



# **FEDERAL COMMUNICATIONS COMMISSION**

## **Fiscal Year 2023 Annual Performance Report**

(October 1, 2022 – September 30, 2023)

## *Message from the Chairwoman*

As Chairwoman of the Federal Communications Commission (FCC or Commission), it is my pleasure to present the FCC's Annual Performance Report for Fiscal Year (FY) 2023. 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 2022 - 2026 and which include: Pursue a 100% Broadband Policy; Promote Diversity, Inclusion, Equity and Accessibility; Empower Consumers; Enhance Public Safety and National Security; Advance America's Global Competitiveness; and Foster Operational Excellence. For additional information about these strategic goals, please see the FCC's current Strategic Plan, which is available at: <https://www.fcc.gov/about/strategic-plans-budget>. The FCC made significant progress in FY 2023 towards implementing these priorities. Included in this message are just a few 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 2023.

The Commission's goal to "ensure that every person in every community, of every geography and income, has access to modern telecommunications service" has been the North Star of the FCC since its creation in 1934. This past year at the agency will be remembered for our progress toward that objective and for the policies we advanced to reflect a world where high-speed connectivity is no longer a luxury but a necessity.

One of the Commission's major initiatives over the past year was the continued implementation of the Affordable Connectivity Program (ACP). Established by the Bipartisan Infrastructure Law, the ACP is the largest broadband affordability effort in our nation's history. The Commission made significant gains in increasing ACP enrollment this year. The FCC heavily engaged local, state, and Federal organizations to serve as ACP outreach and awareness-raising partners. As a result of these combined efforts, ACP has helped more than 23 million households pay for high-speed internet service and obtain the connections they need for work, school, and so much more.

In addition to creating ACP in the Bipartisan Infrastructure Law, Congress directed the FCC to "adopt rules to facilitate equal access to broadband internet access service." Over the past year, we successfully conducted this proceeding, in which we received an incredible amount of public input. The FCC utilized its Task Force to Prevent Digital Discrimination to conduct listening sessions in places far and wide, so that we could hear from everyone with a role to play, including state, local and Tribal governments, community leaders and advocates, and providers. Based on all that we learned and consistent with the law, the Commission recently adopted rules to prevent digital discrimination of access to broadband services based on income level, race, ethnicity, color, religion, or national origin.

To identify where high-speed internet service is and is not available across the country, the Commission has also built the most accurate broadband map ever created. Because the map is iterative, we are continually refining the data and improving the map, and in 2023, we released two major updates to the broadband map. As a result, federal and state broadband funding programs are using these maps to make smarter investment decisions about where to devote resources and develop infrastructure to close the digital divide.

It has long been a priority of mine and of this agency to close the Homework Gap by ensuring that students across this country have the high-speed internet access necessary to do their schoolwork and fully participate in the modern classroom. For over two decades, schools and libraries have received funding through the Commission's E-Rate program to support these critical connections for students. This year, we took an important step to fund Wi-Fi on school buses. This will enable students to turn ride time into connected time for homework while commuting to and from school. It is especially valuable for students in rural America, who can spend long hours on these buses and are more likely to return home to areas without full broadband access.

There is currently no expert agency ensuring that the internet is fast, open, and fair. The internet is too important to our economy and society not to have effective oversight. So, recently, the Commission advanced a plan to reassert the agency's role as the country's leading communications watchdog over national security and public safety on our broadband networks. This plan would also restore the Commission's overwhelmingly popular net neutrality rules, which preserved internet openness by prohibiting internet providers from blocking, throttling, or prioritizing lawful content.

The Commission launched its new Space Bureau and Office of International Affairs this year. The space industry has entered an era of unprecedented growth, which is fueling an increase in both the complexity and the number of applications for space services before the Commission. Our country's economic success today and in the future relies on space-based connections, so we have made important structural changes to meet the needs of space innovation. The Space Bureau is interfacing with our international regulatory counterparts, modernizing our satellite and orbital debris rules, and is also preparing for the coming convergence of satellite and terrestrial convergence known as the Single Network Future. Furthermore, the Commission adopted new rules to streamline our satellite policies and expedite the processing of space and earth station applications.

The Commission also adopted rules to implement the Safe Connections Act. Under this new law, the Commission has authority to help survivors of domestic abuse to swiftly and securely separate from communications contracts like family cellphone plans, and receive emergency communications support from Lifeline or ACP for up to six months. For those affected by domestic violence and abuse, a phone is a life saver, it is a gateway to building a new life, away from harm. The Safe Connections Act will help survivors of domestic violence and harmful abuse get access to the connections they need to safely rebuild their lives.

Throughout the year, the Commission has worked diligently towards achieving its mission across all of its strategic goals, and I am pleased to present this Annual Performance Report to highlight the Commission's wide array of accomplishments during FY 2023.



Jessica Rosenworcel  
Chairwoman

## *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 the Chairperson.

The FCC is organized by function. There are seven Bureaus and eleven Offices. The Bureaus and the Offices develop and administer the FCC's policies and regulations, 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; inform and educate consumers and conduct outreach, and organize and participate in hearings, workshops, conferences, webinars and other events. 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 state, local, Tribal, and territorial governments. The Bureau also serves as the public face of the Commission through outreach and education and responds to consumer inquiries and informal complaints. The Bureau maintains collaborative partnerships with consumer-facing organizations and state, local, Tribal, and territorial government in such areas as implementation of critical initiatives, implementation of new technologies, and emergency preparedness. 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. The Bureau also ensures public facing access to the Commission for persons with disabilities via a team of

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<sup>1</sup> 47 U.S.C. § 151.

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

American Sign Language interpreters and accessible formats specialists. The Bureau's Office of Native Affairs and Policy (ONAP) maintains an active Tribal consultation, engagement and outreach program to support robust government-to-government consultation with federally recognized Tribes, Alaska Native Villages, and Native Hawaiian Organizations and in support of the Commission's efforts to close the digital divide, including on Tribal lands.

- **The Enforcement Bureau** enforces the Communications Act and the FCC's rules. Among its responsibilities, it acts to protect consumers, their privacy, and sensitive information, ensure efficient use of spectrum, further national security and public safety, promote competition, resolve disputes, and protect the integrity of FCC programs and activities from fraud, waste, and abuse.
- **The Media Bureau** recommends, develops, and administers the policy and licensing programs relating to electronic media, including broadcast television and radio, cable television, and satellite television in the United States and its territories.
- **The Public Safety and Homeland Security Bureau** develops and implements policies and programs to strengthen public safety communications and interoperability, homeland security, national security, emergency management and preparedness, disaster management, and network reliability and resiliency. 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 crises. 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 Space Bureau** develops, recommends, and implements policies and programs for satellite and space-based communications and activities. The Bureau strives to promote a competitive and innovative communications marketplace by leading licensing and regulatory efforts related to satellite and space-based communications while fostering the efficient use of scarce spectrum and orbital resources.
- **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 and fixed wireless 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, broadband, and telephone lines, as well as many policies (including, but not limited to, local number portability) that are not dependent on the technology used by the service provider, 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 diversity, competition, and innovation in the provision and ownership of telecommunications and information services by supporting opportunities for small businesses, as well as women-owned and minority-owned communications businesses.
- **The Office of Economics and Analytics** provides objective economic analysis to support Commission policy making and implements 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. The Office develops and administers FCC decisions regarding spectrum allocations, use of spectrum on an unlicensed basis, and coordinates use of shared spectrum with the Executive Branch. The Office also oversees the Commission's equipment authorization program to ensure radiofrequency devices comply with technical rules and rules prohibiting authorization of equipment that has been determined to pose an unacceptable risk to national security. The Office also oversees the Commission's program to promote new and innovative technologies and services.
- **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 International Affairs** oversees and coordinates the FCC's global participation in international and multilateral conferences, bilateral meetings, regional organizations, cross-border negotiations and international standard setting efforts. The Office also facilitates through rulemaking and licensing the Commission's development of policies regarding international telecommunications facilities and services as well as submarine cables, and advises and makes recommendations to the Commission on foreign ownership issues. In undertaking these functions, the Office implements Commission policies to facilitate competition and foreign investment in US. international telecommunications markets while ensuring, in consultation with relevant federal partners, that national security, law enforcement foreign policy, and trade policy concerns are addressed.
- **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** develops, coordinates, evaluates, and recommends to the Commission policies, programs, and practices that foster a diverse workforce, and promotes and ensures equal employment opportunity (EEO) for all employees and applicants without regard to race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability (mental, intellectual, or physical), marital status, parental status, political affiliation, genetic information (including medical history), or any other basis protected by law.

# ***PURSUE A 100% BROADBAND POLICY***

*The COVID-19 pandemic put a spotlight on the serious broadband gaps that exist across the country, including in rural infrastructure, affordability for low-income Americans, and at-home access for students. This continuing digital divide means millions of Americans do not have meaningful access to essential infrastructure for 21<sup>st</sup> century success. In response to the challenges that many Americans face, the agency should advance access to communications that are essential for Americans to work remotely, learn remotely, receive healthcare, and engage in commerce. To this end, the FCC will pursue policies to help bring affordable, reliable, high-speed broadband to 100 percent of the country.*

## **FY 2023 PERFORMANCE HIGHLIGHTS**

A key priority for the FCC is to pursue policies to address the existing broadband gaps across the country and to bring affordable, reliable high-speed broadband to all Americans. The FCC used several mechanisms and funding models to increase broadband service, including the Affordable Connectivity Program, the Emergency Connectivity Fund, the Rural Digital Opportunity Fund, the COVID-19 Telehealth Program, and the Connected Care Pilot Program.

### **Affordable Connectivity Program**

The Affordable Connectivity Program (ACP) is a \$14.2 billion federal initiative that helps low-income American households bridge the connectivity divide. It offers qualifying households discounts of up to \$30 per month for broadband service, and up to \$75 discount per month if the household is on Tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if the household contributes more than \$10 and less than \$50 toward the purchase price. It is a successor program to the Emergency Broadband Benefit Program, which helped over 9 million afford internet access during the pandemic. Funding support for the ACP comes from the Bipartisan Infrastructure Law. As of September 30, 2023, there were approximately 21,000,000 households enrolled in the ACP.

Figure 1.1: ACP Household Enrollment Quarterly Figures for Fiscal Year 2023

Fiscal Year 2023 Quarter End Date	December 31, 2022	March 31,2023	June 30, 2023	September 30, 2023
ACP Household Enrollment <sup>3</sup>	15,481,869	17,108,774	19,216,503	21,166,936
ACP Enrollment Quarterly Percentage Increase	9.8%*	10.5%	12.3%	10.1%

<sup>3</sup> The ACP enrollment figures are based on weekly household enrollment data reported by the Universal Service Administrative Company (USAC), <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/#total-enrolled>.



\*Note: This is the percentage change in total ACP households between September 30, 2022 and December 31, 2022 or the last quarter of fiscal year 2022; household totals for September 30, 2022 are not shown in the table.

