ten Offices. The Bureaus and the Office of Engineering and Technology process applications for licenses to operate facilities and provide communications services; analyze complaints from consumers and other licensees; conduct investigations; develop and implement regulatory programs; and organize and participate in hearings and workshops. Generally, the Offices provide specialized support services. The Bureaus and Offices are:

- **The Consumer & Governmental Affairs Bureau** develops and implements consumer policies, including disability access and policies affecting Tribal nations. The Bureau serves as the public face of the Commission through outreach and education, as well as responding to consumer inquiries and informal complaints. The Bureau also maintains collaborative partnerships with state, local, and Tribal governments in such critical areas as emergency preparedness and implementation of new technologies. In addition, the Bureau's Disability Rights Office provides expert policy and compliance advice on accessibility with respect to various forms of communications for persons with disabilities. Finally, the Bureau ensures public facing access to the Commission for persons with disabilities via a team of American Sign Language interpreters and an accessible formats specialist.

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<sup>1</sup> 47 U.S.C. § 151.

<sup>2</sup> *Id.*

- **The Enforcement Bureau** enforces the Communications Act and the FCC's rules. It protects consumers, ensures efficient use of spectrum, furthers public safety, promotes competition, resolves intercarrier disputes, and protects the integrity of FCC programs and activities from fraud, waste, and abuse.
- **The International Bureau** administers the FCC's international telecommunications and satellite programs and policies, including licensing and regulatory functions. The Bureau promotes pro-competitive policies abroad, coordinating the FCC's global spectrum activities and advocating U.S. interests in international communications and competition. The Bureau works to promote high-quality, reliable, interconnected and interoperable communications infrastructure on a global scale.
- **The Media Bureau** recommends, develops, and administers the policy and licensing programs relating to electronic media, including broadcast, cable, and satellite television in the United States and its territories.
- **The Public Safety & Homeland Security Bureau** develops and implements policies and programs to strengthen public safety communications, homeland security, national security, emergency management and preparedness, disaster management, and network reliability. These efforts include rulemaking proceedings that promote more efficient use of public safety spectrum, improve public alerting mechanisms, enhance the nation's 911 emergency calling system, and establish frameworks for communications prioritization during crisis. The Bureau also maintains 24/7 operations capability and promotes Commission preparedness to assist the public, first responders, the communications industry, and all levels of government in responding to emergencies and major disasters where reliable public safety communications are essential. Finally, the Bureau coordinates the Commission's national security mission and consults with the Defense Commissioner pursuant to 47 CFR § 0.181 of the Commission's rules.
- **The Wireless Telecommunications Bureau** is responsible for wireless telecommunications programs and policies in the United States and its territories, including licensing and regulatory functions. Wireless communications services include cellular, paging, personal communications, mobile broadband, and other radio services used by businesses and private citizens.
- **The Wireline Competition Bureau** develops, recommends, and implements policies and programs for wireline telecommunications, including fixed (as opposed to mobile) broadband and telephone landlines, striving to promote the widespread development and availability of these services. The Bureau has primary responsibility for the Universal Service Fund which helps connect all Americans to communications networks.
- **The Office of Administrative Law Judges** is composed of one judge (and associated staff) who presides over hearings and issues decisions on matters referred by the FCC.
- **The Office of Communications Business Opportunities** promotes competition and innovation in the provision and ownership of telecommunications services by supporting

opportunities for small businesses as well as women and minority-owned communications businesses.

- **The Office of Economics and Analytics** is responsible for expanding and deepening the use of economic analysis in Commission policy making, enhancing the development and use of auctions, and implementing consistent and effective agency-wide data practices and policies including implementing significant economically-relevant data collections. The Office also manages the FCC's auctions in support of and in coordination with the FCC's Bureaus and Offices.
- **The Office of Engineering and Technology** advises the FCC on technical and engineering matters. This Office develops and administers FCC decisions regarding spectrum allocations and grants equipment authorizations and experimental licenses.
- **The Office of the General Counsel** serves as the FCC's chief legal advisor.
- **The Office of the Inspector General** conducts and supervises audits and investigations relating to FCC programs and operations.
- **The Office of Legislative Affairs** serves as the liaison between the FCC and Congress, as well as other federal agencies.
- **The Office of the Managing Director** administers and manages the FCC.
- **The Office of Media Relations** informs the media of FCC decisions and serves as the FCC's main point of contact with the media.
- **The Office of Workplace Diversity** ensures that the FCC provides employment opportunities for all persons regardless of race, color, sex, national origin, religion, age, disability, or sexual orientation.

# ***CLOSING THE DIGITAL DIVIDE***

***Develop a regulatory environment to encourage the private sector to build, maintain, and upgrade next-generation networks so that the benefits of advanced communications services are available to all Americans. Where the business case for infrastructure investment doesn't exist, employ effective and efficient means to facilitate deployment and access to affordable broadband in all areas of the country.***

## ***FY 2020 PERFORMANCE HIGHLIGHTS***

A key priority for the FCC is to close the digital divide in rural America. The FCC continued to use auction mechanisms as well as other funding models to increase broadband service in rural areas.

The FCC established the Rural Digital Opportunity Fund to fund the deployment of high-speed broadband networks in rural America. Through a two-phase reverse auction mechanism, the FCC will direct up to \$20.4 billion over ten years to finance up to gigabit speed broadband networks in unserved rural areas. The FCC adopted procedures for the first phase of Auction 904 which will award up to \$16 billion in support over ten years to deploy broadband networks to up to 10.25 million currently unserved Americans. Phase II of the auction will make available at least \$4.4 billion, in addition to unallocated funds from Phase I, to target partially served areas using broadband coverage data being developed in the Commission's Digital Opportunity Data Collection proceeding.

- As part of its pre-auction outreach, the Commission conducted targeted outreach to Tribes through webinars, presentations at inter-Tribal conferences, FCC Tribal workshops, and email campaigns. These efforts resulted in multiple Tribally owned entities participating in the auction.
- Similarly, the Commission conducted extensive outreach to state and local government officials and entities through webinars, presentations to state and local government groups, and email campaigns. These efforts helped generate participation by a record number of traditional and non-traditional entities participating in the auction.

The FCC established procedures for its investment of up to \$691.2 million over the next ten years to support the deployment of advanced broadband and voice networks to the Commonwealth of Puerto Rico and the U.S. Virgin Islands. This second stage of the FCC's rollout of support to Puerto Rico and the U.S. Virgin Islands allocated up to \$500 million over ten years in fixed broadband support through the Uniendo a Puerto Rico Fund and up to \$180 million over ten years for fixed broadband support for the Connect USVI Fund. On September 18, 2020, the Wireline Competition Bureau announced it had received a total of seven complete applications from eligible entities for the Stage 2 Competitive Process.

The FCC also approved \$258.3 million in funding over three years to expand, improve, and harden mobile broadband networks in Puerto Rico and the U.S. Virgin Islands. In the second stage of the Uniendo a Puerto Rico Fund (Bringing Puerto Rico Together Fund) and Connect USVI Fund, the FCC authorized \$254.3 million to three carriers serving Puerto Rico and \$4 million to one carrier

serving the U.S. Virgin Islands. This included approximately \$59.5 million in funding for deployment of 5G networks in Puerto Rico and the U.S. Virgin Islands, the first universal service funding the Commission has awarded anywhere in the country targeted for 5G deployment.

