



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

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BROADBAND DATA TASK FORCE AND OFFICE OF ECONOMICS AND ANALYTICS ANNOUNCE INAUGURAL BROADBAND DATA COLLECTION FILING DATES

BROADBAND AVAILABILITY DATA AS OF JUNE 30, 2022 ARE DUE NO LATER THAN SEPTEMBER 1, 2022

WC Docket Nos. 11-10 and 19-195

1. High-speed, high-quality broadband has become an essential means of connecting individuals and entities to schools and educational resources, work and commerce, healthcare services, and much more. Indeed, Congress recently affirmed the critical importance of broadband connectivity through its unprecedented investment in closing the digital divide.¹

2. The first step to ensuring everyone, everywhere has access to broadband is to develop accurate information about where broadband service is and is not available across the country. To this end, consistent with the detailed requirements in the Broadband Deployment Accuracy and Technological Availability (DATA) Act, the Federal Communications Commission (Commission) has designed and is developing the Broadband Data Collection (BDC), a complex set of interrelated systems and processes to collect, validate, and publish complete, granular, and reliable data on broadband availability. These data will provide valuable information to the public and ensure that federal, state, local, and Tribal policymakers can precisely target funding to the areas of the country where support is most needed – thereby finally and fully providing everyone in the United States and its territories with the opportunity to connect to high-speed broadband.

3. With this Public Notice, the Commission's Broadband Data Task Force (Task Force) and the Office of Economics and Analytics (OEA) continue to advance its mission to provide more granular broadband location maps. As discussed below, while we await a decision in the Broadband Serviceable Location Fabric protest, the Task Force and OEA continue to make progress and can now announce the date the BDC system will begin to accept broadband availability data filed pursuant to the Commission's new BDC rules and procedures. Specifically, all facilities-based providers of fixed and mobile broadband Internet access service can begin to submit broadband availability data under the new rules and procedures for the BDC beginning on June 30, 2022.² Filers must submit data depicting deployment as of

¹ See Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, div. F, tit. I (2021), *available at* <https://www.govinfo.gov/content/pkg/BILLS-117hr3684enr/pdf/BILLS-117hr3684enr.pdf> (IIJA).

² Updates on BDC filing specifications, including the URL for the BDC system website, will be posted on the FCC's BDC webpage at <https://www.fcc.gov/BroadbandData> as the filing date approaches.

June 30, 2022, and must submit the data by September 1, 2022.³ Should the systems and processes comprising the BDC be ready for launch in advance of June 30, the Commission retains the statutory discretion pursuant to the IIJA to issue an order modifying the filing window dates announced in this Public Notice, subject to providing notice not later than 60 days before the deadline for submission of the data. As discussed below, additional information for filers, including data specifications on how to prepare their data for submission in the BDC system, will be forthcoming.

I. BACKGROUND

4. The BDC is the culmination of substantial legislative and administrative policymaking efforts that have encompassed input from every level of government and across the telecommunications industry, as well as concurrent FCC rulemaking, procurement, and systems development workstreams. In March 2020, the Broadband DATA Act was enacted.⁴ The Broadband DATA Act overhauled the Commission's methods for collecting broadband availability data and required the Commission to adopt new rules for "the biannual collection and dissemination of granular data . . . relating to the availability and quality of service with respect to terrestrial fixed, fixed wireless, satellite, and mobile broadband internet access service,"⁵ and to develop new data systems and processes to implement them. Under the Act, the Commission must also establish the Broadband Serviceable Location Fabric (Fabric), defined as "a common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission," which must "serve as the foundation upon which all data relating to the availability of fixed broadband internet access service . . . shall be reported and overlaid."⁶ The Act also established standardized propagation model details that mobile wireless service providers must use to report 4G LTE service availability and directed the Commission to update its reporting standards for future generations of mobile broadband Internet access service technologies, as necessary.⁷

5. To further validate and refine broadband service providers' availability data, the Act requires the Commission to establish processes to (i) verify the accuracy of the data submitted by broadband service providers,⁸ (ii) collect verified availability data from other federal agencies, state, local, and Tribal governmental entities, and other third parties,⁹ and (iii) facilitate "a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission . . ."¹⁰

6. The Commission must also provide various forms of technical assistance to stakeholders, including Tribal governments, small service providers, and participants in the challenge process.¹¹ The Act directs the Commission to provide technical assistance to Tribal governments for the collection and

³ These as-of dates and filing deadlines were established by the Commission in the *Second Order and Third Further Notice*. See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7484, para. 55 (2020) (*Second Order and Third Further Notice*).

⁴ Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646) (Broadband DATA Act or Act).

⁵ 47 U.S.C. § 642(a)(1)(A).

⁶ 47 U.S.C. § 642(b)(1)(A)(i), (b)(1)(B)(ii).

⁷ 47 U.S.C. § 642(b)(2)(B), (b)(3).

⁸ 47 U.S.C. § 642(a)(1)(B)(i).

⁹ 47 U.S.C. § 642(a)(2).

