BEFORE THE
NATIONAL TELECOMMUNICATIONS INFORMATION ADMINISTRATION

Improving the Quality and Accuracy of Broadband Availability Data	))	Docket No. 180427421-8421-01 RIN 0660-XC042

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the *Notice* issued by the National Telecommunications Information Administration (NTIA) regarding broadband data and mapping.[1] In coordination with the Federal Communications Commission (FCC), NTIA can play an important role in identifying "where the persistent gaps in broadband exist" and thereby enabling "more efficient and effective investments in broadband from both the public and private sectors."[2]

INTRODUCTION

As explained in the *Notice*, NTIA, in collaboration with the FCC, "pioneered the collection of extensive broadband deployment data when it launched the State Broadband Initiative (SBI) in 2009."[3] With the data collected through the SBI, NTIA published the first National Broadband Map (NBM) in 2011. After funding for the SBI ended in 2015, the FCC revised the Form 477 to collect broadband availability data at the same level of granularity that had been used in the SBI program.[4] Using the Form 477 data, the FCC published its own version of the NBM earlier this year.[5]

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1 *Improving the Quality and Accuracy of Broadband Availability Data*, Docket No. 180427421-8421-01, Department of Commerce, National Telecommunications Information Administration, 83 FR 24747 (May 30, 2018) (*Notice*).

2 *Id*. at 24748.

3 *Id*.

4 *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9897 ¶ 23 (2013) ("We continue the important collection of deployment data initiated by NTIA's SBI program and make modest but important adjustments to that collection.").

5 FCC News Release, *FCC Updates and Modernizes National Broadband Map* (rel. Feb. 22, 2018).

Pursuant to the Consolidated Appropriations Act of 2018 (2018 Omnibus), NTIA has been directed by Congress to "update the national broadband availability map" in coordination with the FCC and to "acquire and display available third-party data sets."[6] Through this *Notice*, NTIA is seeking input "on ways to improve the nation's ability to analyze broadband availability, with the intention of identifying gaps in broadband availability that can be used to improve policymaking and inform public investments."[7]

NTIA SHOULD FOCUS ON INTEGRATING AVAILABLE DATA SOURCES WITH THE FORM 477 DATA

The *Notice* recognizes that the starting point for any discussion of broadband mapping is the FCC's Form 477 data program. Broadband providers report availability on a census block basis, which is the smallest unit of geography used by the Census Bureau. There are over 11 million census blocks in the United States, which means that Form 477 data "provides a very high level of geographic granularity overall."[8] While the *Notice* identifies some potential concerns with the Form 477 data, such as the potential for overstating the level of broadband availability in rural areas where census blocks tend to cover a greater area, the FCC already has a pending rulemaking proceeding in which it is considering solutions to these concerns.[9]

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6 *Notice* at 24748. *See also* Consolidated Appropriations Act of 2018, Explanatory Statement, Division B at 6 (*"*The agreement provides $7,500,000 to update the national broadband availability map in coordination with the Federal Communications Commission (FCC), which updated its map in February 2018 using Form 477 filing data. The funding provided does not constitute a new program to fund the primary data collection of broadband availability or subscription data, nor is it for funding specific data collection activities by States or third parties. Instead, NTIA should use this funding to acquire and display available third-party data sets to the extent it is able to negotiate its inclusion in existing efforts to augment data from the FCC, other Federal government agencies, State government, and the private sector. NTIA shall not duplicate FCC's efforts. The updated map will help identify regions with insufficient service, especially in rural areas."), at https://docs.house.gov/billsthisweek/20180319/DIV%20B%20CJS%20SOM-%20FY18-OMNI.OCR.pdf.

7 *Notice* at 24748.

8 *Id*.

9 *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017).

Going forward, it will be critical for NTIA to coordinate closely with the FCC, but to avoid duplicating the work that the FCC already is doing. As explained in the *Notice*, Congress did not direct NTIA to undertake "a new program to fund the primary collection of broadband availability or subscription data, nor to fund specific data collection activities by states or third parties."[10] Rather, the objective is "acquire and display available third-party data sets . . . to augment data from the FCC."[11]

One highly productive way in which NTIA could augment the FCC's broadband availability data is to ensure that any future national broadband map includes information on locations where providers have committed to future construction in exchange for government subsidies. The FCC's Connect America Fund, the broadband loan programs administered by the Rural Utilities Service, and numerous other state and federal programs have committed billions of dollars in support for construction of broadband facilities in unserved areas. Consequently, while these areas may be considered unserved at the moment, they should not be considered unserved for purposes of any future subsidy mechanisms, such as the program created by the 2018 Omnibus legislation. A map that shows both current and planned service in this way is critical to achieving NTIA's objective of "identifying gaps in broadband availability that can be used to improve policymaking and inform public investments."[12]

NTIA also should consider developing a crowdsourcing tool that would gather information about remaining gaps in broadband coverage along with available speeds. While a good national broadband map can show what areas are, or will be, served, it is more difficult to identify specific locations that remain unserved. In many cases, the people with the best

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10 *Notice* at 24748.

11 *Id.*

12 *Id.*

information about unserved areas may be the residents of those areas. Self-reporting by individuals or businesses that claim to be unable to obtain broadband service could provide an important addition to the broadband map, with the caveat that such information cannot be treated as definitive evidence that a location is not served in the absence of any verification or certification process. NTIA's extensive experience gathering broadband availability and subscription data could be extremely helpful in developing this type of crowdsourcing capability.

CONCLUSION

For the reasons described above, NTIA should build on the work done by the FCC by focusing exclusively on identifying available third-party sources of broadband data and ensuring data are formatted so they can be incorporated into the FCC map. In particular, NTIA should ensure that future maps include information identifying locations where federal and state government agencies have committed funding to build new broadband facilities to ensure that scarce resources are used appropriately so that any new funding is directed where it is needed most.

Respectfully submitted,

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