The FCC sought comment on establishing the 5G Fund for Rural America, proposing to distribute up to \$9 billion through the USF across rural America for 5G wireless broadband connectivity. The Notice of Proposed Rulemaking (NPRM) proposed making up to \$8 billion available in Phase I to support deployment of 5G networks in rural areas unlikely to see deployment without this support or as part of the T-Mobile transaction deployment commitments. The second phase would target at least \$1 billion in support to bring wireless connectivity to harder to serve and higher cost areas to facilitate adoption of connected precision agriculture technologies. The 5G Fund for Rural America would use a competitive reverse auction format to allocate funding. The proposed 5G Fund budget also reserved \$680 million to support 5G networks serving Tribal lands for Phase I.

- As with the Rural Digital Opportunity Fund, the Commission conducted targeted outreach to Tribal entities to increase their awareness of, and encourage their participation in, the 5G Fund proceeding and will conduct additional targeted outreach to encourage Tribal participation in the planned auction.

The Connect America Fund Phase II Auction in 2018 allocated \$1.488 billion in support over the next ten years to expand broadband to more than 700,000 unserved rural homes and small businesses in 45 states. As of the end of FY 2020, the FCC has authorized fifteen waves of funding with total authorized funding of over \$1.47 billion to expand connectivity to 702,745 homes and businesses nationwide. In addition, the FCC authorized roughly \$63 million to connect 46,294 locations under the FCC's CAF II partnership with New York's NY Broadband program as of September 30, 2020.

Funding waves authorized in FY 2020, each over ten years, included:

- More than \$240 million to expand rural broadband deployment in Arkansas, Illinois, Indiana, Kansas, Massachusetts, Missouri, New York, Oklahoma, and Wyoming and connect more than 100,000 unserved rural homes and businesses. The funding authorized in New York was the third wave of matching funds provided through the FCC's partnership with the state's New NY Broadband Program.
- Nearly \$89.2 million to expand broadband to more than 123,000 unserved rural homes and businesses across 21 states. A satellite provider is receiving \$87.1 million of the \$89.2 million over ten years to offer service to more than 121,700 remote and rural homes and businesses in 17 states.
- Over \$61.8 million to expand broadband to nearly 22,000 unserved rural homes and businesses in 14 states, including nearly \$29.6 million to offer service to nearly 9,100 rural homes and businesses in Virginia and Tennessee, nearly \$12.2 million over ten years to offer service to 4,752 homes and businesses in Wyoming, over \$6.8 million to offer service to 1,910 homes and businesses in central Washington state, and over \$4 million to offer service to 1,256 homes and businesses in Montana.

In July 2020, the FCC adopted rules for the improved collection and mapping of broadband availability data through the Digital Opportunity Data Collection to better identify broadband



connectivity gaps across the country. The Order implemented key provisions of the Broadband Deployment Accuracy and Technological Availability (DATA) Act.

The FCC's *2020 Broadband Deployment Report* showed that the number of Americans lacking access to fixed terrestrial broadband service at 25/3 Mbps continued to decline; the number decreased by more than 14% in 2018 and more than 30% over the course of 2017 and 2018. The number of Americans without access to 4G Long Term Evolution (LTE) mobile broadband with a median speed of 10/3 Mbps declined approximately 54% between 2017 and 2018. More than 85% of Americans now have access to fixed terrestrial broadband service at 250/25 Mbps, a 47% increase since 2017, with the number of rural Americans having access to 250/25 Mbps fixed terrestrial broadband service more than tripling between 2016 and 2018.

The FCC's Wireline Competition Bureau directed the Universal Service Administrative Company (USAC), which administers the FCC's Rural Health Care (RHC) Program, to carry forward up to \$197.98 million in unused funds from prior funding years to the extent necessary to satisfy funding year 2020 demand for the Program. Moreover, during the last four years, the annual funding cap for the RHC program has increased from just above \$400 million to over \$600 million.

In funding year 2020, nearly 39,000 applications were filed requesting approximately \$3 billion as part of the E-Rate program to support the broadband and telecommunications needs of schools and libraries. To make it easier for schools and libraries to invest in broadband infrastructure, the FCC eliminated a requirement that E-Rate participants amortize certain non-recurring costs up front.

The FCC proposed procedures to protect federal funds from misuse by providing the agency with broader and more flexible authority to promptly remove bad actors from participation in the Universal Service Fund (USF), the Telecommunications Relay Services (TRS) Fund, and the National Deaf-Blind Equipment Distribution Program. The proposal would align FCC rules with the Office of Management and Budget's *Guidelines to Agencies on Government Debarment and Suspension*.

The FCC approved additional steps to improve the integrity, effectiveness, and efficiency of its Lifeline program. The Report and Order focused on strengthening the Lifeline's program's enrollment, recertification, and reimbursement processes so that limited USF dollars are directed only toward qualifying low-income consumers.

The FCC, U.S. Department of Health and Human Services (HHS), and U.S. Department of Agriculture (USDA) signed a Memorandum of Understanding to work together on the Rural Telehealth Initiative, a joint effort to collaborate and share information to address health disparities, resolve service provider challenges, and promote broadband services and technology to rural areas in America.

To expand facilities-based competition among providers of business data services (BDS), the FCC adopted pro-competitive rules that allowed certain rate-of-return carriers to elect streamlined regulation of their BDS. As of July 2020, 136 carriers serving 227 study areas in 40 states and one territory had elected streamlined regulation of their BDS.

The transition following the broadcast incentive auction successfully met the aggressive 39-month deadline for 987 television stations to move off their pre-auction channel assignments in order to clear the new 600 MHz wireless band created by the auction. The 70 MHz of nationwide low-band spectrum made available to wireless carriers has propagation characteristics that are particularly valuable for provision of mobile broadband services in rural areas, and T-Mobile, the largest winner in the auction, has stated that it has already begun providing service, including 5G service, in rural areas it had previously not served.

## ***PROMOTING INNOVATION***

***Foster a competitive, dynamic, and innovative market for communications services through policies that promote the introduction of new technologies and services. Ensure that the FCC's actions and regulations reflect the realities of the current marketplace, promote entrepreneurship, expand economic opportunity, and remove barriers to entry and investment.***

### ***FY 2020 PERFORMANCE HIGHLIGHTS***

The FCC took several actions to increase flexibility in spectrum use for 5G deployment as part of its comprehensive strategy to Facilitate America's Superiority in 5G Technology (the 5G FAST Plan):

- Auction 103, the incentive auction of Upper Microwave Flexible Use Service (UMFUS) licenses in the Upper 37 GHz, 39 GHz, and 47 GHz bands, raised a total of \$7,558,703,201 in net bids (\$7,569,983,122 in gross bids), with 28 bidders winning a total of 14,142 licenses. Based on these bids, the incentive payments for existing licensees total \$3,084,172,898, and the net proceeds for the auction total \$4,474,530,303. The incentive auction offered licenses made available because existing 39 GHz licensees committed to relinquish their 39 GHz spectrum usage rights in exchange for incentive payments determined by the results of Auction 103.
- The FCC conducted Auction 105, the auction of 70 megahertz of Priority Access Licenses (PALs) in the 3550-3650 MHz band. The auction made available the greatest number of spectrum licenses ever in a single FCC auction. The 3.5 GHz band holds the potential to be prime mid-band spectrum for 5G services, as well as the Internet of Things and other advanced spectrum-based services. Gross proceeds reached \$4,585,663,345 and a total of 228 bidders won 20,625 of 22,631, or more than 91.1%, of available licenses.
- The FCC established final application and bidding procedures for Auction 107, the auction of 280 megahertz of new flexible-use overlay licenses for the 3.7-3.98 GHz portion of the C-band. This auction, which is scheduled to begin on December 8, will offer 5,684 new flexible-use overlay licenses based on Partial Economic Areas (PEAs) for spectrum in this band, which holds the potential to be prime spectrum for 5G services. Earlier this fiscal year, the Commission adopted rules for the C-band (3.7-4.2 GHz), that allocated the lower 280 megahertz (3.7-3.98 GHz band) for flexible terrestrial wireless services (with a 20-megahertz guard band (3.98-4.0 GHz)) and required existing satellite operators to repack their operations from the band's entire 500 megahertz into the upper 200 megahertz (4.0-4.2 GHz).