¹⁰ 47 U.S.C. § 642(b)(5).

¹¹ 47 U.S.C. § 644(c)-(e).

submission of verified data for use in the BDC coverage maps.¹² The Act also specifically requires that the Commission “establish a process through which a provider that has fewer than 100,000 active broadband Internet access service connections may request and receive assistance from the Commission with respect to geographic information system data processing” necessary to comply with the requirements of the BDC.¹³ It further requires that the Commission “provide technical assistance to consumers and State, local, and Tribal governmental entities with respect to the challenge process established” by the Broadband DATA Act.¹⁴

7. The Commission has issued two rulemaking Orders defining the requirements for the BDC. The Commission first adopted its *Second Order and Third Further Notice* in July 2020, and the *Third Report and Order* in January 2021.¹⁵ In the *Second Order and Third Further Notice*, the Commission established the requirements for the submission of fixed broadband Internet access service availability and quality of service data and the submission of mobile broadband Internet access service data.¹⁶ In addition, the Commission established that the Fabric “will consist of a single, nationwide fabric that will contain geocoded locations for all locations where a broadband connection can be installed,”¹⁷ established the biannual collection schedule for the BDC;¹⁸ adopted rules for the processes through which the Commission will verify the accuracy and reliability of availability data submitted by providers;¹⁹ adopted the requirement that it is “unlawful to willfully and knowingly, or recklessly, submit information or data that is materially inaccurate or incomplete with respect to the availability or the quality of broadband Internet access service;”²⁰ established the Broadband Map and a biannual schedule for updating the map in line with the biannual data collection;²¹ adopted the requirement “to develop a process to collect verified data for use in the coverage maps from: (1) State, local, and Tribal governmental entities primarily responsible for mapping or tracking broadband Internet access service coverage in their areas; (2) third parties, if the Commission determines it is in the public interest to use their data in the development of the coverage maps or in the verification of data submitted by providers; and (3) other federal agencies;”²² adopted data confidentiality and privacy standards for the BDC;²³ and directed agency staff to update the specific format of data submitted in the BDC to reflect changes over

¹² 47 U.S.C. § 644(c)(1).

¹³ 47 U.S.C. § 644(d).

¹⁴ 47 U.S.C. § 644(e).

¹⁵ See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460 (2020) (*Second Order and Third Further Notice*); *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Third Report and Order, 36 FCC Rcd 1126 (2021) (*Third Report and Order*). The BDC was formerly known as the Digital Opportunity Data Collection, or DODC.

¹⁶ *Second Order and Third Further Notice*, 35 FCC Rcd at 7462, para. 3.

¹⁷ *Id.* at 7484, para. 54.

¹⁸ *Id.* at 7484, para. 55.

¹⁹ *Id.* at 7484, para. 56.

²⁰ *Id.* at 7493, para. 77.

²¹ *Id.* at 7493, paras. 79-80.

²² *Id.* at 7494, para. 82.

²³ *Id.* at 7495-96, paras. 84-85.

time in geospatial information systems (GIS) and other data-storage and processing functionalities, and to implement any technical improvements or other clarifications to the filing mechanism and forms.²⁴

8. The Commission established additional requirements for the BDC with the adoption of its *Third Report and Order*. Importantly, the Commission defined which entities would be considered a “provider” for purposes of the BDC, requiring all facilities-based providers of fixed or mobile broadband Internet access service—i.e., any provider supplying mass market broadband services—to file availability data in the biannual collection.²⁵ The *Third Report and Order* further specified the standards for reporting availability and quality of service data for fixed broadband Internet access service,²⁶ as well as for the collection and reporting of mobile broadband Internet access service data.²⁷ In addition, the Commission established the requirement that fixed and mobile broadband service providers certify the accuracy of their submissions;²⁸ adopted verification provisions and directed staff to adopt and implement the methodologies, specifications, and formatting requirements for the submission of data to assist in those verification inquiries;²⁹ adopted standards for collecting verified data from state, local, and Tribal mapping entities and third parties that meet certain criteria;³⁰ established the requirements for the submission of challenges to the fixed broadband service maps and the Fabric,³¹ as well as for challenges to the mobile broadband coverage data;³² defined certain standards for use in context of the Fabric and directed staff to implement further specifications in connection with the Fabric;³³ defined additional aspects of the enforcement requirements in the Broadband DATA Act, including the establishment of penalties for violations of the BDC rules;³⁴ adopted the Commission’s proposals regarding the types of maps that would be made public as a part of the BDC;³⁵ directed staff to make available the technical assistance resources specified in the Broadband DATA Act;³⁶ and implemented reforms to the existing Form 477 deployment collection and deferred sunset of that collection to a later, to-be-determined date.³⁷

9. Although the Commission adopted its rules for administering the detailed and interrelated requirements of the Broadband DATA Act, it was unable to undertake the critical procurements necessary to implement the various systems and processes laid out in the Broadband DATA Act until funds were appropriated for that purpose.³⁸ It was not until January 2021 that the Commission received funding to initiate the procurements as a part of the Consolidated Appropriations Act of 2021, enacted on December

²⁴ *Id.* at 7496, para. 86.

