

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
February 4, 2019

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

With the start of 116th Congress, the Committee will reassume its traditional role of oversight to ensure that the agencies under its jurisdiction are acting in the best interest of the public and consistent with their legislative authority. Given your role as Chairman of the Federal Communications Commission (FCC), it is your responsibility to make certain the Commission performs its duties according to those standards.

When you were nominated for the chairmanship almost two years ago, we shared some thoughts on how to achieve success at managing the FCC. While much has changed during that time, our advice to you remains the same—to be responsive to members of Congress on both sides of the aisle; to drive towards consensus on all major FCC actions; and to respect the invaluable expertise of the career staff, which gives the FCC the credibility it needs to carry out its regulatory mission. Unfortunately, this has not happened.

Not only have you have failed on numerous occasions to provide Democratic members of this Committee with responses to their inquiries,¹ you have also repeatedly denied or delayed responding to legitimate information requests from the public about agency operations.² These

¹ Letter from Rep. Frank Pallone, Jr., et. al. to Ajit Pai, Chairman, Federal Communications Commission (May 22, 2018).

² See, e.g., Ars Technica, *FCC Makes Net Neutrality Complaints Public, But Too Late to Stop Repeal* (Sept. 5, 2017) (www.arstechnica.com/tech-policy/2017/09/fcc-makes-net-neutrality-complaints-public-but-too-late-to-stop-repeal/); Muckrock, *The FCC Backs Down, Releases Emails Related to Ajit Pai's "Harlem Shake" Video* (Dec. 17, 2018) (www.muckrock.com/news/archives/2018/dec/17/fcc-harlem-shake-emails/); Engadget, *NYT*

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actions have denied the public of a full and fair understanding of how the FCC under your leadership has arrived at public policy decisions that impact Americans every day in communities across the country.

Under your leadership, the FCC has failed repeatedly to act in the public interest and placed the interest of corporations over consumers. The FCC should be working to advance the goals of public safety, consumer protection, affordable access, and connectivity across the United States. To that end, it is incumbent upon the Committee's leadership and its members to oversee the activities of the FCC.

Consistent with similar requests to your predecessors, we ask that the FCC update the Committee with information about, among other things, the FCC's current workload, the work of its bureaus and field offices, and the FCC's interactions with the public through its handling of consumer complaints and Freedom of Information Act requests. We have attached a series of questions that encompass those issues and respectfully request that you provide a complete written response no later than March 4, 2019.

We appreciate your assistance in this matter. If you have any questions regarding this inquiry, please do not hesitate to contact Gerald Leverich of the Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman



Mike Doyle
Chairman
Subcommittee on Communications
and Technology

ATTACHMENT

1. To help the Committee better understand the FCC's current workload and backlog, please provide the total number of all items pending, including all petitions, applications, complaints, requests, and other items. This should include petitions for waiver, petitions for stay, petitions for declaratory ruling, applications for license renewal, applications for transfer of license, applications for review, requests for review, etc. Please categorize these items according to the bureau or office primarily responsible for action and the amount of time that has elapsed since each item was filed with the FCC, using the following table:

Bureau or Office	< 6 mos.	6 mos. – 2 yrs.	2 yrs. – 5 yrs.	> 5 yrs.
Office of Administrative Law Judges (OALJ)				
Consumer & Govmt. Affairs (CGB)				
Enforcement (EB)				
International (IB)				
Media (MB)				
Public Safety & Homeland Security (PSHSB)				
Wireless Telecommunications (WTB)				
Wireline Competition (WCB)				

General Counsel (OGC)				
Economics & Analytics (OEA)				
Engineering & Technology (OET)				
Inspector General (IG)				

2. Separately for each of the bureaus or offices above, categorize the pending items by type (for instance, license application, license renewal, etc.) and then within each category, list each item and identify the name of the petitioner or licensee that initiated the item, if any, and the length of time the item has been pending.
3. According to the agency's website, the FCC receives thousands of informal complaints each week. Provide the total number of consumer complaints the FCC received in 2017 and 2018. In addition, provide the number of consumer complaints the FCC has received in the following categories in 2016, 2017, 2018, and 2019:

Subject of complaint	2016	2017	2018	2019
Robocalls/Spoofing				
Customer service				
Privacy				
Open internet/internet service speed and quality/transparency				
Wireless service coverage/availability				

Access for individuals with disabilities				
Billing				
Internet service access/availability				
Rural call completion				
Telemarketing				
Unwanted calls				