- The transition following the broadcast incentive auction successfully met the aggressive 39-month deadline for 987 television stations to move off their pre-auction channel assignments, in order to clear the new 600 MHz wireless band created in the broadcast incentive auction, which raised over \$19 billion and made 70 MHz of valuable low-band spectrum available to wireless carriers. All of the low-band airwaves sold in the broadcast incentive auction are now available for use by the winning bidders to provide wireless mobile broadband services, including 5G, across the country.
- The FCC proposed to make 100 megahertz of mid-band spectrum in the 3.45-3.55 GHz band available for 5G deployment across the contiguous United States. The Commission also adopted rules for, and proposed additional changes to, the broader 3.3-3.55 GHz band; this marked an important step toward satisfying Congress's directive in the MOBILE NOW Act to make new spectrum available for flexible use. The adopted rules remove the secondary, non-federal allocations from the 3.3-3.55 GHz band and relocate non-federal radiolocation licensees to the 2.9-3.0 GHz band, to continue operating there on a secondary basis to federal operations. The Order also allows amateur licensees to determine individually appropriate alternative spectrum from existing available spectrum allocations. In a Further Notice of Proposed Rulemaking (FNPRM), the Commission proposed allocating the 3.45-3.55 GHz spectrum band for flexible-use service and sought comment on an appropriate regime to coordinate non-federal and federal use.
- The FCC approved a Declaratory Ruling regarding state and local government review of modifications to existing wireless infrastructure in order to facilitate the deployment of 5G networks. The ruling clarified how certain aspects of proposed modifications affect eligibility for streamlined state and local government review.
- The FCC revised its rules regarding state and local government review of modifications to existing wireless infrastructure in order to facilitate the deployment of 5G networks. The rule revisions provide that excavation or deployment in a limited (30 foot) area beyond existing site boundaries would not disqualify the modification of an existing tower from streamlined state and local review.
- The FCC sought comment on making more efficient use of additional millimeter-band spectrum resources, including for the provision of wireless backhaul for 5G and deployment of broadband services to aircraft and ships. The NPRM sought comment on various proposals for new and innovative commercial uses of the 70/80/90 GHz bands.
- The 2.5 GHz Rural Tribal Priority Window provided eligible Tribal entities with an opportunity to obtain overlay licenses for unassigned prime mid-band spectrum on rural Tribal lands to help address their connectivity needs and close the digital divide. The Tribal Priority Window opened on February 3, 2020 and closed on September 2, 2020. The FCC received more than 400 applications from Tribal entities throughout the country, and 157 of these applications were accepted for filing on September 15, 2020. Any remaining unassigned 2.5 GHz spectrum will be made available by auction to facilitate the rapid deployment of wireless networks across America.
  - To increase Tribal awareness of and participation in this first-of-its-kind opportunity, the Commission conducted extensive outreach that included, among other things: letters to all 574 federally recognized Tribes and Alaska Native Villages; telephone calls to those Tribes that had not received in-person contact through other means; participation in over 30 conferences, workshops and similar events, either in person, by phone, or via online webinar; creation of a dedicated

email address and one-on-one assistance in response to over 1,000 inquiries; and creation of a dedicated website, including a mapping tool to assess spectrum availability and land eligibility. These efforts resulted in the submission of more than 400 applications during the priority window, many of which have already been awarded.

- The FCC approved, with conditions, the transfer of control applications filed by T-Mobile and Sprint. It found that the transaction would help close the digital divide and advance United States leadership in 5G, the next generation of wireless connectivity. T-Mobile and Sprint committed that they would offer 5G service to 97% of Americans within three years and within that time, they would provide download speeds of at least 50 Mbps to three-quarters of the U.S. population and download speeds of at least 100 Mbps to almost two-thirds of the population. T-Mobile and Sprint committed to offer 5G services to 99% of the population within six years at downloads of 50 Mbps or higher. This commitment includes deploying 5G service to cover 85% of rural Americans within three years and 90% of rural Americans within six years. They pledged that within three years, they would offer download speeds of 50 Mbps or higher to two-thirds of the rural population and download speeds of 100 Mbps to 55% of the rural population. Within six years, T-Mobile and Sprint committed to offering download speeds of 50 Mbps or higher to 90% of the rural population and 100 Mbps or higher to two-thirds of the rural population.

The FCC took action to encourage innovation of new technologies and applications using unlicensed devices:

- The FCC adopted rules making 1,200 megahertz of spectrum in the 6 GHz band (5.925–7.125 GHz) available for unlicensed use. These rules will usher in Wi-Fi 6, the next generation of Wi-Fi, and play a major role in the growth of the Internet of Things.
- The Commission proposed to repurpose 45 megahertz of spectrum in the 5.850-5.895 GHz band for unlicensed operations, retain 30 megahertz of spectrum in the 5.895-5.925 GHz band for the Intelligent Transportation Systems (ITS) service, and require the transition of the ITS radio service standard from Dedicated Short-Range Communications technology to Cellular Vehicle-to-Everything technology for at least 20 megahertz of that spectrum.
- The FCC proposed updates to its White Space device rules to allow for more robust service and efficient use of White Space devices, particularly in rural areas.
- The FCC granted several waivers of its Part 15 rules for unlicensed devices to permit the use of a wide range of innovative new devices such as a security scanning portal, an inspection drone, and an indoor health care monitor.

The FCC maintained the current radio-frequency (RF) safety standards as part of a comprehensive review and update of its RF exposure rules. This included streamlining the criteria for determining when a licensee is exempt from the RF exposure evaluation criteria, replacing service-based exemptions with a set of formulas for situations in which the risk of excessive RF exposure is minimal, specifying methods that RF equipment operators can use to mitigate the risk of excess exposure, and proposing further targeted proposals on the application of the RF emission exposure limits for future uses of wireless technologies, including specific provisions for wireless power transfer (WPT) equipment.

The FCC adopted rules permitting expanded use of 50 megahertz of mid-band spectrum in the 4.9 GHz (4940-4990 MHz) band that is currently underused. Under the new rules, states are allowed to lease this spectrum to third parties to boost wireless broadband, improve critical infrastructure monitoring, and facilitate public safety use cases. In an FNPRM, the FCC proposed a new state-based licensing regime for public safety operations in the band, to complement the new leasing regime.