The Commission took the following actions to further the goals of the ACP:

- Made a series of enhancements to the ACP consumer application to make it easier for eligible consumers to apply and enroll in the program.<sup>4</sup>
- Adopted an order to provide an up-to-\$75 monthly broadband benefit for subscribers living in qualifying high-cost areas through the ACP. The Bipartisan Infrastructure Law specified that the \$75 monthly benefit would support providers that can demonstrate that the standard \$30 monthly benefit would cause them to experience “particularized economic hardship” such that they would be unable to maintain part or all of their broadband network in a high-cost area.<sup>5</sup>
- Adopted an Order for the collection of price and subscription rates of internet service offerings of ACP providers.<sup>6</sup> Opened the ACP Transparency Data Collection submission window for providers from September 8 through November 30, 2023, to collect information related to the price, subscription rates, and plan characteristics of the internet service offerings of ACP participating providers as required by the Infrastructure Act.<sup>7</sup>
- The Commission’s Office of Inspector General (OIG) issued an advisory about potential provider non-compliance with the ACP usage and de-enrollment rules among certain providers.<sup>8</sup> The OIG announced that, following its investigation, a major ACP provider has voluntarily repaid approximately \$50 million that it improperly claimed between June 2021 and July 2022. Approximately ninety-percent (or \$44.5 million) of the improper claims disclosed by the provider were related to low-income households that were not using the service as required by FCC program rules. The provider also repaid \$2.6 million for improper enrollments associated with the National School Lunch Program’s Community Eligibility Provision and \$2.3 million for claims associated with other compliance issues.

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<sup>4</sup> Press Release, FCC, More Than 17 Million Households Enroll in Affordable Connectivity Program as Agency Announces Consumer Friendly Enhancements to the Application Process (April 3, 2023), <https://docs.fcc.gov/public/attachments/DOC-392293A1.pdf>; see also USAC, *Affordable Connectivity Program – Enhancements to the Online Consumer Application*, May 4, 2023, <https://www.usac.org/wp-content/uploads/about/documents/acp/bulletins/ACP-Enhancements-to-the-Online-Consumer-Application-1.pdf> (last visited Jan. 19, 2024). Moreover, USAC published five releases outlining this and additional relevant enhancements to its systems on February 14, 2023, March 29, 2023, May 4, 2023, June 8, 2023, and August 3, 2023. <https://www.usac.org/about/affordable-connectivity-program/affordable-connectivity-program-learn/acp-bulletins/>

<sup>5</sup> See *Affordable Connectivity Program*, WC Docket No. 21-450, Sixth Report and Order, FCC 23-62 (Aug. 4, 2023) (establishing high-cost area benefit). On January 11, 2024, the Wireline Competition Bureau (Bureau) announced that due to the depletion of ACP funding and the upcoming ACP enrollment freeze, USAC would not be accepting high-cost area benefit applications from providers for the time being. *Affordable Connectivity Program*, WC Docket No. 21-450, Order, DA 24-23, at 13, para. 33 (WCB Jan. 11, 2024). The Bureau will reevaluate the status of the high-cost area benefit application process if the ACP receives additional funding.

<sup>6</sup> *Affordable Connectivity Program*, WC Docket No. 21-450, Fourth Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13773, para. 1 (2022).

<sup>7</sup> *Wireline Competition Bureau Announces Completion of OMB Review and Key Dates for Affordable Connectivity Program Transparency Data Collection*, WC Docket No. 21-450, Public Notice, DA 22-683 (WCB Aug. 11, 2023).

<sup>8</sup> FCC Office of Inspector General, *FCC-OIG Advisory Regarding ACP Provider Noncompliance with Program Usage and De-enrollment Rules* (Sept. 28, 2023), <https://docs.fcc.gov/public/attachments/DOC-397337A1.pdf>.

In total, the provider repaid approximately one-third of the program disbursements it received for providing ACP service between June 2021 and July 2022.

- The Wireline Competition Bureau (Bureau) announced additional measures to ensure that providers are receiving reimbursement from the ACP for fully subsidized service only for households using their service, as required by the Commission’s rules.<sup>9</sup> The measures addressed potential provider non-compliance with the ACP usage rules. The Bureau: (1) referred a matter to the Enforcement Bureau for further investigation; (2) directed the Universal Service Administrative Company (USAC) to revise its methodology for proactively monitoring provider claims and de-enrollment data; and (3) directed USAC to expand its program reviews to help ensure compliance with the non-usage rules.

In the Commission’s response to the January 2023 report by the U.S. Government Accountability Office (GAO) on ACP, the Commission supplemented the goals it established in the ACP Report and Order with the following objective, measurable, and quantifiable goals for the ACP. Initially, in 2022, as part of the accelerated 60-day rulemaking to adopt rules for the ACP, the Commission had established three goals for the ACP: 1) reduce the digital divide for low-income consumers; 2) promote awareness and participation in the ACP; and 3) ensure efficient and effective administration of the ACP, which would be measured by evaluating the speed and ease of the application process and the reimbursement process. Later, in response to the GAO’s 2023 recommendations, the Commission set more specific measures for each goal and defined targets for each of those measures. The targets set forth in the response to the GAO report include:

- Using consumer surveys to determine the number of ACP households that are first-time internet users and increase that number of users by 5% per quarter, which is only one metric related to reducing the digital divide and the program’s goal to help consumers get and stay online.
  - Progress Update: The results of the consumer surveys show a 5% quarterly increase of recently enrolled ACP households that reported having no internet service prior to receiving the ACP benefit. The Commission deployed a pilot survey in November 2022 to collect objective, quantitative, and measurable data related to the ACP and to establish a baseline for measuring and assessing the ACP’s performance in relation to the program goals. The November 2022 pilot survey reported 16% of recently enrolled ACP subscribers who reported not having internet service prior to their ACP benefit. That pilot survey helped inform the development of a quarterly subscriber survey, which USAC, at the Commission’s direction, sent to ACP subscribers in July and October 2023. The following represents the benchmarks needed to meet a 5% increase<sup>10</sup> across four quarters: first quarter at 16.8%; second quarter at 17.64%; third quarter at 18.52%; and fourth quarter at 19.5%. The survey conducted in July 2023 indicated 19.5% of the

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<sup>9</sup> *Wireline Competition Bureau Announces Additional Measures to Strengthen Program Integrity for ACP*, WC Docket No. 21-450, Public Notice, DA 23-918 (Sept. 29, 2023).

<sup>10</sup> For example, a 5% increase in the percentage of responses from the initial 16% of respondents indicating they had no prior broadband service would result in 16.8% of respondents who recently enrolled stating they were a first-time broadband user. The goal would result in the following quarter growing to 17.64%. See Government Accountability Office (GAO), *Affordable Broadband: FCC Could Improve Performance Goals and Measures, Consumer Outreach, and Fraud Risk Management* at Appendix IV, at 3, n.9 (2023), <https://www.gao.gov/products/gao-23-105399>.

recently enrolled ACP subscribers reported not having internet service prior to their ACP benefit, which meets the overall percentage increase metric by the fourth quarter.<sup>11</sup>

- Tracking program participation rates with the goal of increasing total ACP households by 1.5% to 3% each month with the aim of having a participation rate of between 36.1% and 43.1% by November 2023.
  - Progress Update: Participation rates indicate a monthly increase in line with the goal. As of September 30, 2023, the participation rate was estimated at about 43.5%.<sup>12</sup>
  - The monthly increase in total ACP households averaged 3.75% for the life of the ACP and 3.4% for the months in FY 2023.
- Surveying the general public to identify program awareness, and use the data for targeted outreach.
  - Progress Update: As part of the paid media campaign, the Commission conducted two surveys of the general U.S. adult population: one prior to the paid media campaign on January 2023 and one after the paid media campaign concluded on December 2023. They found a 6-point decrease in the ACP-eligible population who indicated they are ‘unfamiliar’ with the ACP.
  - In the quarterly surveys of recently enrolled ACP households, the Commission asks consumers about how they heard of ACP. Generally, based on the survey, the majority of respondents learned about the ACP through their internet service provider, a personal connection, or another federal aid program. However, the survey results also indicate that between July 2023 and October 2023 an increasing number of the recently enrolled households learned about ACP through a local organization or non-profit.
  - The FCC’s Outreach Grant Program has helped increase awareness of the ACP. Data collected from ACP Outreach Grant recipients indicate in the first grant reporting period of 2023 there were 2,368 outreach activities where 150,000 individuals learned about ACP for the first time. Furthermore, based on data from ACP Outreach Grant recipients in the second grant reporting period of 2023 there were an additional 4,350 outreach events and activities, where an estimated 1.56 million people became aware of ACP for the first time.

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<sup>11</sup> Separate FCC survey data show that 68% of households enrolled in the ACP had inconsistent connectivity or zero connectivity prior to the ACP. *See* <https://www.fcc.gov/acp-survey>.

<sup>12</sup> In the Commission’s response to the GAO, it set a goal of a participation rate between 36.1% to 43.5% using the Center of Poverty and Social Justice’s estimate that 48.6 million US households are eligible for ACP; in order to stay consistent, the Commission calculated a participation rate of 43.5% by dividing the 21,166,936 total ACP households by 48,600,000 eligible households.

Figure 1.2: Survey Data Identifying Source for Program Awareness for Fiscal Year 2023

<b>How Subscriber Heard about ACP</b>	<b>July 2023 Result</b>	<b>October 2023 Result</b>
Internet Company/Service Provider	39.4%	41.3%
Family member, friend, teacher, faith leader or coworker	19.2%	19.2%
Participation in another federal aid program	13.9%	14.0%
Social media or digital/mobile advertising	11.1%	8.4%
Internet search (Google, Yahoo, Bing, etc.)	6.0%	6.3%
TV commercial or Program	2.9%	3.0%
Local organization or non-profit	2.1%	3.3%
Local advertising (non-digital)	2.0%	2.5%
Elected government official or federal agency	1.6%	1.2%
Local Radio	1.0%	0.5%
Local Newspaper	0.1%	0.3%

- The Commission acknowledges the research done on this topic that utilizes surveys to measure the American public’s awareness of ACP. Consumer Reports conducted a survey in October 2023, which found 41% had not heard of the program. Comparatively, a survey conducted earlier in 2023 by the Benton Institute indicates that “over 50% of ACP-eligible households had either never heard of the program or had heard of it but didn’t know anything about it.”
- Additionally, the quarterly surveys do track ACP subscriber awareness of the Lifeline program. The results from the October 2023 survey indicate 70.9% of recently enrolled ACP households were aware of the Lifeline program compared to 66.8% in the July 2023 survey. This is a 6% increase.
- Finally, the Commission used program data and calculations of ACP eligibility to identify geographic areas where there was low ACP enrollment but high ACP eligibility. The Commission then used targeted outreach activities, such as paid media, to increase awareness and participation in these areas.
- The survey results indicate that there was an increase of ACP awareness of recently enrolled subscribers through local advertising and local newspapers.
- Increasing the percentage of subscribers who report via a consumer survey that the application and/or the enrollment process was easy to 75%, and reduce the percentage of those who found the application and/or enrollment process difficult to 4%.
  - Progress Update: The quarterly subscriber surveys indicate both goals were met. The following chart summarizes the survey results focusing on how respondents rated the application and enrollment process:

