



# PUBLIC NOTICE

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## RURAL BROADBAND AUCTIONS TASK FORCE PROPOSES TO RELEASE MOBILITY FUND PHASE II 4G LTE COVERAGE MAPS

GN Docket No. 19-367

In this Public Notice, the Rural Broadband Auctions Task Force (Task Force), in conjunction with the Office of Economics and Analytics, the Wireless Telecommunications Bureau, and the Wireline Competition Bureau, proposes to release certain mobile broadband coverage data submitted pursuant to the *MF-II Challenge Process Order*.<sup>1</sup> The Task Force commences this process to allow the agency to publicly release carrier-specific 4G LTE coverage maps derived from the Mobility Fund Phase II (MF-II) coverage data, consistent with Commission rules and precedent.<sup>2</sup>

The *MF-II Challenge Process Order* required mobile broadband service providers to submit 4G LTE coverage data in a one-time data collection pursuant to specifications adopted for MF-II.<sup>3</sup> The data specifications adopted for this one-time data collection were “the most granular and standardized that the Commission had ever adopted for assessing mobile wireless coverage,” requiring providers to report (among other things) the propagation modeling software, spectrum band or bands, bandwidth, clutter factor categories, and signal strength used to generate the coverage maps.<sup>4</sup> In total, 48 mobile service providers filed the required data, with an additional five providers filing certifications that they did not provide 4G LTE service meeting the specifications of the data collection.<sup>5</sup> Staff generated an initial map of areas presumptively eligible for MF-II support based upon an aggregation of these coverage data.<sup>6</sup>

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<sup>1</sup> *Connect America Fund; Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, 6296, para. 28 (2017) (*MF-II Challenge Process Order*).

<sup>2</sup> See 47 CFR §§ 0.457, 0.459, 0.461; see, e.g., *The Wireless Telecommunications Bureau and the Wireline Competition Bureau Propose To Release Form 477 4G LTE Mobile Speed Data To Facilitate Implementation of Mobility Fund II Support*, WT Docket No. 17-80, WC Docket No. 10-90, WT Docket No. 10-208, WC Docket No. 11-10, Public Notice, 32 FCC Rcd 2042 (WTB/WCB 2017). See also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, GC Docket No. 96-95, Report and Order, 13 FCC Rcd 24816, 24853, para. 63 (1998) (Commission will not disclose confidential information in an order without permitting party opportunity to seek review).

<sup>3</sup> *MF-II Challenge Process Order*, 32 FCC Rcd at 6296, para. 28. Providers were required to submit these coverage data by January 4, 2018. See *Responses to the Mobility Fund Phase II 4G LTE Data Collection Are Due by January 4, 2018*, WC Docket No. 10-90, WT Docket No. 10-208, Public Notice, 32 FCC Rcd 7431 (WCB/WTB 2017).

<sup>4</sup> Rural Broadband Auctions Task Force Staff Report, *Mobility Fund Phase II Coverage Maps Investigation Staff Report* at paras. 15, 16 (2019), <https://docs.fcc.gov/public/attachments/DOC-361165A1.pdf> (*MF-II Investigation Staff Report*).

<sup>5</sup> *Id.* at para. 17.

<sup>6</sup> *Mobility Fund Phase II Initial Eligible Areas Map Available; Challenge Window Will Open March 29, 2018*, WC Docket No. 10-90, WT Docket No. 10-208, Public Notice, 33 FCC Rcd 2041 (WCB/WTB 2018).

During the MF-II challenge process, challengers had access to providers' coverage data so that challengers could conduct speed tests of the networks of individual providers and submit data based upon those tests. Challengers were required to keep confidential the provider-specific mobile coverage data.<sup>7</sup> On December 4, 2019, the Task Force released the *MF-II Investigation Staff Report* with the MF-II coverage data redacted from the publicly available report.<sup>8</sup>

We now propose to release coverage maps showing the 4G LTE coverage of each of the 48 mobile service providers that filed data in response to the *MF-II Challenge Process Order*.<sup>9</sup> Specifically, the maps would show coverage aggregated across spectrum bands and would show only 4G LTE coverage as reported for the MF-II collection. The coverage data would neither show a provider's complete and current mobile broadband coverage nor reveal information on the spectrum bands that comprise its coverage meeting the MF-II specifications. The data to be released would not include link budget or clutter information.