The FCC made six megahertz of spectrum available for the development of critical wireless broadband technologies and services in the 900 MHz band, while reserving the remaining four megahertz of spectrum for continued narrowband operations. This transition will enable next generation, mission-critical applications not available via current narrowband systems and help meet evolving technological needs for industries such as utilities.

The FCC sought comment on technical rule changes to facilitate the use of the next generation television broadcast standard, also known as ATSC 3.0. The proposed rules would permit greater flexibility for broadcasters to use distributed transmission systems (DTS) as they deploy ATSC 3.0 in their networks.

The FCC proposed giving AM stations the flexibility to voluntarily adopt all-digital transmission and establishing operating parameters for all-digital stations to minimize any risk of interference.

The FCC facilitated the continued deployment of satellite earth stations in motion, or ESIMs, earth stations used to provide satellite-based communications services on ships, airplanes, and vehicles. The Order expanded the frequency bands available to moving earth stations, promoted operational flexibility, and advanced regulatory consistency between ESIMs communicating with fixed satellite service systems in geostationary satellite orbit and those in non-geostationary satellite orbit.

The FCC updated its satellite rules on orbital debris mitigation by improving the specificity and clarity of rules that require disclosure of debris mitigation plans by satellite companies. Satellite applicants will also have new disclosure requirements. The FCC also invited additional comment on other orbital debris mitigation measures.

The FCC adopted rules and procedures that streamline and improve the transparency and timeliness of the process by which the Commission coordinates with the Executive Branch agencies for assessment of any national security, law enforcement, foreign policy, or trade policy issues regarding applications from companies with foreign ownership seeking to participate in the U.S. telecommunications market.

The FCC conditionally certified two applicants to provide Internet Protocol Captioned Telephone Service (IP CTS) on a fully automatic basis using automatic speech recognition (ASR) to caption the conversation for the party with hearing loss. The services provided by the applicants were proven to meet or exceed the accuracy and captioning speed of live Communications Assistants, thereby improving the experience for users of these services.

# ***PROTECTING CONSUMERS AND PUBLIC SAFETY***

*Develop policies that promote the public interest by providing consumers with freedom from unwanted and intrusive communications, improving the quality of communications services available to those with disabilities, and protecting public safety.*

## ***FY 2020 PERFORMANCE HIGHLIGHTS***

The FCC undertook a number of actions in response to the COVID-19 pandemic. These actions included funding efforts through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, expedited processes and procedures, waivers, and extensions. As part of the CARES Act, Congress appropriated \$200 million to the FCC to support health care providers' use of telehealth services in combating the COVID-19 pandemic. Just four days after the CARES Act was signed into law, the Commission adopted rules to implement the program and began accepting applications on April 13. All funds were committed by July 8—less than four months after enactment of the CARES Act—aiding patients, hospitals, and healthcare providers in some of the hardest-hit areas of the country. The funded 539 worthy applications from health care providers in 47 states plus Washington, D.C. and Guam, including, among others, the Navajo Nation Department of Health in Window Rock, Arizona.

The FCC approved a Declaratory Ruling confirming that the COVID-19 pandemic constituted an “emergency” under the Telephone Consumer Protection Act (TCPA). Consequently, public health authorities including hospitals, health care providers, state and local health officials, and other government officials could lawfully communicate information about the coronavirus as well as mitigation measures without violating federal law. The FCC also issued a Public Notice confirming that calls and text messages made by or on behalf of commercial labs, health insurers, physicians, and pharmacies that, pursuant to guidance from federal, state, or local government officials, communicate with individuals who have tested positive for COVID-19 to provide them with information regarding donating their plasma after recovering, fall within the “emergency purposes” exception the TCPA. As a result, such calls during the ongoing pandemic do not require prior express consent to be lawful.

The FCC and the Department of Education undertook efforts to promote the use of \$16 billion in funding from the CARES Act's Education Stabilization Fund for remote learning. The agencies worked with governors, states, and local school districts to leverage funding to help students learning from home during the COVID-19 pandemic.

The FCC partnered with the Institute of Museum and Library Services to promote the use of \$50 million in funding from the CARES Act to address the digital divide during the COVID-19 pandemic. Additionally, \$15 million of this funding will be awarded through grants to libraries and museums, as well as Tribes and organizations serving and representing Native Hawaiians.

After observing significant surges in data use during the onset of the pandemic through its Measuring Broadband America program, the FCC received commitments from over 800 companies and associations ensuring that Americans would not lose their broadband or telephone connectivity as a result of the COVID-19 pandemic. The Keep Americans Connected Pledge

began on March 13, 2020 and was extended to June 30, 2020. Providers taking the pledge committed to (1) not terminate service to any residential or small business customers because of their inability to pay their bills due to disruptions caused by the COVID-19 pandemic; (2) waive any late fees that any residential or small business customers incur because of their economic circumstances related to the COVID-19 pandemic; and (3) open Wi-Fi hotspots to any American who needs them. During this time, the FCC expeditiously processed pledge-related consumer complaints to ensure consumers remained connected.

The FCC created a featured web page (<https://www.fcc.gov/covid-scams>) with information about COVID-19-related robocall and text consumer scams, including sample audio and texts from actual scams. The webpage's content also includes: features on specific scams, including contact tracing, bogus medical claims, scams targeting older Americans, peer-to-peer cash payment app fraud, and fake home delivery notifications; a consumer guide with tips to help people working and studying from home to optimize their home networks; and an infographic on mobile phone hygiene with consumer tips for keeping devices clean.

The FCC issued a number of waivers, extensions, and other actions in response to the COVID-19 pandemic. These included:

- Developing a coordination process with the Advisory Council on Historic Preservation to expedite historic preservation review of communications infrastructure projects that respond to the COVID-19 pandemic. FCC licensees also may request emergency authorization to resume standard historic preservation review if a project addresses public safety or critical infrastructure initiatives prioritized by government or public safety authorities, brings coverage to meet the needs of unserved and underserved areas due to COVID-19 effects, or relieves network congestion due to COVID-19 effects. The Wireless Telecommunications Bureau has granted emergency authorizations for over 300 projects to resume standard review.
- Additional relief to assist Rural Health Care (RHC) Program participants in addressing the COVID-19 public health emergency. The FCC: (1) issued an extension of the RHC Program application filing window; (2) eased competitive bidding requirements for health care providers with expiring evergreen contracts; and (3) provided an extension of several procedural deadlines.
- Temporary waiver and extension of several E-Rate filing and service implementation deadlines for schools and libraries to provide relief to E-Rate program participants affected by the COVID-19 pandemic. The FCC also directed USAC to provide all program participants an automatic 30-day extension to respond to information requests related to pending appeals, invoices, FCC Form 500 requests, and audits. In addition, the Wireline Competition Bureau issued guidance to clarify that libraries and schools that were closed due to the COVID-19 pandemic were permitted to allow the general public to use their E-Rate supported Wi-Fi networks while on the school's campus or library property.
- An Order to ease the Lifeline program application and enrollment process during the COVID-19 pandemic for consumers who reside in rural areas on Tribal lands and qualify for Lifeline benefits.
- Temporary waivers of certain requirements to ensure the uninterrupted availability of TRS during the COVID-19 pandemic. The FCC also temporarily waived two additional TRS rules to facilitate the ability of Internet Protocol Relay (IP Relay) service providers to offer

service from home workstations during the COVID-19 pandemic and for registered Video Relay Service (VRS) users to make calls to the United States from outside the United States.