Figure 1.3: Quarterly Subscriber Survey Data on Ease of Application and Enrollment Process for Fiscal Year 2023

Survey Period	Application Process			Enrolling with Internet Company		
	Not at all easy	Somewhat Easy	Very Easy	Not at all easy	Somewhat Easy	Very Easy
November 2022	4.6%	24.3%	71.2%	7.2%	21.6%	71.2%
July 2023	3.6%	15.8%	80.7%	9.0%	17.5%	73.5%
October 2023	3.5%	19.9%	76.6%	10.4%	18.6%	71.1%

- First, the survey conducted in July 2023 reported a higher number of respondents found the application process was very easy or somewhat easy compared to the pilot survey conducted in November 2022 (96.5% for the survey conducted in July 2023 and 95.5% for the pilot survey conducted in November 2022). The enrollment process was very easy for 73.5% of respondents based on the survey conducted in July 2023 compared to 71.2% in the pilot survey conducted in November 2022.
- Second, fewer respondents from the survey conducted in July 2023 found the application process was not at all easy, reported at 3.6%, as compared to the pilot survey conducted in November 2022, reported at 4.6%. The enrollment process was not at all easy for 9% of subscribers responding to the survey conducted in July 2023 and 7.2% of subscribers responding to the pilot survey conducted in November 2022.
- Increasing automatic approval of eligible National Verifier applicants nationwide by increasing local, state, and federal agency partnerships.
  - Progress Update: The Commission has increased its local, state, and federal agency partnerships to ease the ACP application process. The Commission and USAC worked with local, state, and federal agency partnerships to secure four new connections to the National Verifier: the state of Missouri added an ACP connection in October 2022, the Veterans Benefit Administration established a connection in November 2022, the state of Arizona established a connection in January 2023, and the Department of Education established a connection in May 2023.
- Reducing the ratio of the program’s administrative costs per participating household.
  - Progress Update: There was a \$5.32 reduction of the program’s administrative costs per participating household by September 30, 2023, the end of the fiscal year for FY 2023. The FCC’s Office of Managing Director calculated a total of \$224,876,348 in total ACP administration costs as of September 30, 2023. There were a total of 21,166,936 ACP households on this date, or the end of the fiscal year. Therefore, the total administrative costs per subscriber was \$10.62. Assuming the administrative costs are fixed costs applicable to all data months, this indicates the total administrative costs per household at the beginning of FY 2023 was \$15.94 because there was a total of 14,104,334 total subscribers as of October 1, 2022.

In order to measure its progress towards achieving these goals, the Commission developed a robust outreach program, including the ACP Outreach Grant Program that included the National Competitive Outreach Program, the Tribal Competitive Outreach Program, the Your Home, Your Internet Pilot Program, and the ACP Navigator Programs. In addition, the Commission deployed enhancements to the application and enrollment process to make it easier for eligible households to apply and enroll in the program. It is important to note should Congress not appropriate additional money to ACP, the existing funds will be exhausted during the spring of the next fiscal year, the Commission will have to end the ACP, and providers will stop providing discounts to enrolled households.

### **Emergency Connectivity Fund**

The FCC's Emergency Connectivity Fund (ECF) is a \$7.171 billion program to help schools and libraries provide tools and services their communities need for remote learning during the COVID-19 emergency period. The ECF provides relief to millions of students, school staff, and library patrons. The initial application filing window closed on August 13, 2021, the second application filing window closed on October 13, 2021, and the third application filing window closed on May 13, 2022. USAC is the administrator of the ECF Program, and USAC and the FCC review and process the remaining pending applications on a rolling basis. On May 12, 2023, the Wireline Competition Bureau (WCB) and the Office of the Managing Director announced June 30, 2024 as the sunset date for the ECF Program following the expiration of the COVID-19 public health emergency on May 11, 2023.

As of the end of Fiscal Year (FY) 2023, the Commission had committed over \$6.5 billion to schools and libraries across the country as part of the ECF. As of the end of FY 2023, the program has provided support to approximately 11,400 schools, 1,060 libraries, and 125 consortia, and provided nearly 13 million connected devices and over 8 million broadband connections. Of the over \$6.5 billion in funding commitments approved as of the end of FY 2023, approximately \$4.14 billion is supporting applications from Window 1; \$834 million from Window 2; and \$2.06 billion from Window 3.

### **Rural Health Care**

The FCC approved a number of proposals for the Rural Health Care (RHC) Program to make it easier for health care providers to receive support, reduce delays in funding commitments, and improve the overall efficiency of the program. These actions resolved petitions for reconsideration on issues from the August 2019 *Promoting Telehealth Report and Order*, and adopted proposals from the February 2022 *Further Notice of Proposed Rulemaking* (“NPRM”). One of the adopted proposals harmonized the invoice process between the Telecommunications Program and the Healthcare Connect Fund Program, the RHC Program’s two component mechanisms. Another adopted proposal amended the RHC Program’s funding cap and prioritization rules to limit the application of the internal cap and to prioritize health care providers’ current year financial need over their future year need when the internal cap is exceeded. The FCC also proposed additional reforms to improve the effectiveness and efficiency of the RHC Program. These proposed reforms include: permitting conditional approval of eligibility for future eligible health care providers; simplifying the rules for determining urban rates by eliminating the seldom-used “standard urban distance” component of the urban rate rules; aligning the Service Provider Identification Number

change deadline with the invoice deadline; and implementing a process for changing RHC Program evergreen contracts following a funding commitment. Generally, for the life of a multi-year contract deemed evergreen by USAC, Health Care Providers (HCPs) need not annually rebid or post a FCC Form 465.

## **Rural Broadband**

The 5G Fund for Rural America (5G Fund), a Universal Service Fund-supported program, was established in 2020 to distribute up to \$9 billion to bring voice and 5G mobile broadband service to rural areas of the country unlikely to otherwise see unsubsidized deployment of 5G-capable networks. As adopted, the 5G Fund will use multi-round reverse auctions to distribute support, in two phases, to target mobile universal service in the high-cost program using the Commission's more precise, verified mobile coverage data gathered through its Broadband Data Collection.

In a Further Notice of Proposed Rulemaking (FNPRM), the FCC sought to refresh the record on the 5G Fund. The FCC's new broadband coverage map shows that over 14 million homes and businesses lack mobile 5G coverage. The FCC sought comment on how to define the areas that will be eligible for support in the 5G Fund Phase I auction and proposed to modify the metric used to accept bids and identify winning bids in order to target support to places where people live, work, and travel.

In a Report and Order, the FCC continued its efforts to bolster mobile and fixed voice and broadband services throughout Puerto Rico and the U.S. Virgin Islands (the Territories). First, the FCC extended the PR Fund and the Connect USVI Fund mobile support for up to two years, with support at 50% of its current monthly support level in the first year and 25% of its current monthly support level in the second year. The FCC also extended phase-down frozen support for fixed voice and broadband providers until December 31, 2025.

In a Report and Order, the FCC established the Enhanced Alternative Connect America Cost Model (A-CAM) program. The FCC also initiated a rulemaking and inquiry seeking comment on further reforms to the legacy rate-of-return system and methods for modifying the Universal Service Fund's High-Cost program to support ongoing expenses for broadband networks in light of the Bipartisan Infrastructure Law and other recent federal and state efforts. The Enhanced A-CAM program provides universal service high-cost support to participating carriers for deployment of 100/20 Mbps or faster broadband service to all locations served by the program, including some of the most difficult-to-reach areas of the country.

## **Auctions**

The FCC granted the first batch of new, flexible-use, county-based overlay wireless licenses made available in the 2.5 GHz auction, Auction 108. The FCC granted 62 of the 68 total long-form applications received from winning bidders in Auction 108. Of the 62 applications granted, 20 applicants obtained small business bidding credits and 29 obtained rural service provider bidding credits.

## **Broadband Data Collection (BDC)**

The need for accurate data pinpointing where broadband service is available, and where it is not available, has never been greater. On November 18, 2022, the FCC released the first location-based National Broadband Map (Map) based on data collected from internet providers as of June 30, 2022. The initial pre-production draft of the Map was the most accurate and precise picture ever compiled of where broadband is (and is not) available across the United States, and we continue to update and improve the data through new collections from internet providers every six months. In addition to biannual availability collections, FCC-initiated updates, improvements to the Broadband Serviceable Location Fabric (Fabric), verification and audit efforts are continually improving the accuracy of the Map. Consumers, state, local and Tribal government entities, and other stakeholders are helping the FCC verify the accuracy of the data shown on the map by participating in robust challenge processes. An accurate map helps identify the unserved and underserved communities most in need of funding for high-speed internet infrastructure investments.

- In 2023, the FCC collected updated availability data from Internet Service Providers (ISPs) as of December 31, 2022, and June 30, 2023, and published the new data, along with updated location information on the Map in May 2023 and November 2023, respectively. The Map is also updated every two weeks to reflect the resolution of availability challenges from consumers, states, localities, Tribes and other stakeholders, as well as independent verification and audit efforts by the Commission and other corrections and improvements to the data made on an ongoing basis. The FCC announced in late December that on January 2, 2024, it would begin accepting new provider availability data as of December 31, 2023.
- The Commission released two updates to the Fabric dataset in 2023 (in addition to the two released in 2022). The 2023 versions of the Fabric reflect the results of over 1.5 million location challenges. Additionally, the FCC's contractor continues its own effort to refine the models and processes used to create the Fabric, and to obtain updated and improved input data sources such as new parcel data. The 2023 versions of the Fabric also incorporated millions of adjustments to the data associated with locations that were included in earlier versions of the Fabric. The challenge and other adjustments included changes to address fields, unit counts, new secondary addresses, broadband serviceable location status, and building and land use codes. The number of broadband serviceable locations on the current Map is up to 115 million, an increase of 800,000 since May 2023.
- The BDC also accepts and adjudicates fixed and mobile availability challenges. This is an ongoing, iterative process that improves the data submitted by providers by virtue of the on-the-ground experience of consumers and other stakeholders, including state and Tribal governments and other third parties. FCC staff received and resolved over 4.8 million challenges to broadband availability data in 2023.
- FCC staff also reviewed provider data submissions for inconsistencies or apparent anomalies, and conducted proactive outreach to providers in order to clarify BDC reporting requirements. In addition, FCC staff have initiated over 900 data verification inquiries to date, which have resulted in updates to hundreds of provider submissions and a clearer picture of broadband availability in every state and territory. FCC staff also reviews and evaluates crowdsource submissions, and these may inform less formal evaluations and



investigations of the availability data. Several audits of providers' availability data are underway with staff currently reviewing the responses.