4. For each year 2016, 2017, 2018 and 2019, and for each of the categories in the table in Question 3, provide the number of complaints the Consumer and Government Affairs Bureau referred to the Enforcement Bureau.
5. For each year 2016, 2017, 2018 and 2019, and for each of the categories in the table in Question 3, provide the number of complaints the Consumer and Government Affairs Bureau staff assisted consumers with (e.g., called a provider about the complaint, asked for additional information, etc.), beyond the required sharing of the complaint with named providers.
6. For each year 2016, 2017, 2018 and 2019 provide the number of informal complaints served on the named provider that were not responded to within the thirty-day response period. For each year 2016, 2017, 2018 and 2019, provide de-identified list of all complaints that were not responded to within 90 days of service to the provider, indicating the name of the provider and the subject matter of the complaint.
7. Separately for the Enforcement Bureau's Telecommunications Consumers Division, Investigations and Hearings Division, Spectrum Enforcement Division, the Universal Service Fund Strike Force, and the Field Offices, provide the following information for each year 2016, 2017, 2018, and 2019:
 - a. The number of investigations open as of January 1st of that year and type of investigation (e.g., robocall, spoofing, interference, etc.).
 - b. The number of investigations open during that year and type of investigation.
 - c. The number of investigations and type closed during that year with no enforcement action taken, and the reason closed (e.g., no violation found, etc.).
 - d. A list of all enforcement actions taken that year, categorized by the enforcement action taken (e.g., admonishment, consent decree, proposed forfeiture, including

the amount of any imposed fine, forfeiture, settlement or similar penalty, etc. and the amount actually received by the agency for each penalty).

8. For the Enforcement Bureau's Market Disputes Resolution Division, provide the following information for each year 2016, 2017, 2018 and 2019:
 - a. The number of disputes handled each year, categorized by type (e.g. informal carrier complaints, formal carrier complaints, pole attachment complaints, etc.).
 - b. The number of complaints closed during the year, and the reason the complaint was closed.
 - c. The number of disputes resolved during the year through pre-complaint mediation, categorized by the subject of complaint.
 - d. The number of disputes resolved during the year through adjudication or mediation, categorized by subject of complaint.
 - e. A list of all items released by the Division.
9. List each Notice of Inquiry (NOI), Notice of Proposed Rulemaking (NPRM), and Report and Order the Commission has initiated during your chairmanship. For each listed item, include:
 - a. The date it was adopted;
 - b. The date it was released;
 - c. The date it was published in the Federal Register;
 - d. If it was an NPRM, the NOI initializing the proceeding (if any), and the date the NOI was adopted;
 - e. If a Report and Order, the NPRM proposing the adopted rules and the date the NPRM was adopted, and
 - f. If an NOI or NPRM, the length of the comment period and the number of public comments the agency received on each item.
10. List each NOI, NPRM, and Report and Order the Commission has adopted during your chairmanship. For each listed item, include:
 - a. The date it was adopted;
 - b. The date it was released;
 - c. The date it was published in the Federal Register;
 - d. If it was an NPRM, the NOI initializing the proceeding (if any) and the date the NOI was adopted;
 - e. If a Report and Order, the NPRM proposing the adopted rules and the date the NPRM was adopted, and
 - f. if an NOI or NPRM, the length of the comment period and the number of public comments received by the agency on each item.
11. List each NOI, NPRM, and Report and Order pending on January 20, 2017. For each item, please include:
 - a. The date it was adopted;
 - b. The date it was released;
 - c. The date it was published in the Federal Register;

- d. If it was an NPRM, the NOI initializing the proceeding (if any) and the date the NOI was adopted;
 - e. If a Report and Order, the NPRM proposing the adopted rules and the date the NPRM was adopted, and
 - f. If an NOI or NPRM, the length of the comment period and the number of public comments the agency received on each item.
 - g. If it was not adopted, provide the reason.
12. The FCC recently appointed a new Administrative Law Judge (ALJ). Separately from the request in Question 2, provide a list of all items currently pending on the ALJ's docket and indicate how long each item has been pending.
13. The FCC recently announced the opening of the newly-created Office of Economics and Analytics (OEA). Provide the budget for OEA and a detailed description of its responsibilities. For instance, indicate whether items generated by other offices and bureaus will routinely be reviewed by OEA, whether OEA will have the authority to substantively change items generated by other offices and bureaus based on their analysis, and whether analyses undertaken by OEA will be released to the public and subject to peer review prior to the Commission relying upon OEA's analyses. In addition, describe the procedures in place by the FCC and OEA to provide transparency as to what persons, including FCC licensees, funded, in whole or part, economic studies upon which the FCC relies in a proceeding. Additionally, separately from Inquiry 2, provide a list of all items currently pending with the OEA and indicate how long each item has been pending.
14. For each year 2016, 2017, 2018, and 2019, provide a list of all requests made to the agency pursuant to the Freedom of Information Act (FOIA). For each request, whether completed or still pending, indicate:
- a. The date the request was received;
 - b. The name of the requesting party;
 - c. The nature of the request;
 - d. The date the FCC responded to the request;³
 - e. Whether the FCC provided the information requested in full or in part and whether the request was denied in full or in part;
 - f. Whether the requesting party appealed the FCC's decision to deny in whole or in part the request;
 - g. Whether the FCC required that the requestor pay a fee and, if so, the amount of the fee.
15. For each year 2016, 2017, 2018 and 2019, provide a list of each letter sent to the FCC from a member of Congress to which the FCC has not yet provided a response. For each letter, provide a description of the issues it raised, the date it was received by the FCC.

³ If the FCC provided a series of responses, list each one separately.