- Support TRS and television captioning providers by coordinating with the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to deem such employees and relevant facilities as essential in order to facilitate their seamless operations.
- Grant of a waiver request by a health care company to allow for the marketing, operation, and importation of medical devices that have not yet received equipment authorization under the Commission's rules. The FCC also waived certain part 95 rules to effectuate the request.
- Waiver of the broad outreach requirements of the FCC's Equal Employment Opportunity (EEO) recruitment rules in limited circumstances relating to the COVID-19 pandemic.
- Grant of temporary access, called Special Temporary Authority (STA), to 5.9 GHz spectrum for more than 100 Wireless Internet Service Providers (WISPs) serving largely rural and suburban communities.
- A temporary, limited waiver to TV broadcasters to enable them to more easily air live and taped same-day local content services during time slots regularly dedicated to children's programming.
- Waiver of the sponsorship identification requirements in limited circumstances relating to the COVID-19 pandemic, (until June 30, 2020, and subsequently extended through August 31, 2020).
- Waiver of the Lifeline program's usage requirements and general de-enrollment procedures.
- Waiver of the Commission's gift rules in the Rural Health Care (RHC) and E-Rate programs through September 30, 2020, to assist rural health care providers and schools and libraries affected by the COVID-19 pandemic. In September 2020, the Commission extended the waiver of the gift rules in the RHC and E-Rate program through December 31, 2020.
- Extension of the funding year 2020 application filing window for the E-Rate program to April 29, 2020. In September of 2020, the Commission also opened a second funding year 2020 application filing window to allow schools to request funding for increased bandwidth to address needs resulting from the increasing shift to 1:1 student-to-device ratios in classes, livestreaming of classroom instruction to students at home, and expanding use of cloud-based educational tools and platforms.
- Temporary waiver of the Lifeline program's recertification and reverification requirements to ease burdens on Lifeline subscribers during the COVID-19 pandemic. The FCC also temporarily waived for 60 days the *2019 Lifeline Order's* requirement that all eligible telecommunications carrier (ETC) enrollment representatives register with USAC.
- Temporary waiver to allow competitive ETCs to use their high-cost legacy support from USF to focus on hard-hit areas in response to the COVID-19 pandemic.
- Grant of Temporary Spectrum Access to support New York City Fire Department Communications during the COVID-19 pandemic.
- A conditional waiver to allow a company to begin offering wireless medical telemetry services (WMTS) in the 1.4 GHz band to help ensure that traditional health care facilities have more spectrum capacity to meet additional demands and enable the development and use of monitoring services in non-traditional settings outside hospitals.



- A waiver to allow the importation, marketing, and operation of certain medical devices from new suppliers for use in healthcare facilities.
- A temporary waiver of access arbitrage rules to a telecommunications company that carries traffic for two of the nation's largest conference calling providers. The massive increase in conference calls made by consumers would have likely resulted in the telecommunications company being deemed an "access-stimulating" carrier under the FCC's rules.
- Granted emergency STA requests to numerous wireless carriers to allow the carriers to use additional spectrum to meet increased demand. This made it easier for Americans to access telehealth and distance learning, to telework, and to remain connected while "social distancing." Health care officials, first responders, public safety officials, and other front-line workers also used this additional spectrum during the pandemic to meet their needs.
- Granted emergency STA requests to the Navajo Nation, Makah Tribe, Lower Brule Sioux Tribe, Confederated Salish and Kootenai Tribes of the Flathead Nation, A:shiwi College & Career Readiness Center, Santa Clara Pueblo, and the Blackfeet Tribe to use unassigned 2.5 GHz spectrum for the provision of wireless broadband service on tribal lands to help meet the increased demand for broadband connectivity resulting from the COVID-19 pandemic.
- Waiver of certain fees from rural phone and broadband providers by customers experiencing economic challenges as a result of the COVID-19 pandemic, including late payment, installation, and cancellation fees for consumers signing up for, or looking to switch providers of, Digital Subscriber Line (DSL) broadband services to work from home or access remote learning.
- Two batches of letters warning service providers that were carrying significant numbers of calls that were conveying false information about COVID-19 treatments or protective measures. The providers responded immediately by committing to stop transmitting the scam calls.
- Grant of a limited waiver of one of the Commission's numbering rules. Specifically, the Commission waived the maximum 180-day period for maintaining wireless telephone numbers in "reserved" status for certain business customers, extending the maximum period to 360 days.
- Performed targeted outreach on COVID-19 related scams and consumer information. This included external partner presentations, email campaigns, newsletter content and webinars.

The FCC adopted rules and provided additional information and guidance for its three-year Connected Care Pilot Program, which will provide up to \$100 million of support from the USF to help defray health care providers' costs of providing connected care services and to assess how the USF can be used to support telehealth. The Pilot Program will provide universal service support for 85% of the cost of eligible services and network equipment, including: (1) patient broadband Internet access services; (2) health care provider broadband data connections; (3) other connected care information services; and (4) certain network equipment.

The FCC continued to act aggressively to target and eliminate unlawful robocalls:

- The FCC adopted rules requiring implementation of caller ID authentication using technical standards known as "STIR/SHAKEN" on IP-based phone networks by June 30, 2021. These rules protect consumers against malicious caller ID "spoofing," used to trick consumers into answering their phones. STIR/SHAKEN enables phone companies to

verify that the caller ID information transmitted with a call matches the caller's phone number. Subsequently, the FCC adopted further rules to promote implementation of the STIR/SHAKEN framework, requiring voice service providers to either upgrade their non-IP networks to IP and implement STIR/SHAKEN, or work to develop a non-IP caller ID authentication solution. They also require intermediate providers to implement STIR/SHAKEN so that IP calls retain caller ID authentication throughout the call path. The new rules prohibit carriers from adding a line item to the bills of consumers and small businesses for caller ID authentication technology. Among other requirements, to combat robocalls originating abroad, the rules require foreign voice service providers to follow the same certification requirements as domestic voice service providers.

- The FCC adopted rules that further encourage blocking of unlawful or unwanted robocalls by establishing a safe harbor from liability under the Communications Act and the Commission's rules for the unintended or inadvertent blocking of wanted calls, so long as such action is based upon reasonable analytics indicating that such calls were unwanted and therefore should be blocked. The FCC also enabled voice service providers, under certain conditions, to stop upstream voice service providers that fail to take actions to mitigate illegal calls from using other voice service providers' networks to pass along bad traffic. In addition, the FCC proposed additional steps to further protect consumers from robocalls and inform them about provider blocking efforts. These include seeking comment on whether to obligate originating and intermediate providers to better police their networks against illegal calls, whether to expand the safe harbor for blocking based on reasonable analytics to include network-based blocking without consumer opt out, whether to adopt more extensive redress requirements, and whether to require terminating providers to provide information about blocked calls to consumers.
- The FCC adopted rules strengthening enforcement against illegal robocallers by implementing the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act). The Order ended the practice of warning most robocallers before issuing penalties, extended the statute of limitations for robocall violations to four years, and increased the maximum fines for intentional robocall violations. The FCC also adopted rules that offer companies two safe harbors from liability for the unintended or inadvertent blocking of wanted calls, eliminating a concern that kept some companies from implementing robust robocall blocking efforts.