- Enforcement efforts are ongoing and often conducted in tandem with other data validation efforts to correct inaccurate data on the National Broadband Map, while also making clear to filers that (1) filing accurate data is critically important, and (2) engaging in conduct that violates the Commission's BDC rules may result in legal action, including monetary forfeitures.
- The FCC conducts extensive outreach to providers, states, and Tribes on the filing requirements and challenge processes and hosted technical assistance workshops that highlight best practices for both filing and challenging BDC data. In addition, the FCC maintains an extensive help center with additional information, <https://help.bdc.fcc.gov>.

### **Additional Broadband Related Activities**

The FCC adopted an order providing Tribal libraries and other E-Rate participants enhanced access to funding so they can obtain affordable, high-speed broadband services and equipment to connect students and library patrons with online learning opportunities. The updates to the E-Rate program rules included granting E-Rate eligibility to Tribal College and University libraries that also serve as public libraries in their communities; creating an exemption to the competitive bidding requirements for libraries seeking E-Rate support for category two services that total a pre-discount price of \$3,600 or less per library per funding year; increasing the maximum category two discount rate to 90% and the category two funding floor to \$55,000 for Tribal libraries; adopting a formal definition of "Tribal" within the E-Rate program to better identify Tribal applicants seeking E-Rate funding; and amending the Commission's rules to add a Tribal community representative to the USAC Board of Directors.

The FCC released an important update to its *Mapping Broadband Health in America* platform<sup>13</sup> to incorporate maternal health data, enabling policymakers, public health experts, clinicians, researchers, innovators, and other public and private stakeholders to better explore the intersection of broadband and maternal health. Consistent with the *Data Mapping to Save Moms' Lives Act*, this tool is the latest step in the FCC's efforts to explore the role of broadband connectivity in improving maternal health.

The FCC adopted an Order that continues efforts to bolster mobile and fixed voice and broadband services throughout Puerto Rico and the U.S. Virgin Islands by ensuring universal service support will go to harden and strengthen networks as part of the Bringing Puerto Rico Together Fund and the Connect USVI Fund.

The FCC's Office of Engineering and Technology (OET) issued the 12<sup>th</sup> Measuring Broadband America Report on speed and performance of fixed ISPs. This report provides results of broadband performance testing of a representative sample of consumer service offerings of 10 of the largest wireline broadband providers that serve over 80 percent of the U.S. consumer market.

The FCC launched a new pilot program to make it easier for Tribal libraries to apply for broadband funding through the E-Rate program. The FCC's pilot will initially target 20 Tribal libraries that

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<sup>13</sup> Available at: <https://www.fcc.gov/reports-research/maps/connect2health/>.

are new to the program or have had challenges applying in the past. The program will provide one-on-one assistance in all aspects of planning and applying for E-Rate support, and help participants once they successfully apply to ensure they are supported during the invoicing and other post-commitment processes.

The FCC adopted a Notice of Proposed Rulemaking that proposes to reestablish the Commission’s authority over broadband Internet access service by classifying it as a telecommunications service under Title II of the Communications Act, which would allow the Commission to protect consumers by issuing straightforward, clear rules to prevent ISPs from engaging in practices harmful to consumers, competition, and public safety; establish a uniform, national regulatory approach rather than disparate requirements that vary state-by-state; strengthen the Commission’s ability to secure communications networks and critical infrastructure against national security threats; and enable the Commission to protect public safety during natural disasters and other emergencies.

The FCC adopted a Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking to promote the deployment of broadband infrastructure by making the pole attachment process faster, more transparent, and more cost-effective by adopting rules allowing for faster resolution of pole attachment disputes and providing pole attachers with more detailed information about the poles they plan to use as part of their broadband buildouts. The FCC also sought comment on ways to further facilitate the approval process for pole attachment applications and make ready to enable quicker broadband deployment.

Through a Notice of Inquiry released pursuant to section 706 of the Telecom Act of 1996, the FCC initiated the next annual assessment concerning the “availability of advanced telecommunications capability to all Americans.” The FCC began this annual inquiry in the wake of the COVID-19 pandemic during which Americans increasingly turned to broadband connections to conduct their lives, and to take a fresh look at FCC standards for evaluating broadband deployment and availability in light of the largest ever federal investment in broadband in the Infrastructure Investment and Jobs Act (IIJA). The annual inquiry is the first to use the new Broadband Data Collection (BDC) data, which collects more precise, location-by-location broadband availability data than prior collections and is updated through the broadband availability challenge process required by Congress.

## ***PROMOTE DIVERSITY, EQUITY, INCLUSION AND ACCESSIBILITY***

*The FCC will seek to gain a deeper understanding of how the agency’s rules, policies, and programs may promote or inhibit advances in diversity, equity, inclusion, and accessibility. The FCC will pursue focused action and investments to eliminate historical, systemic, and structural barriers that perpetuate disadvantaged or underserved individuals and communities. In so doing, the FCC will work to ensure equitable and inclusive access and facilitate the ability of underserved individuals and communities to leverage and benefit from the wide range of opportunities made possible by digital technologies, media, communication services, and next-generation networks. In addition, the FCC recognizes that it is more effective when its*

*workforce reflects the experience, judgement, and input of individuals from many different backgrounds. Advancing equity is core to the agency's management and policymaking processes and will benefit all Americans.*

### ***FY 2023 PERFORMANCE HIGHLIGHTS***

The FCC adopted a Report and Order and Further Notice of Proposed Rulemaking to establish a framework to facilitate equal access to broadband internet access service by preventing digital discrimination of access, and sought additional comment on matters pertaining to the Commission's administration of Section 60506 of the IIJA and our efforts to facilitate equal access. With this proceeding, the FCC implemented next steps to promote and facilitate equal access to broadband internet service for everyone, with the goal of creating a framework for preventing and eliminating digital discrimination.

The FCC Task Force to Prevent Digital Discrimination, a staff working group comprised of representatives from across the agency that the Chairwoman established in February 2022, continued its coordination of the Commission's implementation of the Bipartisan Infrastructure Law provisions regarding combatting digital discrimination. The Task Force coordinates on the rulemaking, stakeholder engagement, and agency efforts necessary for full and effective implementation of the statutory language. The Task Force conducted eight public listening sessions across the country, including Washington, DC (at Gallaudet University), where it heard from the community and learned about on-the-ground broadband experiences. It also conducted numerous meetings with state, local, and Tribal governments, community leaders and advocates, academia, and service providers about challenges, barriers and perspectives about access to broadband, including an FCC Office of Native Affairs and Policy Tribal Workshop in Ferndale, Washington hosted by the Lummi Nation.

The Communications Equity and Diversity Council, a federal advisory committee chartered by the FCC, submitted reports and recommendations to the Commission on how to accelerate the deployment of broadband in all communities by reducing and/or removing regulatory barriers to infrastructure and investment, and on how to strengthen existing broadband networks and develop new ones. The Council was subsequently rechartered by the Chairwoman for an additional two year term to continue its mission to make recommendations to the Commission on advancing equity in the provision of and access to digital communication services.

The FCC's Office of Communications Business Opportunities expanded its outreach efforts to small businesses by launching an initiative to translate Small Entity Compliance Guides into Spanish in an effort to assist business owners with understanding and complying with new Commission rules.

The FCC, through its Office of International Affairs (OIA) leadership, advocated gender diversity and equality in various international fora globally, and undertook a capacity building training for delegates from Inter-American Telecommunication Commission (CITEL) member states to increase participation of women delegates in World Radio Communications Conference 2023 (WRC-23) activities. The FCC conducted a virtual training session for new women delegates from the countries in the Americas Regions on the International Telecommunication Union (ITU) WRC

processes and how women delegates can increase their participation and obtain leadership positions at the WRCs. This was part of the regional programs organized by the Network of Women for WRC-23 (NOW4WRC23), a forum for networking, mentoring, and knowledge sharing. The FCC/OIA staff also volunteered their time to mentor women delegates and further other goals of NOW4WRC-23, including increasing participation of women delegates in ITU activities. In bilateral and multilateral meetings, the U.S. delegation emphasized the importance of gender diversity in participation in ITU activities. The FCC's participation in NOW4WRC23 activities helped build consensus among all member countries, first among those in our region, then at the ITU Radio Assembly. The FCC's work and support helped favorable outcomes at both Radio Assembly-23 and WRC-23 resulting in increased participation by women delegates, and adoption of a Resolution on Gender Equality and Equity.

The FCC voted to require video conferencing platforms, like Zoom, Microsoft Teams, or Webex, to comply with the accessibility requirements under the Communications Act and agency rules that govern interoperable video conferencing services. The decision includes several steps to ensure that video conferencing is accessible to all.

The FCC adopted rules to implement key provisions in the Safe Connections Act to support survivors of domestic abuse and other related crimes seeking to maintain critical connections with friends, family, and support networks. The rules would help survivors obtain separate service lines from shared accounts that include their abusers, protect the privacy of calls made by survivors to domestic abuse hotlines, and provide support for survivors who suffer from financial hardship through our affordability programs.

The FCC proposed to expand audio description regulations to all remaining market areas where the requirement does not already apply. The proposal would ensure that video programming is more accessible to individuals who are blind or visually impaired, helping them be more connected, informed, and entertained by television programming.

The FCC rechartered the Disability Advisory Committee (DAC) for a fifth term. The mission of the DAC is to make recommendations to the Commission on the full range of disability access topics specified by the Commission and to advise the Commission on ways to facilitate the participation of consumers with disabilities in proceedings before the Commission. In addition, the DAC is intended to provide an effective means for stakeholders with interests in this area, including consumers with disabilities, to exchange ideas, which will in turn enhance the Commission's ability to effectively address disability access issues.

The FCC opened a new portal for consumers to share how data caps, or usage limits, affect them. Collecting data cap stories on consumers' fixed or wireless broadband networks will help the FCC understand whether and how data caps impact access to broadband for all individuals, including those with disabilities, low-income consumers, and historically disadvantaged communities, and access to online education, telehealth, and remote work.

The FCC completed a review of its *Section 504 Handbook* and on the overall accessibility of the FCC's programs and activities for people with disabilities.

The FCC held a forum on the accessibility of emergency information in video programming, discussing the current state of the accessibility of emergency information and anticipated future advancements.

The FCC undertook the following enforcement action with respect to promoting diversity, equity, inclusion and accessibility:

- A proposed fine in the amount of \$25,000 against Rocking M, LLC and Melia Communications, Inc. for violations of the FCC's broadcast Equal Employment Opportunity rules at nine Kansas radio stations.

### **Affordable Connectivity Outreach Grant Program**

As part of its efforts to encourage participation in the ACP, the Commission established the ACP Outreach Grant Program in order to engage with partners around the country to help inform ACP-eligible households about the program in their local communities, with funding and resources to support such outreach and community engagement. In March 2023, the FCC adopted the ACP Fifth Report and Order making available a second funding opportunity for the ACP Outreach Grant Program.