Releasing the MF-II coverage data would allow the public to have a fuller understanding of the issues that the Commission faced in the MF-II proceeding and would improve the Commission's consideration of how to improve the collection of mobile broadband data going forward. The Digital Opportunity Data Collection proceeding,<sup>10</sup> specifically, would benefit from public release of the MF-II coverage data so that these data, and the *MF-II Investigation Staff Report's* analysis of these data could be commented on and relied upon in the adoption of new mobile data collection standards and processes.

In establishing the Digital Opportunity Data Collection and reforming the existing Form 477 data collection, the Commission concluded that public release of mobile coverage data is in the public interest, that such information is not commercially sensitive, and that release will not cause competitive harm to service providers.<sup>11</sup> In addition to the reasons cited in the *DODC Order*, we note that the coverage maps we intend to release are based upon data that are now more than two-years old. Moreover, the data upon which the maps would be based were generated pursuant to specifications adopted by the Commission after notice and comment, and, according to some filers, did not represent actual coverage.<sup>12</sup> Both of these factors further minimize any potential competitive harms that would be caused by the data's release. Thus, we further conclude that if there is a risk of competitive harm, this risk is small and is outweighed by the public interest in improving the accuracy of mobile broadband data collections by facilitating informed comment on the submitted MF-II coverage maps.

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<sup>7</sup> *MF-II Challenge Process Order*, 32 FCC Rcd at 6296-97, para. 29; *Mobility Fund Phase II Challenge Process Handsets and Access Procedures for the Challenge Process Portal*, WC Docket No. 10-90, WT Docket No. 10-208, Public Notice, 32 FCC Rcd 10372, 10375-76, paras. 7-10 (WCB/WTB 2017). The Commission neither discussed nor made findings regarding the competitive sensitivity of these data.

<sup>8</sup> See generally *MF-II Investigation Staff Report*.

<sup>9</sup> The maps would be made available as GIS data in ESRI Shapefile format.

<sup>10</sup> *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195 & 11-10, Report and Order and Second Further Notice of Proposed Rulemaking, 34 FCC Rcd 7505 (2019) (*DODC Order and Second NPRM*).

<sup>11</sup> *DODC Order and Second NPRM*, 34 FCC Rcd 7505, 7521-22, paras. 37-40 ("Because coverage and speed data are already publicly available, we find that such information is not commercially sensitive, and conclude that its public release will not cause competitive harm to service providers.").

<sup>12</sup> Since release of the *MF-II Investigation Staff Report*, Verizon and U.S. Cellular have suggested that the MF-II coverage data did not reflect the actual extent of mobile networks. See "FCC Proposes \$9B for Rural 5G to Replace Mobility Fund Phase II Auctions," *Communications Daily* (Dec. 5, 2019) (quoting representatives from Verizon and U.S. Cellular). Thus, release of the MF-II coverage data should not be competitively sensitive for these or any similarly situated providers.

Parties that submitted MF-II coverage data have ten (10) business days from the date of the release of this Public Notice to object to the release of their own data. **The deadline for filing such objections is February 27, 2020.** Parties objecting must explain why publicly releasing these data will reveal information they have not already made available to the public and will harm them competitively, including a specific and detailed description of the extent of that harm.<sup>13</sup> Parties objecting also should specify which components of the data to be released their objections concern. Parties that believe that this information should be made public are welcome to file comments supporting release of the data. If the Commission receives no objections, it will publicly release these data on **March 2, 2020.**

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, affected parties may file objections and interested parties may file comments using the Commission's Electronic Comment Filing System (ECFS). An additional courtesy copy should also be sent to [ruralbroadband@fcc.gov](mailto:ruralbroadband@fcc.gov).

- Electronic Filers: Objections and comments may be filed electronically using the Internet by accessing ECFS and filing in Docket No. 19-367: <http://apps.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

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This action is taken pursuant to sections 4(i), 5, 201-205, 211, 215, 218, 219, 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155, 201-205, 211, 215, 218, 219, 303(r), and 332, Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.291 of the Commission's rules, 47 CFR § 0.291.

For further information, contact the Task Force at [ruralbroadband@fcc.gov](mailto:ruralbroadband@fcc.gov).

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<sup>13</sup> In the case of any objection that is denied, the provider may file an application for review by the Commission in accordance with section 0.459(g) of the Commission's rules. 47 CFR § 0.459(g). Materials will be accorded confidential treatment until the Commission acts on any timely applications for review and, if denied, until a court acts on any timely motion for stay of an order by the full Commission denying confidential treatment. *Id.*