The Commission sought comment on how to implement another section of the TRACED Act and build upon its efforts to combat the one-ring scam by promoting consumer education and outreach, coordinating with our regulatory partners, and working more closely with industry to protect all Americans. The FCC also sought comment on a proposed rule allowing voice service providers to block a voice call when such call purports to originate from a number that is highly likely to be associated with a one-ring scam.

The Commission moved forward in the development of a Reassigned Numbers Database by seeking comment on the technical requirements for the system and beginning the procurement process to contract with a vendor to create and administer the database.

The Consumer and Governmental Affairs Bureau issued a Report on Call Blocking that found that call blocking tools are now substantially available to consumers.

The FCC continued to expand consumer education and outreach efforts on robocalls and spoofing, informing consumers about common robocall and robotext scams. The coverage included actual call audio and text messages to help consumers better identify such scams. Meanwhile, the FCC's robocall page, located at <https://www.fcc.gov/robocall>, continues to receive over one million hits annually, and was recently expanded to include additional consumer information on call blocking, including a link to additional tools, resources and tips at <https://www.fcc.gov/call-blocking>.

The FCC continued its successful Rural Tour efforts with a trip to New Mexico and Arizona to meet with consumers and partner entities in person. The team focused on unwanted call education as well as other telecommunications consumer information. The FCC also partnered with AARP for a video outreach campaign with a "Slam the Scam" theme. The FCC also continued to highlight consumer content in online webinars.

The FCC took action to clarify several issues under the TCPA:

- Affirmed that callers must get consumers' prior express consent before making autodialed calls or robocalls.
- Clarified that use of a so-called "peer-to-peer" calling platform or other equipment to make calls or send texts to a large volume of telephone numbers is not probative of whether that equipment constitutes an autodialer under the TCPA. Clarified that if a calling platform is not capable of originating a call or sending a text without a person actively and affirmatively manually dialing each one, that platform is not an autodialer and calls or texts made using it are not subject to the TCPA's restrictions on calls and texts to wireless phones. Further confirmed that, even when a party uses an autodialer to send a message, it may still avoid TCPA liability by obtaining the recipient's prior express consent.
- Clarified that a fax broadcaster is solely liable for TCPA violations when it engages in deception or fraud against the advertiser (including when a fax broadcaster violates its contract with the advertiser in a manner that is deceptive or fraudulent).
- Upheld its determination that a rule requiring that solicited faxes include opt-out notices was properly rescinded because the D.C. Circuit Court of Appeals had found that the Commission lacked statutory authority to adopt such a rule.
- Clarified that messages that are initiated and received in digital form are not faxes as defined and restricted by the TCPA.

The FCC adopted rules to establish 988 as the new, nationwide, 3-digit phone number for Americans in crisis to connect with suicide prevention and mental health crisis counselors. The new rules provide for a two-year transition and apply to all telecommunications carriers as well as all interconnected and one-way VoIP service providers.

The FCC took steps toward reforming rates and charges for the inmate calling services (ICS) within its jurisdiction. The FCC found that ICS providers are generally subject to the FCC's rules for ancillary service charges and cannot charge incarcerated individuals and their families ancillary service charges other than the types allowed by the Commission's rules and cannot charge ancillary service fees above the Commission's applicable fee caps. The FCC proposed to comprehensively reform rates and charges for the inmate calling services within the Commission's jurisdiction.

The FCC barred the use of its \$8.2 billion a year in USF support to purchase equipment and services from companies that pose a national security threat. The Order initially designated two companies covered by this rule and established a process for designating additional covered companies in the future. The designation of Huawei and ZTE as companies covered by this rule was subsequently finalized.

The FCC began integrating portions of the Secure and Trusted Communications Networks Act (Secure Networks Act) into its existing supply chain rulemaking proceeding. The Commission adopted a ban on the use of USF support to purchase, obtain, or maintain any equipment or services from companies posing a national security threat to communications networks or the communications supply chain.

The Commission continued to take targeted steps to protect the nation's communications infrastructure from potential security threats, including issuing three show cause orders to U.S. subsidiaries of Chinese state-owned communications companies, reclaiming International Signaling Point Codes. In addition, in December of 2020, the Commission launched a proceeding to determine whether to end China Telecom (Americas) Corporation's authority to provide domestic interstate and international telecommunications services within the United States under section 214 of the Communications Act.

The FCC proposed modernizing its priority services rules to cover priority treatment of voice, data, and video services for emergency personnel and removing outdated requirements that may impede the use of Internet Protocol based technologies.

The FCC affirmed rules to help first responders quickly locate people who call 911 from wireless phones in multi-story buildings in the nation's largest markets and extended those requirements nationwide. The rules require wireless providers to transmit to 911 call centers information on the location of wireless 911 calls and obligate wireless providers to meet location accuracy benchmarks, including providing the caller's dispatchable location (street address and apartment number) or coordinate-based vertical ("z-axis") location.

The FCC modified its audio description rules to ensure that more video programming is accessible to individuals who are blind or visually impaired. The new rules expand the audio description requirements by an additional ten designated market areas each year for the next four years and modernize the Commission's terminology to use the more common and widely understood term "audio description" rather than "video description."

The FCC authorized compensating VRS providers for calls handled by sign language interpreters working from home. This initiative aims to expand the number of qualified individuals willing to work as communications assistants to facilitate VRS.

The FCC proposed updating its hearing aid compatibility rules to incorporate the latest American National Standards Institute (ANSI) standard and proposed removing unnecessary or superseded hearing aid compatibility rules.

The FCC approved a Report and Order to ensure that high-quality, functionally equivalent telephone captioning service is available through IP CTS in an efficient and cost-effective manner to individuals with disabilities. The Order reduced TRS Fund compensation rates for IP CTS

which is expected to save the TRS Fund approximately \$200 million. A FNPRM proposed more precise measurements of the quality of telephone captioning and on the appropriate entity to conduct such assessments.

The FCC's Enforcement Bureau undertook actions with respect to robocalls, including:

- A proposed \$225 million fine against health insurance telemarketers for apparently making approximately 1 billion illegally spoofed robocalls on behalf of clients that sold health insurance plans and knowingly called consumers on the Do Not Call list.
- A proposed a \$9,997,750 fine against a telemarketing company for apparently making more than 47,000 unlawful spoofed robocalls over a two-day period.
- A proposed a \$12,910,000 fine against an individual for apparently using caller ID spoofing in thousands of robocalls that targeted a community grappling with the recent murder of a local woman, threatened a journalist and newspaper, and attempted to influence a jury.