The FCC took the following actions related to the ACP Outreach Grant Program:

- Announced final funding allocations for the ACP Outreach Grant Program, Tribal Competitive Outreach Program (TCOP) Round 2 of over \$1.2 million.
- Announced final funding allocations for the ACP Outreach Grant Program, National Competitive Outreach Program (NCOP) Round 2 of over \$4.3 million. This new funding opportunity for ACP outreach is intended to provide targeted funding towards 12 states and territories where funding minimums were not met during Round 1 as part of the Commission's March 10, 2023 funding announcement.
- Issued two Notices of Funding Opportunities (NOFOs) for up to \$10 million, targeting \$5 million for the NCOP and \$5 million for the TCOP, which are components of the ACP Outreach Grant Program. Eligible NCOP Round 2 applicants were required to submit a complete grant application on or before June 30, 2023 to be considered for funding. Eligible TCOP Round 2 applicants were required to submit a complete grant application on or before July 28, 2023 to be considered for funding.
- Announced that it was targeting approximately \$7.445 million for two one-year, pilot outreach grant programs to raise awareness of the ACP. The Commission selected 23 applicants to receive grant funding for the Your Home, Your Internet Pilot Program (YHYI) and 9 applicants to receive grant funding for the ACP Navigator Pilot Program (NPP). The YHYI provided \$4.995 million in target funding allocation to increase awareness and encourage participation in the ACP for households receiving federal housing assistance; and the ACP NPP provided \$2.449 million in target funding allocations to provide a limited number of neutral, trusted third-party entities, such as schools and school districts, or other local, Tribal or state government entities, to assist consumers in applying for the Affordable Connectivity Program.
- Announced that it was targeting approximately \$66 million through the ACP Outreach Grant Program, NCOP and TCOP. The FCC reviewed 350 grant applications to determine

the impact of proposed projects against the grant program's goal, objectives, and priorities. As a result of a multi-step review process, the FCC selected 197 applicants representing 50 states and territories to pursue a broad range of outreach projects for a combined targeted funding allocation of \$66.022 million.

- Released a NOFO for YHYI and for the ACP NPP as part of the ACP Outreach Grant Program. This NOFO made \$5 million available for YHYI and an additional \$5 million available for the ACP NPP. Eligible applicants were required to submit a complete grant application on or before January 9, 2023 to be considered for funding.
- Announced the application window for two one-year pilot programs —the Your Home, Your Internet Pilot Program (YHYI) and the ACP Navigator Pilot Program (NPP) —to increase awareness of and facilitate enrollment in the Affordable Connectivity Program and to provide consumers assistance with ACP applications.
- Released a NOFO for two sub-programs, the NCOP and TCOP, as part of the ACP Outreach Grant Program. This NOFO made \$60 million available for NCOP and an additional \$10 million available for TCOP. Eligible applicants were required to submit a complete grant application on or before January 9, 2023 to be considered for funding.

#### **Office of Native Affairs and Policy Outreach and Engagement:**

Affordable Connectivity Program (ACP): In furtherance of the Commission's ACP outreach efforts, the FCC's Consumer and Governmental Affairs Bureau's Office of Native Affairs and Policy (ONAP) presented information about the ACP Program at 13 Tribal meetings and conferences throughout the country, including in Alaska, California, South Dakota, Arizona, Idaho, Oregon, Nevada, Tennessee, Oklahoma, Louisiana, and Minnesota.

Informational Tribal Webinars and Other Engagement Efforts: In collaboration with FCC Bureaus and Offices, ONAP:

- Conducted an outreach program seeking feedback from Tribal Nations and the Native Hawaiian Community on ways in which the FCC can improve its understanding of how and the extent to which Tribal Nations and the Native Hawaiian Community are able to access wireless spectrum, including a Tribal webinar about Tribal Access to Wireless Spectrum and Related Data.
- Facilitated a platform to provide information and guidance on the 988 Suicide and Crisis Lifeline program and the FCC's reporting requirement.

E-Rate Program for Schools and Libraries: In furtherance of the FCC's efforts to make telecommunications and information services more affordable by providing discounts to eligible schools and libraries, including Tribal libraries, ONAP:

- Conducted three FCC Tribal Workshops hosted by the Santa Ynez Band of Chumash Indians, the Lummi Nation, and the Penobscot Nation.
- Completed an E-Rate Tribal Library Tour, including visits to libraries in Washington, Alaska (virtual), and California.
- In collaboration with the Wireline Competition Bureau, conducted two Tribal Consultation and Listening Sessions about the E-Rate program.

# ***EMPOWER CONSUMERS***

*Consumers who are well informed about their rights and what they're buying are more confident and more likely to participate in the digital economy. The FCC will tackle new challenges to consumer rights and opportunities stemming from the COVID-19 pandemic, plans for post-COVID recovery, and digital transitions. The FCC also will pursue effective enforcement and new approaches to protect consumers from unwanted and intrusive communications, phone-based scams, telephone privacy issues, and other trends that affect consumers. The FCC will work to enhance competition and pursue policies that protect the competitive process to improve consumer choice and access to information. The FCC will work to foster a regulatory landscape that fosters media competition, diversity, and localism. The FCC also must work to ensure the availability of quality, functionally equivalent communications services for persons with disabilities.*

## ***FY 2023 PERFORMANCE HIGHLIGHTS***

### **Robocall Related Actions**

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

- The FCC's Robocall Response Team and the Privacy and Data Protection Task Force announced the agency's renewed partnership with international robocall enforcement bodies within the Unsolicited Communications Enforcement Network (UCENet). The Memorandum of Understanding signed by FCC Chairwoman Jessica Rosenworcel demonstrates the agency's commitment to international partnerships in fighting consumer foes that know no borders: robocall scams and data theft. The FCC announcement takes place alongside its partners at the Federal Trade Commission (FTC). The FCC and FTC work closely together on consumer protection issues such as combating robocall scams and protecting consumers' privacy and sensitive data.
- The FCC adopted rules to strengthen and modernize the Commission's requirements for Voice over Internet Protocol (VoIP) providers to obtain direct access to telephone numbers. The action adopts important guardrails to reduce access to phone numbers by perpetrators of illegal robocalls, protect national security and law enforcement, safeguard the nation's finite numbering resources, reduce the opportunity for regulatory arbitrage, and further promote public safety.
- The FCC proposed new rules to strengthen consumers' ability to revoke consent to receive both robocalls and robotexts. The NPRM sought to clarify for callers their obligations under the Commission's rules to honor such requests in a timely manner.
- The FCC adopted new rules to further expand mandatory call blocking requirements to ensure even greater robocall protections for consumers. The new rules extend several call blocking requirements to include voice service providers not currently covered by FCC rules, including extending the 24-hour traceback requirement to cover all voice service providers.
- In the Sixth Report and Order in the Call Authentication Trust Anchor docket, the FCC adopted rules to combat illegal robocalls, including enhancing and expanding provider obligations to implement the STIR/SHAKEN caller ID authentication framework. The

new rules require non-gateway intermediate providers that receive unauthenticated IP calls directly from originating providers to use STIR/SHAKEN to authenticate those calls. The rules also expand robocall mitigation requirements for all providers, including those that have not yet implemented STIR/SHAKEN because they lack the necessary infrastructure or are subject to an implementation extension. The FCC empowered the Enforcement Bureau with new tools and penalties to hold providers accountable for failing to comply with our rules. We also defined the STIR/SHAKEN obligations of satellite providers. In a Further Notice of Proposed Rulemaking accompanying the Sixth Report and Order, the FCC sought comment on additional measures that may strengthen and expand the caller ID authentication regime and stem the tide of illegally spoofed robocalls.

- The FCC adopted its first regulations specifically targeting the increasing problem of scam text messages sent to consumers. The new rules will require mobile service providers to block certain robotext messages that are highly likely to be illegal.
- The FCC's Enforcement Bureau announced the opening of a new online portal by which private entities can alert agency enforcement staff of suspicious robocall, robotext, and spoofing campaigns.
- The FCC clarified that callers must obtain a consumer's consent before delivering "ringless voicemail," a message left in a consumer's mailbox without ringing their cell phone.
- The FCC launched an NOI to consider ways to combat illegally spoofed robocalls that pass through non-IP networks. This would fill in the most significant remaining gap in implementing the STIR/SHAKEN framework over phone networks, as STIR/SHAKEN's caller ID authentication standards can only technologically work on IP-based phone networks, leaving a relatively small but still important hole in this critical robocall protection. The FCC clarified that callers must obtain a consumer's consent before delivering "ringless voicemail," a message left in a consumer's mailbox without ringing their cell phone.

The FCC undertook the following enforcement actions with respect to robocalls:

- Adopted a \$116,156,250 fine against a group of parties responsible for nearly 10 million robocalls made for the purposes of generating toll free dialing fees. The FCC's investigation revealed the parties behind the calls included Thomas Dorsher, ChariTel, OnTel, and ScammerBlaster (all of which are jointly liable for the fine). These parties presented themselves as a campaign *against* scam robocalls while in fact illegally robocalling toll free numbers.
- Issued an Initial Determination Order against voice service provider One Owl Telecom Inc. for failing to comply with FCC call blocking rules for gateway providers suspected of carrying illegal traffic. The Enforcement Bureau had already advised other service providers that they may cut off traffic from One Owl if it did not comply and issued a warning to the company.
- Ordered voice service provider to block and cease accepting traffic from international gateway provider One Eye. One Eye facilitated illegal robocall campaigns pertaining to the impersonation of a major financial institution, among others.
- Issued a record-breaking \$299,997,000 fine against Sumco Panama and nine others for placing illegal auto warranty scam robocalls. This was the largest fine the agency has ever issued.



- Rejected a petition to reconsider its \$225 million fine against John Spiller and others for transmitting approximately 1 billion robocalls, many of them which were illegally spoofed. The robocalls falsely claimed to offer health insurance plans from well-known health insurance companies such as Blue Cross Blue Shield and Cigna.
- Demanded that Avid Telecom cease originating illegal robocall traffic. Avid Telecom was apparently originating illegal traffic pertaining to elderly care and Medicare.
- Adopted a \$5,134,500 fine against John M. Burkman, Jacob Alexander Wohl, and J.M. Burkman & Associates for making 1,141 unlawful robocalls.
- Ordered voice service providers to effectively mitigate suspected illegal traffic from PhoneBurner facilitating apparently illegal robocall traffic from real estate brokerage firm MV Realty to targeted consumers. The Bureau also demanded that voice service provider Twilio cease and desist from carrying PhoneBurner's suspected illegal robocall traffic.
- Demanded that SIPphony and Vultik cease originating illegal robocalls. Each company was apparently originating illegal calls pertaining to student loans.
- Ordered voice service providers to take immediate steps to effectively mitigate, through means including blocking, suspected illegal robocall traffic related to known scams targeting student loan holders. This included traffic from Urth Access and associated entities and individuals, which investigators believed generated upwards of 40% of student loan debt robocalls in October 2022.

