

FCC Maps Out Requirements for Broadband Deployment Data Collection Framework

July 17, 2020

At its July 16, 2020 meeting, the FCC adopted a [Report and Order and Further Notice of Proposed Rulemaking](#) ("R&O and FNPRM") to facilitate development of new broadband deployment maps and data sets. According to the R&O and FNPRM, the item furthers the Commission's ongoing Digital Opportunity Data Collection ("DODC") efforts and the requirements established in the Broadband Deployment Accuracy and Technological Availability Act ("Broadband DATA Act") passed in March 2020.

As detailed in the R&O and FNPRM, the Commission will require fixed and mobile broadband providers to report more precise broadband availability and service information than required under the current FCC Form 477 filings. Separately, the Commission will create a nationwide database containing geocoded locations for all areas where broadband connections can be installed—the Broadband Serviceable Location Fabric ("Fabric"). The Commission will use the Fabric to create publicly-available maps showing areas across the country that are served and unserved by broadband service. Among the expected benefits, the new broadband deployment data collection and mapping framework will allow the Commission to better target Universal Service Fund support, which has been a hot-button issue since the agency [mothballed](#) Phase II of the Mobility Fund in 2018 after the accuracy of mobile wireless coverage maps was called into question.

The R&O creates the underlying structure for the broadband deployment data collection, creation of the maps and Fabric, and other requirements, while the FNPRM seeks comment on the specifics for these processes. As such, the summary below covers those pieces together.

Provider Reporting Requirements

Under the R&O, fixed and mobile broadband providers will be required to report broadband availability and service data twice per year. The FNPRM proposes to apply this requirement only to facilities-based providers with services exceeding 200 kbps in at least one direction, consistent with current Form 477 requirements. Each category of broadband provider will be subject to additional specific requirements. For example, wireline and satellite providers will be required to report service availability using either polygon shapefiles or lists of addresses, fixed wireless shapefiles must be in the form of propagation maps that reflect speed and latency variations, and mobile wireless providers can only use propagation maps.

Verifying Broadband Availability Data

As required by the Broadband DATA Act, the R&O includes several processes through which the Commission will "verify the accuracy and reliability" of the broadband deployment data submitted by providers, and the FNPRM seeks comment on these and other potential verification processes. In particular, the Commission plans to cross-check provider data with information in the Universal

Service Administrative Company ("USAC") High Cost Universal Broadband portal, conduct audits, and use crowdsourced data from consumers and other entities using qualified third-party testing services. A corporate officer for each provider will have to certify the truth and accuracy of their submissions and the FNPRM proposes to require that mobile providers submit an additional certification from a qualified engineer and asks whether to extend that to fixed providers. Additionally, the Broadband DATA Act requires that the agency test and report on the feasibility of partnering with federal agencies to collect verification information. As such, the FCC proposes and seeks comment on a pilot program whereby drive-test hardware would be installed in some last-mile federal delivery fleet vehicles, such as those used by the United States Postal Service.

Creation of Coverage Maps

Under the Broadband DATA Act, the Commission must use the granular broadband availability data submitted by providers and other coverage information the FCC will collect from federal, state, local, and Tribal governmental entities (and potentially third parties) to create three maps: (1) the Broadband Map, depicting the availability of both fixed and mobile broadband service overlaid onto the Fabric data; (2) a map depicting the availability of fixed broadband service, and (3) a map depicting the availability of mobile broadband service. The maps must be updated at least twice a year using the most recent provider data. The DODC would have required that providers themselves submit granular coverage maps.

Creation of the Fabric

The Broadband DATA Act requires the Commission to create "a common dataset of all locations in the United States where fixed broadband Internet access service can be installed" and to use that information to create the Fabric, which must contain "geocoded information" for those locations. To identify these locations, the Commission proposes to follow the approach used in the Connect America Fund, with residential locations identified based on the Census Bureau's definition of a "housing unit" and business locations included when they would be expected to demand consumer-grade broadband services (*i.e.*, small businesses). Under the DODC, the Commission planned to delegate creation and management of the Fabric to USAC. The Act prohibits this but allows the Commission to contract with an entity that has geographic information system expertise to take on these responsibilities.

Challenge Process

The Broadband DATA Act requires, and the R&O establishes, a user-friendly challenge process through which consumers, government entities, and others can challenge the accuracy of provider broadband data, coverage maps, and the Fabric. The Commission originally proposed to have USAC create and manage the challenge portal, but this is prohibited by the Act. Challenges for fixed service will be permitted based on availability and coverage, but mobile broadband challenges can also be based on quality of service metrics, such as delivered user speeds. Challenges to Fabric data that providers contest will be submitted to the Commission for resolution, and it proposes to resolve these disputes within 60 days. The R&O and FNPRM also establish and seek comment on enforcement mechanisms for when inaccurate information is submitted to the FCC.

Next Steps

Congress has sent mixed messages about how quickly it wants the FCC to implement the new broadband mapping framework and data collection. On the one hand, the Broadband DATA Act gave the Commission 180 days to issue final rules implementing the Act and exempted the FCC's

rulemaking from Paperwork Reduction Act review, which often delays final enactment of rules. On the other hand, Congress has not yet allocated funding to the Commission to develop the broadband maps and Fabric, which will necessitate a lengthy procurement and development process. Nevertheless, the Commission is moving forward so that it “complete[s] the rulemaking required within the statutory deadline and in anticipation of receiving necessary funding” so that it can make the maps available “as quickly as possible.” Thus, the FCC likely will adopt final rules regarding the new broadband mapping and data collection process in September 2020.