The FCC undertook a number of enforcement actions and investigations in fulfilling its mission to enforce the Commission's rules and protect consumers from illegal or unfair practices. Results of those actions and investigations included:

- A proposed forfeiture of \$512,228 against each of 18 stations in eight station groups for failing to negotiate for retransmission consent in good faith, affirming a Media Bureau finding.
- A proposed fine of \$163,912 against an Internet service provider for apparently reporting inaccurate information by significantly inflating its broadband subscription numbers, failing to file required deployment data, and making false statements to Commission investigators.
- A Consent Decree, in which a broadcaster agreed to pay a \$48 million civil penalty and abide by a strict compliance plan to close three open investigations into the company's disclosure of information relating to a proposed acquisition of stations. The agreement also closed investigations into whether the company met its obligations to negotiate retransmission consent agreements in good faith, and its failure to identify the sponsor of content it produced and supplied to both its own and unowned television stations. This was the largest civil penalty involving a broadcaster in the agency's 86-year history.
- A fine of \$2,861,128 for a marketer of drone transmitters for not complying with FCC licensing rules by transmitting in unauthorized radio frequency bands and, in some cases, operating at excessive transmission power levels.
- A \$5 million settlement and extensive compliance plan with a voice over Internet provider (VoIP) regarding its failure to report its interstate revenues and contribute to USF.
- A \$31 million settlement with a communications company for violating competitive bidding and rate rules and overbilling the FCC's Rural Health Care Program.
- A \$1,130,000 penalty and an agreement to settle an investigation into the monitoring practices of lights on television towers.
- Settlements of \$400,000 and \$175,000, respectively, with two telecommunications companies to conclude investigations into violations of FCC rules in connection with a multi-state 911 outage.
- A settlement with a company, terminating an investigation into potential violations of the FCC's Rural Health Care Program rules. The company acknowledged that it failed to

determine the rural rates charged to non-profit health care and social services providers serving rural and remote Alaskan Native communities. The company agreed to relinquish any claims to \$772,307 in USF support payments and to pay back \$227,693 to the USF.

- A settlement of \$100,000, concluding an investigation into a company's transmission of uplink data to one of its small satellites on a radio frequency not authorized for that use.
- Settlements by the FCC's Media Bureau with six major radio group owners that will ensure compliance with rules requiring that radio stations upload records of requests for the purchase of political broadcast time to their online public inspection files.
- A proposed \$6,013,000 fine against a prepaid wireless provider offering Lifeline service for apparent violations of the Commission's Lifeline program rules by apparently claiming federal Lifeline funding for customers who were not actually eligible for the program.
- A proposed a forfeiture of \$685,338 to a company for marketing 32 models of apparently noncompliant wireless microphones, some that threatened public safety operations, in violation of the Act and the Commission's rules.
- Proposed fines of \$91 million, more than \$57 million, more than \$48 million, and more than \$12 million against the nation's four largest wireless carriers for apparently selling access to their customers' location information without taking reasonable measures to protect against unauthorized access to that information.
- Proposed an aggregate of \$75,000 in new fines against three wireless Internet service providers for apparently operating unlicensed national information infrastructure (U-NII) devices in a non-compliant manner that created interference to nearby terminal doppler weather radar stations operated by the Federal Aviation Administration.
- FCC Field Agents investigated approximately 250 public safety interference complaints in FY 2020.

The FCC implemented its rules to broaden the support mechanism for IP CTS and replace interim funding structures. The Order incorporated intrastate revenues into the calculation of required contributions from telecommunications providers to the TRS Fund to support IP CTS. The FCC also adopted an FNPRM proposing similar broadening of the support mechanisms for VRS and IP Relay.

The FCC undertook a coordinated and extensive outreach and education effort to educate television viewers affected by the post-Broadcast Incentive Auction transition of nearly 1,000 full power and Class A TV stations and over 1,000 LPTV and TV translator stations. The FCC administered the \$50 million appropriated in the Reimbursement Expansion Act of 2018, to ensure that consumers faced minimal disruption as a result of the repack. In appropriating \$50 million for the Commission's consumer education efforts, Congress clearly recognized the importance of assuring that TV viewers receive uninterrupted service, local and national news, emergency alerts, and other TV programming. In all of their consumer education and outreach activities, the FCC team coordinated closely with industry stakeholders to ensure that its consumer education efforts are complementary to, and not duplicative, of, industry efforts.

- The consumer education efforts involved reaching out to consumers through a variety of channels. For example, the Commission maintained a website landing page at <https://www.fcc.gov/TVrescan> with information for consumers about what to be aware of during the transition, including how to rescan their television receivers if they watch over-the-air television. The FCC team also used Internet search tools on several search engines

targeted to particular geographic markets during their testing periods to direct viewers to the Commission’s rescans website landing page and consumer hotline. That hotline linked directly to a dedicated consumer service call center specifically established to provide consumers technical support and assistance on rescanning their television sets to assure that viewers can access stations that have new channels because of the repack. In this reporting period, FCC staff participated in 190 radio interviews across media markets nationwide where stations were transitioning to new channels. The goal of these interviews was to educate consumers about the transition and teach them how to navigate it. The interviews reached a total of roughly 2,700 radio outlets with a combined audience of over 7,015,000 listeners (based on data from Nielsen Audio). The Commission also disseminated information using print media, digital, and social media, and was actively engaged in targeted outreach to specific, niche communities that may need additional support to learn about rescanning. The FCC team also developed radio advertisements and English and Spanish videos to further reach consumers in later phases.

- The FCC’s actions assured that its outreach and the monies spent were effective in educating and helping viewers, were consistent with the intent of the RAY BAUM’S Act of 2018, and were an efficient and fiscally responsible use of the available funds. The public relations outreach reached hundreds of thousands of American consumers, as measured by roughly 3,000,000 hits on the Commission’s rescans web page, over 956.3 million impressions on display, social, and other online marketing media, 6.4 million “clicks” on paid search and banner ads, and roughly 112,000 English and Spanish language calls handled at the Help Desk from TV viewers. All of these channels provided important guidance and instruction to American consumers to be sure that they are able to properly rescan their over-the-air TV sets so that they continue to receive important local TV station news and emergency alerts, and other important local programming without interruption.

## ***REFORMING THE FCC’S PROCESSES***

***Modernize and streamline the FCC’s operations and programs to increase transparency, improve decision-making, build consensus, reduce regulatory burdens, and simplify the public’s interactions with the agency.***

### ***FY 2020 PERFORMANCE HIGHLIGHTS***

The FCC approved an Order streamlining the administrative hearing process by amending rules to: (1) codify and expand the use of written testimony and documentary evidence in lieu of live testimony and cross-examination; (2) authorize Commission staff to act as a case manager to supervise development of the written hearing record when the Commission designates itself as the presiding officer at a hearing; and (3) dispense with the preparation of an initial opinion whenever the record of a proceeding can be certified to the Commission for final decision.

The FCC eliminated three TRS rules that are no longer necessary due to changes in technology and voice communications services. The Order repealed the “equal access” rule requiring that TRS users be allowed to choose a carrier for long distance TRS calls, determined that alternative billing options (e.g., collect and credit card billing) are no longer necessary for TRS, and removed

the Federal Register publication requirement for applications for certification of state TRS programs.

The FCC updated its leased access rate rules by implementing a tier-based leased access rate calculation to give a more accurate approximation of the value of a particular channel and reflect regulatory changes that have occurred.

The FCC adopted rules for regulatory fees across satellite operators to ensure that domestic and foreign licensed space stations are responsible for the same regulatory fees by assessing fees on non-U.S. licensed commercial space stations that are granted access to the U.S. market by the FCC. Previously, foreign-licensed space stations with access to the U.S. market were not required to pay regulatory fees to the FCC.

The FCC proposed to assess application fees on space station filings involving requests for U.S. market access. Previously, foreign-licensed space station operators requesting access to the U.S. market were not required to pay a fee with a petition for declaratory ruling to provide service in the U.S.