### **Additional Enforcement Actions**

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

- A proposed fine of \$20 million against Q Link Wireless LLC and Hello Mobile Telecom LLC for apparent violations of FCC rules that require carriers to authenticate customers' identity before providing online access to Customer Proprietary Network Information (CPNI).
- A proposed fine of \$400,000 against Westel, Inc. for failing to file Quarterly and Annual Worksheets and failing to fully respond to Enforcement Bureau inquiries.
- Twenty-five warnings to landowners and property managers in the New York and Miami area for apparently allowing illegal broadcasting from their properties. The Notices of Illegal Pirate Radio Broadcasting targeted properties identified by Enforcement Bureau field agents as sources of pirate radio transmissions.
- A proposed fine of more than \$1.4 million against PayG for apparently failing to pay Universal Service Fund (USF), Telecommunications Relay Service Fund (TRS Fund), North American Numbering Plan (NANP), and federal regulatory fees when payments were due.
- Proposed \$8,778,527.39 in fines against 22 applicants in the Rural Digital Opportunity Fund Phase I Auction (Auction 904) for apparently violating Commission requirements by defaulting on their bids between May 3, 2022 and December 16, 2022.
- Sixteen warnings to landowners in the New York City/New Jersey metro area for apparently allowing illegal broadcasting from their property.
- Over \$2 million in proposed fines under the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act) against three pirate radio operators.

- Fox Corporation's full payment of a proposed \$504,000 penalty for transmitting Emergency Alert System (EAS) tones during a Fox NFL promotional segment in the absence of an actual emergency.
- A proposed \$62 million penalty against Q Link Wireless LLC for its apparent violation of Emergency Broadband Benefit Program rules by seeking and receiving reimbursement for connected devices in excess of the market value.
- Proposed fines against 12 phone companies that apparently failed to submit timely phone number disconnection information to the Reassigned Number Database.
- A Forfeiture Order of \$518,283, fining Gray TV, licensee of stations KYES-TV, Anchorage, AK and KTUU-TV, Anchorage, AK, for its violation of the FCC's prohibition against owning two top-four television stations in the same Nielsen Designated Market Area (DMA).
- A Forfeiture Order in the amount of \$15,000, fining Plymouth Gathering, Inc., licensee of low power FM station, KELS, Greeley, Colorado, for broadcasting promotional announcements on behalf of for-profit entities in exchange for consideration.
- Issued an Enforcement Advisory in December 2023 underscoring the obligations that telecommunications carriers and interconnected Voice over Internet (VoIP) providers have to protect their customers' cell phone accounts from fraudulent SIM swaps and port-outs. The Advisory reminded carriers of their duties and obligations to protect customer information generally and to combat Sim swaps and port-outs specifically.

The FCC's Enforcement Bureau took the following actions with respect to settlements and consent decrees:

- A settlement of \$24,000 to resolve its investigation into whether Frontier Communications Parent, Inc. failed to deliver 911 calls during a 911 outage in June 2022 in Arizona.
- A settlement of an additional \$7,500,000 with T-Mobile US, Inc. for its failure to comply with the FCC's Lifeline rules regarding the submission of claims for ineligible subscribers due to non-usage after the effective date of the 2020 Consent Decree.
- A settlement of over \$23 million with TracFone Wireless, Inc. for violations of the Commission's Emergency Broadband Benefit (EBB) rules and Lifeline rules. Included in the settlement is TracFone's payment of a 2020 Notice of Apparent Liability (NAL) for Lifeline rule violations.
- A settlement of over \$42 million with GCI Communication Corp. that includes a repayment to the Universal Service Fund (USF) of more than \$26 million and a credit of \$16 million for withdrawal of applications and various appeals to resolve the FCC's investigation into the company's Rural Health Care Program practices, including rate determination and competitive bidding violations.
- A settlement of \$227,000 to resolve its investigation into whether Shenandoah Telecommunications Company (Shentel) failed to deliver 911 calls during a 911 outage in April 2022 in four West Virginia counties.
- Announced five settlements with covered 911 service providers, which paid penalties for failing to timely file their required 911 service reliability certification in 2021. Companies agreed to pay penalties ranging from \$3,500 to \$6,000.
- A settlement with Truphone and civil penalty of \$600,000 to resolve the Commission's NAL issued against it earlier this year for failing to disclose accurate ownership stakes held

by foreign entities and transferring control of FCC licenses and international section 214 authorization without Commission approval.

- A settlement with Hill & Smith, Inc for \$47,600, resolving an investigation into whether the company violated the Commission’s equipment marketing rules by marketing light-emitting diode (LED) signs used for transportation safety purposes without the required equipment authorization, labeling and user manual disclosures, and for failing to retain required test records.
- A settlement of \$950,000 to resolve its investigation into Cellco Partnership d/b/a Verizon Wireless’s construction of wireless facilities without complying with the Commission’s environmental and historic preservation rules.
- A settlement of \$20,000 and a \$41,5000 suspended penalty to resolve its investigation into whether Payson Council for the Musical Arts, Inc., licensee of low power FM stations, KRIM-LP, Payson, Arizona broadcast promotional announcements on behalf of for-profit entities in exchange for consideration.

### **Additional Consumer Related Actions**

The FCC adopted a Report and Order that approves revised TRS Fund compensation formulas for Video Relay Service (VRS) which enables persons with hearing and speech disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text. The Commission approved the revised formula for a five-year period through June 30, 2028 to ensure that VRS users can access highly qualified ASL interpreters and benefit from improved communications technology. With several key changes in the VRS compensation plan, VRS providers will have the resources to strengthen VRS interpreting and find functionally equivalent solutions for video conferencing, emergency calling, and other technologically challenging uses of VRS.

The FCC proposed and then quickly adopted rules to help ensure that the public has access to the 988 Suicide & Crisis Lifeline if a service outage occurs. The new rules require service providers that have a role in delivering 988 calls to report outages that potentially affect 988 service to the FCC and to the Substance Abuse and Mental Health Services Administration (SAMHSA), which will hasten service restoration and enable officials to inform the public of alternate ways to contact the 988 Lifeline.

The FCC proposed rules for a cybersecurity labeling program for Internet of Things (IoT) devices or products which would provide information to purchasers about the relative security of the IoT devices or products they are using in their homes, and the level of support manufacturers.

The FCC proposed to enhance pricing transparency by requiring cable operators and direct broadcast satellite (DBS) providers to specify the “all-in” price for service in their promotional materials and on subscribers’ bills. This proposal would require cable operators and DBS providers to clearly and prominently display the total cost of video programming service.

The Chairwoman announced the establishment of the new Privacy and Data Protection Task Force. This FCC staff working group comprises representatives from across the agency that handle topics including enforcement, supply chain vulnerabilities, equipment authorization, data breach

reporting requirements, and undersea cables. The Task Force coordinates on the rulemaking, enforcement, and public awareness needs in the privacy and data protection sectors.

The FCC adopted a Report and Order updating its data breach notification rules in order to ensure that providers are held accountable in their obligations to safeguard sensitive customer information, and provide customers with the tools to protect themselves in the event that their data is compromised.

The FCC adopted a Report and Order and Further Notice of Proposed Rulemaking to protect consumers from scams known as subscriber identify module (SIM) swap and port-out fraud, two fraudulent practices that bad actors use to take control of consumers' cell phones, and sought comment on whether to harmonize the FCC's existing requirements governing customer access to customer proprietary network information with the new SIM change authentication and protection measures in the Report and Order.

The FCC began implementing the newly enacted Martha Wright-Reed Just and Reasonable Communications Act of 2022 by releasing an NPRM and Order seeking comment on Congress's expansion of the Commission's authority over incarcerated people's communications services. The new law gives the FCC authority to combat unjust and unreasonable rates and charges for voice and video calls, including calls within a state's borders, where previously the agency had ratemaking authority only over voice calls between states and to foreign locations. The new law requires the Commission to adopt rules ensuring just and reasonable rates no earlier than 18 months and no later than 24 months after the law's January 5, 2023 enactment.

The FCC approved an NPRM for a new three-year plan for compensation rates for Internet Protocol Captioned Telephone Service (IP CTS). This service, supported through the Interstate TRS Fund, allows individuals who are deaf and hard of hearing to read captions of phone conversations as they occur.

The FCC unveiled new rules that will for the first time require broadband providers to display easy-to-understand labels to allow consumers to comparison shop for broadband services. The Order creates rules that require broadband providers to display, at the point of sale, labels that show key information consumers want—prices, speeds, fees, data allowances, and other critical information. The labels resemble the well-known nutrition labels that appear on food products.

The FCC announced that it is improving its Reassigned Numbers Database by making it easier for callers to check large volumes of numbers before calling them to ensure they have not been reassigned. To do so, the FCC is reducing prices at higher query volumes and offering an annual subscription at a further discounted price. The database is a first-of-its-kind resource to help callers reach their intended recipients while avoiding potentially costly liability for violations of the Telephone Consumer Protection Act.

The new National Broadband Map empowers consumers by providing a one-stop-shop to search for their address and find information about which ISPs report available services including the technologies they offer, and the maximum download and upload speeds they advertise for each technology. This greater transparency will create market pressures on internet providers to improve their coverage. To ensure that the maps are constantly improving, the FCC has also set

up a system that allows consumers and others to challenge inaccuracies and provide feedback. Individuals who see that the information on the maps does not match up with what they know from their lived experience will be able to submit challenges, or request corrections, directly through the map interface.

## ***ENHANCE PUBLIC SAFETY AND NATIONAL SECURITY***

*The FCC will pursue policies and enforcement efforts to promote the availability of secure, reliable, interoperable, redundant, and rapidly restorable critical communications infrastructure and services. The FCC also will promote the public's access to reliable 911 and emergency alerting, and support public safety's access to first responder communications. The FCC will work in coordination with federal partners, state, local, and Tribal governments and territorial government partners, and industry stakeholders to support disaster response and to ensure and promote the nation's defense and homeland security.*

### ***FY 2023 PERFORMANCE HIGHLIGHTS***

The FCC proposed comprehensive changes to the Commission's rules that would require carriers to renew, every 10 years, their international section 214 authority or in the alternative, to periodically update information enabling the Commission to review the public interest and national security implications of those authorizations based on that updated information. The FCC also adopted a one-time collection of foreign ownership information from international section 214 authorization holders. Through these proposals, the FCC seeks to ensure that the Commission is exercising appropriate oversight of international section 214 authorization holders to safeguard U.S. telecommunications networks.

The FCC activated its Disaster Information Reporting System (DIRS) for various disasters throughout 2023 to provide emergency responders situational awareness of communications status following the impacts of the Maui Wildfire, Typhoon Mawar, and Hurricanes Idalia, Hilary, and Lee. The FCC also deployed personnel to Maui during wildland firefighting response, and to Florida during Hurricane Idalia response to perform spectrum survey and management operations.

The FCC acted to waive certain rules and provide relief to E-Rate, Emergency Connectivity Fund, Rural Health Care, Lifeline, Affordable Connectivity Program, USF Contributions, and High-Cost participants impacted by Hurricane Idalia.

The FCC took quick action to further assist those affected by the Hawaii Wildfires by temporarily waiving certain Lifeline program eligibility rules to ensure that consumers receiving federal disaster assistance can easily apply for and enroll in the Lifeline program. The wildfires caused significant power outages and property damage in homes, schools, libraries, and health care facilities throughout the impacted areas.

The FCC acted to waive certain rules and provide relief to E-Rate, Emergency Connectivity Fund, Rural Health Care, Lifeline, Affordable Connectivity Program, USF Contributions, and High-Cost participants impacted by the wildfires in Hawaii.

The FCC acted to waive certain rules and provide relief to E-Rate, Emergency Connectivity Fund, Rural Health Care, Lifeline, Affordable Connectivity Program, USF Contributions, and High-Cost participants impacted by Typhoon Mawar.

The FCC proposed rules to advance the transition to Next Generation 911, help ensure that the nation's 911 system functions effectively, and support the deployment of advanced 911 capabilities—including video, text, and data.

The FCC proposed rules to improve Wireless Emergency Alerts (WEA) by making them available in more than a dozen languages and American Sign Language, establishing a database to provide transparency to alert originators and consumers regarding where and the extent to which wireless providers offer WEA, adding increased functionality, and ensuring that participating wireless providers send the alerts in a reliable, accurate, and timely manner.

The FCC also facilitated a nationwide test of the Emergency Alert System (EAS) and WEA through close coordination with the Federal Emergency Management Agency, and issued relevant Bureau-level orders and inquiries to enable successful participation of industry in the same.

In April, 2023, the Commission issued a detailed report summarizing its analysis of the Commission's work with 37 state and local emergency alert originators to test the performance, speed and accuracy of WEA.

The FCC launched a proceeding to strengthen the Commission's rules for notifying customers and federal law enforcement of breaches of customer proprietary network information (CPNI). The Commission will look to better align its rules with recent developments in federal and state data breach laws covering other sectors.

The FCC proposed rules to more precisely route wireless 911 calls and texts to 911 call centers, which can result in faster response times during emergencies.

The FCC adopted new rules prohibiting communications equipment deemed to pose an unacceptable risk to national security from being authorized for importation or sale in the United States.

The FCC continued its implementation of the Secure and Trusted Communications Networks Reimbursement Program pursuant to Congress's direction in the Secure and Trusted Communications Networks Act to reimburse eligible providers of advanced communications services for costs reasonable incurred to remove, replace, and dispose of communications equipment and services in their networks that pose national security risks.

The FCC adopted rules to promote public safety by ensuring that 911 call centers receive timely and useful notifications of network disruptions that affect 911 service. These notifications will help 911 call centers maintain emergency services and inform the public when to use alternatives to call 911.

The FCC continued to engage with the industry to examine issues related to the security of the Border Gateway Protocol (BGP), and hosted a public workshop to highlight the critical importance

of addressing risks associated with BGP in light of the risk of consumer harm posed by unsecured Internet routing and explore effective security practices to mitigate these vulnerabilities.

The FCC proposed rules to bolster the operational readiness and security of the nation's public alert and warning systems, the EAS and WEA. The Commission proposed to protect against cyberattacks by requiring EAS participants, such as broadcasters and cable providers, to report incidents of unauthorized access to their EAS equipment to the Commission within 72 hours. The NPRM also proposes requiring EAS participants and the wireless providers that deliver WEAs to annually certify that they have a cybersecurity risk management plan and implement sufficient security measures for their alerting systems. The Public Safety and Homeland Security Bureau (PSHSB) hosted a round table addressing these considerations as well.

The FCC's Communications Security, Reliability and Interoperability Council (CSRIC) completed its work, in June 2023, providing 10 reports in total over the course of its two-year term. In FY 2023, CSRIC completed reports on a variety of timely security topics, including security of Open Radio Access networks, 5G and supply chain, as well as addressing performance and network evolution issues related to Next Generation 911 and WEA.

The FCC proposed a plan to extend certain Universal Service Fund support to eligible mobile and fixed carriers in Puerto Rico and the U.S. Virgin Islands to ensure consumers have access to advanced telecommunications services in the face of hurricanes and other natural disasters.

The FCC acted to waive certain rules and provide relief to E-Rate, Emergency Connectivity Fund, Rural Health Care, Lifeline, Affordable Connectivity Program, USF Contributions, and High-Cost participants impacted by Hurricane Ian.

The FCC adopted an Order on Reconsideration establishing a date certain (May 1, 2024) for rules implementing the Mandatory Disaster Response Initiative which, among other things, requires roaming and mutual aid agreements between facilities based mobile wireless providers during times of disaster.

The FCC approved the first wave of five contraband interdiction systems that are now available for use by correctional facilities. The systems may be used to support requests for wireless carriers to disable observed contraband devices.

The FCC established a coordinated, nationwide approach to managing the 4.9 GHz band while retaining its locally controlled, public safety nature, in part through the addition of a nationwide band manager, and asked for comment on details of implementing this model.

The FCC's Enforcement Bureau took the following actions to improve public safety and national security:

- A settlement of \$24,000 to resolve its investigation into whether Frontier Communications Parent, Inc. failed to deliver 911 calls during a 911 outage in June 2022 in Arizona.
- A settlement of \$227,000 to resolve its investigation into whether Shenandoah Telecommunications Company (Shentel) failed to deliver 911 calls during a 911 outage in April 2022 in four West Virginia counties.

- Announced five settlements with covered 911 service providers, which paid penalties for failing to timely file their required 911 service reliability certification in 2021. Companies agree to pay penalties ranging from \$3,500 to \$6,000.
- Issued an advisory reminding certain regulated entities with reportable foreign ownership, investment, or control of their obligations to file timely, accurate ownership information with the Commission to protect U.S. national security.

## ***ADVANCE AMERICA'S GLOBAL COMPETIVENESS***

***The FCC will take action to promote investment and advance the development and deployment of new communications technologies, such as 5G, that will allow the nation to remain a global leader in an increasingly competitive, international marketplace. The FCC will identify incentives and policies to close security gaps and accelerate trustworthy innovation. The FCC will work with its federal partners to advocate for US interests abroad.***

### ***FY 2023 PERFORMANCE HIGHLIGHTS***

The FCC adopted new rules to ensure commercial space launches have the spectrum resources they need for reliable communications. The rules adopt a new allocation in the 2025 to 2110 MHz band for ground-to-launch vehicle telecommand uses necessary to support space launch operations. The new rules also make the entire 2200 to 2290 MHz band available for launch telemetry. In a Further Notice, the FCC explored steps to further optimize spectrum use for the new Space Age, including the potential for additional spectrum bands to support commercial space launch operations and the possibility of extending the licensing framework to payload activities and sub-orbital operations.

The FCC adopted new rules to expedite and streamline its processing of space and earth station applications to meet the growing needs of today's commercial space sector. The new rules also lay the groundwork for the Space Bureau's new Transparency Initiative, which will provide information and guidance to potential applicants in order to prepare them to successfully obtain authorizations for space and earth stations. This initiative will reduce administrative burdens on both applicants and Commission staff and further expedite the processing of applications.

The FCC launched an NOI designed to advance its understanding of non-federal spectrum usage and take advantage of new data sources, methods, and technologies in a cost-effective, accurate, scalable, and actionable manner. The NOI will explore how these new tools, including the potential use of Artificial Intelligence, can promote effective spectrum management and identify new opportunities for innovation.

In a Third Report and Order in the Next Generation Broadcast Television (ATSC 3.0 or Next Gen TV) docket, the FCC made changes to the Next Gen TV rules designed to preserve over-the-air (OTA) television viewers' access to the widest possible range of programming while also supporting television broadcasters' transition to the next generation of broadcast television technology.



The FCC launched a proceeding to consider innovative sharing models in 500 megahertz of spectrum in the 42 GHz band. As the spectrum between 42-42.5 GHz is largely unused, the FCC proposed exploring an innovative, non-exclusive spectrum access model in this greenfield spectrum, which is ideal for experimentation due to the lack of incumbent licensees.

The FCC developed a set of high-level principles, set forth in a Policy Statement, on how the Commission intends to manage spectrum going forward. The Policy Statement underscores the important role that improved receiver performance can play in promoting more efficient spectrum use and enabling valuable new services to be introduced that will benefit the American public.

The FCC adopted new, more flexible rules for the 60 GHz spectrum band to support state-of-the-art radar technology. Many cutting edge technologies rely on short-range radars to support important applications, including alerting drivers to children left in dangerously hot cars, improving mobility and health outcomes by detecting hand gestures and respiratory functions, and assisting drones in construction, emergency rescue, and commercial settings. The new rules will accelerate the time for these devices to reach the marketplace.

The FCC took a holistic approach to expanding use of over 1 gigahertz of prime mid-band spectrum in the 12 GHz band by ensuring stable spectrum access for current and next-generation satellite service while also empowering advanced terrestrial wireless services. The FCC adopted rules to preserve spectrum between 12.2-12.7 GHz for current and future satellite services. Additionally, the FCC voted to launch a proceeding to explore repurposing up to 550 megahertz in the 12.7 to 13.25 GHz band for next-generation wireless services. This is the first step in providing for more intensive use of the 12.7 GHz band, unlocking a significant expanse of valuable mid-band frequencies that may play a key role in delivering on the promise of next-generation, flexible terrestrial wireless services, including 5G, 6G, and beyond.

The FCC adopted additional rules to deter arbitrage of the access charge system that is designed to compensate carriers for use of their networks by other carriers. The rules closed perceived loopholes in the Commission's access charge regime and represent further efforts to end harmful access arbitrage practices that raise costs for long-distance carriers and their customers.

The FCC proposed new rules that would require, for the first time, companies with existing authorizations to provide international telecommunications services to and from the United States to file renewal applications at the FCC. The proposed rules aim to enable up-to-date review of international Section 214 authorizations to fully take into account rapidly changing national security, law enforcement, and other considerations.

The FCC adopted new rules to support competition and cooperation in spectrum usage by satellite systems. The new rules will set forth reforms that will govern how non-geostationary satellite orbit, fixed-satellite service (NGSO FSS) systems will function in a shared spectrum environment. These updates will provide certainty for operators, enhance competition, and facilitate innovation in system design, which will ultimately benefit broadband users.

To facilitate the integration of satellite and terrestrial networks, the FCC proposed a new regulatory framework for Supplemental Coverage from Space (SCS). Through this approach, satellite operators collaborating with terrestrial service providers would be able to obtain Commission

authorization to operate space stations on currently licensed, flexible-use spectrum allocated to terrestrial services, thus expanding coverage to the terrestrial licensee's subscribers, especially in remote, unserved, and underserved areas.

The FCC proposed rules to enable wireless communications for unmanned aircraft system use in the 5030-5091 MHz band and sought comment on whether measures are necessary to facilitate such use on flexible-use wireless networks. Unmanned aircraft systems today primarily operate under unlicensed and low-power wireless communications rules or experimental licenses.

The FCC adopted rule changes to expand unlicensed use across 1200 megahertz in the 5.925-7.125 band to support new Wi-Fi applications and services. These new rules support the next generations of Wi-Fi devices (Wi-Fi 6 and Wi-Fi 7) to enable wider channels and greater capacity to support new augmented and virtual reality applications. Wi-Fi 6E, a variant of Wi-Fi 6 designed specifically for this band, makes use of wider channels to provide gigabit-plus speeds, more simultaneous connections, and better security. These rules permit low-power indoor devices to operate across the entire 1200 megahertz and standard power devices to operate both indoors and outdoors at higher power using an automated frequency coordination (AFC) database. The FCC's OET also conditionally approved thirteen proposed AFC database systems to finalize development for operations in the 6 GHz band and prepare for the testing phase.