The FCC proposed eliminating or reducing outdated phone company network unbundling and resale requirements that may be unnecessary for—and detrimental to—facilities-based competition. The NPRM sought comment on proposals to eliminate and/or reduce requirements to provide unbundled network elements and proposed to grant non-price cap incumbent LECs relief from the requirement.

The FCC proposed to deregulate and detariff the end user interstate access charges currently included on consumers' and small businesses' local telephone bills. The proposal would also prohibit carriers from separately listing these charges on customers' bills and thereby make it easier for consumers to understand their telephone bills and compare prices among voice service providers.

The FCC updated rules governing tariff filings and recognized that the ability of carriers and interested parties to submit and view information electronically has obviated the need for tariff filing rules adopted decades ago.

The FCC accelerated the conclusion of the 800 MHz rebanding program by implementing streamlined rules and procedures to reduce administrative costs. The Transition Administrator is no longer required to furnish the Commission with an annual audit or conduct other financial reconciliation of rebanding expenditures.

The FCC adopted a Report and Order finalizing the Commission's transition to all electronic interactions for licenses in the Wireless Radio Services, eliminating paper application processes.

The FCC continued its efforts to modernize its Universal Licensing System (ULS), the system used to license wireless radio services for commercial, private, public safety, and personal use. Nearing completion of the first in a series of incremental releases, this multi-year effort is replacing the 20-plus-year-old ULS with a modern, configurable, and secure licensing system that complies with Commission rules; provides an efficient licensing process; meets Commission research needs; and reduces future development, maintenance and operations costs. Built with an Agile



development methodology, and driven by extensive user experience research, the new ULS 2.0 will:

- Simplify the license application experience through secure, user-friendly interactive and mass filing interfaces;
- Provide licensees with a consolidated dashboard for managing their licenses and applications;
- Provide for easier, more flexible ad hoc reporting capabilities;
- Reduce time and effort needed for granting applications through improved auto-processing mechanisms;
- Improve data quality with consistent validation among filing methods;
- Improve system performance and reliability, while increasing maintainability with a contemporary technology foundation;
- Increase the level and reliability of system integration with other systems external to ULS; and
- Improve Interdepartment Radio Advisory Committee (IRAC) & Canadian coordination processes to reduce and streamline manual oversight.

The FCC continued its Modernization of Media Regulation Initiative, to reduce unnecessary regulation in the media marketplace by identifying rules that are outdated, unnecessary, or unduly burdensome. This effort included the following proceedings by the FCC:

- Terminated a proceeding on the adoption of new regulations for “navigation devices”—devices consumers use to access multichannel video programming and other services offered over multichannel video programming networks—and eliminated outdated CableCARD support and reporting requirements.
- Eliminated the radio duplication rule for both the AM and FM services.
- Eliminated sections of the Commission’s rules regarding access to FM and TV broadcast antenna sites.
- Implemented a streamlined and standardized set of requirements for broadcast applicants to meet their local public notice obligations.
- Modernized notification rules for cable and satellite TV providers by transitioning certain notices to broadcast TV stations from paper to electronic delivery.
- Modernized carriage election notice rules with respect to certain television broadcast stations and open video system (OVS) operators.
- Modernized the Low Power FM Service (LPFM) technical rules to provide more regulatory flexibility for licensees, improve their service, and remove regulatory burdens.
- Eliminated the requirement that cable operators maintain records in their online public inspection files regarding their interests in video programming services and eliminated the related requirement that cable operators maintain in their online public inspection files information regarding their carriage of these services on cable systems they own.
- Modernized rules concerning notices that cable operators must provide to subscribers and local franchise authorities (LFAs) about service and rate changes. When service changes, such as the removal of a channel, occur due to retransmission consent or program carriage negotiations that fail within the last 30 days of a contract, cable operators must provide notice to subscribers “as soon as possible,” rather than 30 days in advance.

- Eliminated the requirement that cable operators subject to effective competition provide 30 days' advance notice to LFAs of rate or service changes but retained a narrower notification requirement that applies only to rate-regulated cable operators.
- Eliminated the requirement that cable operators provide notice of changes to the information required in certain annual notices, finding that this information is available on the Internet or unlikely to be relevant to current subscribers.
- Sought comment on modernizing procedures for determining whether a television broadcast station is "significantly viewed" in a community outside of its local television market.
- Sought comment on changes to rules governing the resolution of program carriage disputes between video programming vendors and multichannel video programming distributors.

The FCC maintained a model Equal Employment Opportunity (EEO) Program consisting of a demonstrated commitment from agency leadership, integration of EEO into the agency's strategic mission, management and program accountability, proactive prevention, efficiency and responsiveness, and legal compliance. The FCC timely submitted its annual Notification and Federal Employee Anti-Discrimination and Retaliation Act (No FEAR Act) Report and timely posted its No FEAR Act quarterly data.

The FCC continued its efforts to maintain a highly skilled, diverse workforce poised to accomplish the Commission's mission and strategic goals in a diverse and inclusive work environment. In connection with these efforts, the FCC conducted its annual self-assessment of the agency's workforce demonstrating that the FCC had a diverse workforce during FY 2020 and identifying trends and areas where bolstered and targeted efforts would be beneficial. In addition, the FCC continued agency-wide efforts to increase the diversity of its applicant pools for employment opportunities.

The FCC's Enforcement Bureau met or exceeded the percentage-based performance metrics and timeframes the Commission established in its FY 2020 Annual Performance Plan. In addition, with one exception,<sup>3</sup> the Enforcement Bureau contacted complainants or otherwise initiated action on complaints raising public safety interference issues within one calendar day of receipt by the Enforcement Bureau.

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<sup>3</sup> In one instance, the Bureau received the complaint late on a Saturday and responded the following Monday.

The FCC reviewed and processed 877,066 applications and complaints in FY 2020, meeting its Speed of Disposal (SOD) goals 93.6% of the time. See results below:

<b><u>BUREAU/OFFICE</u></b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>FY 2016</u></b>	<b><u>FY 2017</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>
CONSUMER AND GOVERNMENTAL AFFAIRS	98.3%	97.8%	99.0%	99.7%	99.9%	99.9%	99.0%
INTERNATIONAL <sup>4</sup>	77.3%	75.9%	81.8%	88.4%	92.9%	52.7%	26.0%
MEDIA	97.0%	85.4%	91.3%	95.9%	99.1%	97.0%	96.8%
ENGINEERING AND TECHNOLOGY	99.7%	99.9%	98.8%	98.9%	93.9%	97.5%	98.5%
PUBLIC SAFETY AND HOMELAND SECURITY	99.1%	99.0%	98.7%	98.7%	98.8%	98.0%	98.4%
WIRELESS TELECOMMUNICATIONS	94.7%	97.8%	97.5%	97.4%	95.6%	90.8%	91.0%
WIRELINE COMPETITION	99.5%	99.3%	98.7%	97.2%	97.3%	97.3%	98.6%
<b>FCC TOTAL</b>	96.3%	97.6%	98.0%	98.3%	97.7%	94.7%	93.6%

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<sup>4</sup> The International Bureau's numbers for non-routine 214 applications are significantly affected by the process of consultation with the Executive Branch on foreign ownership issues. The International Bureau's SOD numbers for earth station applications are significantly affected by the C-band earth station freeze and filing window, which closed on October 31, 2018. Thousands of applications and registrations were filed during this filing window and thousands were processed during FY 2020 as well as during the first quarter of FY 2021.