The FCC adopted rules to incorporate four new and updated standards integral to equipment testing into the rules. With these updates, we ensure that the equipment authorization program relies on the latest technical guidance so that the public has confidence that today's advanced devices comply with its technical rules.

The FCC International Visitors Program (IVP) in the OIA hosted 484 total visitors from 52 countries virtually and in-person at the FCC. The IVP enables foreign delegations to interact in informal discussions with FCC personnel who provide legal, technical, and economic perspectives on a wide range of communications issues involving broadcasting, cablecasting, and telecommunications. Such interdisciplinary exchanges are intended to benefit all parties who have a unique opportunity to gain insight into one another's regulatory agencies, policies, and procedures and have become increasingly important as telecommunications networks become global in scope and many countries seek to modify their regulatory approaches to foster privatization and competition in the telecommunications marketplace. Furthermore, IVP briefings provide useful opportunities for exchanging information and perspectives as the U.S. government and other governments negotiate international agreements to reflect these marketplace and regulatory changes.

The FCC has also furthered efforts to strengthen bilateral relations through the establishment of MOUs with Brazil, Tunisia, Ukraine, Singapore, Egypt, and Bahrain. These MOUs establish a voluntary, non-binding framework for the mutually beneficial exchange of ideas and assistance in the field of telecommunications regulatory policy, with the purpose of contributing to the development of advanced communications in the respective countries. The MOUs aim to promote bilateral cooperation on telecommunications regulatory policies and cover regulatory cooperation and information exchange in emergent areas of communications and connectivity.

The FCC participated in World Radiocommunication Conference 2023 (WRC-23) bilateral meetings with multiple countries including Japan, South Korea, Brazil, New Zealand, Australia, United Kingdom, Germany, Mexico, Canada and several others to coordinate U.S. proposals in preparations for the November 2023 WRC-23 Conference in Dubai, UAE. These meetings provided a means for the FCC to advocate on spectrum policy priorities related to 5G mobile broadband, satellite regulatory matters, and space science and commerce items.

For the period October 2022 through September 30, 2023, OIA supported and promoted America's global competitiveness through external leadership positions, dozens of written policy contributions, and in person advocacy and capacity building that advanced U.S. Government communications policy and best practices. These activities helped shape dialogue, policy, and outcomes in U.S. and multilateral organizations reaching the entire globe, including the International Telecommunications Union (ITU), the Inter-American Telecommunication Commission (CITEL), the Organisation for Economic Co-operation and Development (OECD), the European Commission, and the United States Telecommunications Training Institute (USTTI), among others. Fulsome participation in the 2023 Global Symposium for Regulators (100 countries) helped expand U.S. leadership and influence to countries in the Middle East, Africa, and beyond. The FCC engaged with more than 60 individual countries in all regions of the world on issues such as 6 GHz, trusted vendors, satellite communications, spectrum auctions, 5G, and robocalls.

In the ITU and OECD, OIA staff advanced and promoted methods to finance and achieve broadband connectivity, access, and adoption, including through papers on universal service, economics and financing, and environmental sustainability.

The FCC's international advocacy shaped the OECD's September 2023 paper on "Enhancing the Security of Communication Infrastructure," which highlighted the use of Open Radio Access Networks (Open RAN) in response to evolving security concerns. This key report, endorsed by the OECD's 38 Member States, is expected to serve as a coalition-building tool to encourage supply chain diversity across the United States' global allies and partners.

OIA also participated in work to address the gender digital divide and promoted awareness of Commission activities related to cybersecurity and network resilience, broadband mapping, and broadband affordability in many multilateral fora, including CITEL, the ITU, and OECD.

The FCC's Wireless Telecommunications Bureau (WTB) took actions to transition portions of the 3.7-4.2 band (C-band) and the 3.45-3.55 GHz band in order to make the frequencies available for 5G services.

The FCC's WTB and OET took actions to improve spectrum access in the shared 3.5 GHz band. Specifically, the Bureau/Office: (1) modified procedures to allow Spectrum Access System (SAS) administrators to adopt longer reauthorization procedures for certain devices where doing so does not adversely affect federal operations in the 3.5 GHz band; (2) enabled a move from manual scheduling to an automated, secure portal for Department of Defense reservations in the band; (3) worked with our federal partners to allow CBRS users in Hawaii to temporarily rely on portal based scheduling until Environmental Sensing Capability (ESC) is in place; (4) approved an

additional SAS for full commercial deployment in the band; and (5) approved coverage and deployment plans of additional ESC sensors.

The FCC's PSHSB, OET, and WTB took actions to grant waiver requests to permit certain equipment manufacturers to obtain equipment certification for Cellular-Vehicle-to-Everything (C-V2X) equipment for certain vehicle manufacturers to install those certified C-V2X devices in their vehicles and for state, local, and municipal transportation authorities to deploy that certified C-V2X technology within the 5.9 GHz band. These waivers enable early C-V2X deployment in advance of the Commission adopting final rules.

The WTB held a workshop on the environmental compliance and historic preservation review process required for the construction of communications facilities supporting FCC licensed services.

The WTB and the Office of Economics and Analytics sought comment on mobile spectrum holdings policies in order to preserve and promote competition, while also affording interested parties greater certainty, transparency, and predictability to make investment and transactional decisions.

The FCC undertook the following enforcement action:

- A settlement of \$950,000 to resolve its investigation into Cellco Partnership d/b/a Verizon Wireless's construction of wireless facilities, including small cell antennas for 5G, without complying with the Commission's environmental and historic preservation rules.

## ***FOSTER OPERATIONAL EXCELLENCE***

***The FCC should be a model for excellence in government by effectively managing its resources, maintaining a commitment to transparent and responsive processes that encourage public involvement and decision-making that best serves the public interest, and encouraging a culture of collaboration both internally and across government agencies.***

### ***FY 2023 PERFORMANCE HIGHLIGHTS***

In May, 2023, the FCC released the initial version of the Broadband Funding Map, as required by the IIJA. This publicly available map acts as the centralized, authoritative source for broadband infrastructure funding by federal government agencies to allow the FCC and other agencies to target broadband support more efficiently.

The FCC updated its rules for full power and Class A stations to reflect the current operating environment, including the transition from analog to digital-only operations and the post-incentive auction transition to a smaller television band with fewer channels. The Order also restructured a portion of the Commission's rules, largely consisting of the technical licensing, operating, and interference rules for full power television. Similarly, the FCC updated the rules for low power television and TV translator services to reflect the current operating environment.

The FCC adopted an NPRM that seeks to give digital FM and Low Power FM stations more flexibility to increase digital power levels. This would encourage more FM broadcasters to adopt digital technology and would make digital broadcasts available to a greater number of listeners.

The FCC released an Order adopting plans to modernize the FCC by establishing a Space Bureau and OIA. The Space Bureau is designed to promote a competitive and innovative global communications marketplace by leading policy and licensing matters related to satellite and space-based communications and activities. The reorganization will better support the needs of the growing satellite industry, promote long-term technical capacity at the FCC, and help the agency navigate 21<sup>st</sup> century global communications policy. As part of this plan, the agency eliminated the International Bureau and incorporated that team into the new bureau and office.

The FCC published a Communications Marketplace Report to assess generally the state of competition across the broader communications marketplace. With the 2022 Communications Marketplace Report, the Commission fulfilled its mandate to provide a comprehensive evaluation of the state of competition in the communications marketplace.

The FCC amended its rules to ensure that TV broadcast stations and pay TV providers are using the same data to determine which stations are “local.” The Report and Order removes outdated publications from the FCC’s rules and replaces them with Nielsen’s monthly Local TV Station Information Report.

The FCC released a Second NPRM to strengthen the process for identifying foreign governmental entities in the wake of the D.C. Circuit’s ruling in *National Association of Broadcasters (NAB) v. FCC*. The NPRM proposed a certification process with standardized language for broadcasters and lessees to use in order to demonstrate that the appropriate inquiries have been made in determining whether a foreign governmental entity has sponsored the programming.

At the direction of Congress, the FCC, in partnership with the Department of Labor, established the Telecommunications Interagency Working Group to develop recommendations to address workforce needs of the telecommunications industry, including the safety of that workforce. The Working Group issued its report to Congress on January 13, 2023.

The FCC and National Science Foundation co-hosted a workshop that convened stakeholders to discuss the opportunities that artificial intelligence presents for spectrum management and network resiliency and the challenges that artificial intelligence brings to vital consumer issues like robocalls/robotexts and digital discrimination.

The FCC reviewed and processed 872,553 applications and complaints in FY 2023, meeting its Speed of Disposal (SOD) goals 98.4% of the time. See results below:

<u>BUREAU/OFFICE</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
CONSUMER AND GOVERNMENTAL AFFAIRS	99.7%	99.9%	99.9%	99.00%	99.9%	99.7%	99.8%
INTERNATIONAL <sup>14</sup>	88.4%	92.9%	52.7%	26.0%	77.9%	65.5%	N/A
MEDIA	95.9%	99.1%	97.0%	96.8%	96.8%	93.9%	88.5%
ENGINEERING AND TECHNOLOGY	98.9%	93.9%	97.5%	98.5%	97.6%	97.8%	97.7%
INTERNATIONAL AFFAIRS	N/A	N/A	N/A	N/A	N/A	N/A	83.2%
PUBLIC SAFETY AND HOMELAND SECURITY	98.7%	98.8%	98.0%	98.4%	97.7%	98.7%	99.0%
SPACE	N/A	N/A	N/A	N/A	N/A	N/A	88.9%
WIRELESS TELECOMMUNICATIONS	97.4%	95.6%	90.8%	91.0%	93.8%	96.5%	98.4%
WIRELINE COMPETITION	97.2%	97.3%	97.3%	98.6%	99.0%	96.2%	98.2%
<b>FCC TOTAL</b>	98.3%	97.7%	94.7%	93.6%	96.1%	97.5%	98.7%

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<sup>14</sup> The Office of International Affairs' speed of disposal for non-routine 214 applications is affected by the consultation with the Executive Branch on foreign ownership issues under the Commission's rules that allow for an initial 120-day review period, with a possible 90-day secondary review period, once the review commences. The International Bureau's SOD numbers for earth station applications are significantly affected by the Commission decision in early 2020 to transition 300 megahertz of satellite C-band spectrum to 5G terrestrial use. The processing of thousands of C-band earth station applications and registrations filed in 2018 continued throughout FY 2021. In addition, to enable the successful completion of Phase I of the C-band transition in the first quarter of FY 2022, IB earth station processing staff had to review during FY 2021 lump sum elections for more than 50% of incumbent earth stations as well as work with earth station operators to resolve issues regarding the accuracy of their information in IBFS.