²⁵ *Third Report and Order*, 36 FCC Rcd at 1130-31, 33-34, paras. 10, 16-17.

²⁶ *Id.* at 1133-41, paras. 16-35.

²⁷ *Id.* at 1141-44, paras. 36-41.

²⁸ *Id.* at 1144-45, para. 43.

²⁹ *Id.* at 1146, paras. 47-48.

³⁰ *Id.* at 1146, para. 49.

³¹ *Id.* at 1154-64, paras. 70-96.

³² *Id.* at 1164-74, paras. 97-124.

³³ *Id.* at 1175-77, paras. 126-32.

³⁴ *Id.* at 1178-84, paras. 133-47.

³⁵ *Id.* at 1184, para. 148.

³⁶ *Id.* at 1184-86, paras. 149-55.

³⁷ *Id.* at 1186-88, paras. 157-60.

³⁸ *Id.* at 1129, para. 6 (footnote omitted) (Congress “prohibit[ed] the Commission from delegating any responsibilities under the Act to USAC or from using funds collected through [its Universal Service Fund] to pay any costs associated with fulfilling them.”); *see also* 47 U.S.C. §§ 645(a), 646(c).

27, 2020.³⁹ As the Commission noted in the *Third Report and Order* adopted shortly thereafter, because of the Broadband DATA Act’s restrictions, “the Commission could not undertake the development of costly IT and filing platforms needed to implement the requirements under the Broadband DATA Act or the Commission’s rules until Congress specifically appropriated funding for that purpose.”⁴⁰

10. Since receiving an appropriation of funding, the Commission has worked on the many workstreams needed to implement the Act in order to launch the BDC as quickly as possible. Accomplishment of a number of critical milestones has enabled us to announce the opening of a BDC filing window on June 30, 2022.

11. First, promptly upon the receipt of funding, the Commission retained an expert data architect to design a data-flow structure and build a prototype system that could collect, manage, and validate fixed and mobile broadband availability data.⁴¹ The data architect developed a blueprint for the complex set of systems and processes needed for the collection of availability data from broadband providers and verified coverage data from federal, state, local, and Tribal governmental entities and other third parties, along with challenge and crowdsource data. This blueprint forms the basis for how the collection system being developed will ingest, process, and publish these complex, interrelated data in a reliable, efficient, and secure manner.

12. Second, Commission staff initiated a procurement for a contractor that would construct the Fabric. Forming the foundation that will underpin all of the maps published by the Commission,⁴² the Fabric will be a dataset of all broadband serviceable locations in the United States, enabling location-by-location reporting and maps of fixed broadband service availability, thereby allowing anyone to determine whether broadband service is or is not available at a particular home or small business location. The Broadband DATA Act specifically instructed the Commission to seek competitive bids for the construction of the Fabric consistent with the Federal Acquisition Regulation.⁴³ Accordingly, on March 8, 2021, the Commission issued a Request for Information (RFI) related to the Fabric procurement.⁴⁴ Following receipt of responses to the RFI, the Commission hosted several Industry Feedback Sessions, which allowed staff to gain additional insights into the information provided through the RFI process and helped inform the development of a Request for Proposal (RFP),⁴⁵ which was then issued on June 1, 2021.⁴⁶

13. Third, on July 2, 2021, the Commission awarded a follow-on contract to build the BDC data collection system. The Commission issued this award to the same vendor that had provided the data architecture and design services, after determining that the framework and proof-of-concept prototype

³⁹ See Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, H.R. 133, Div. E, Tit. V, Div. N, Tit. V, § 906(1) (Dec. 27, 2020) (Consolidated Appropriations Act of 2021).

⁴⁰ *Third Report and Order*, 36 FCC Rcd at 1129, para. 6.

⁴¹ See FCC, *Broadband Data Collection Resources*, <https://www.fcc.gov/BroadbandData/resources> (last visited Jan. 21, 2022) (announcing the Data Architect and Design Services contract was awarded to Emprata, LLC on Feb. 23, 2021); see also 47 U.S.C. § 642(a)(1).

⁴² The Broadband DATA Act states that the Fabric “shall serve as the foundation upon which all data relating to the availability of fixed broadband internet access service . . . shall be reported and overlaid.” 47 U.S.C. § 642(b)(1)(B)(ii).

⁴³ See 47 U.S.C. § 642(b)(1)(A)(ii).

⁴⁴ See *FCC RFI-Draft Statement of Objectives: Broadband Serviceable Location Fabric Database Project*, Special Notice, FCC (Mar. 8, 2021), available at <https://sam.gov/opp/6986698606b445b395d7ca0650c8cd3e/view>.

⁴⁵ See *FCC Industry Feedback Sessions - Broadband Serviceable Location Fabric Database Project*, Special Notice, FCC (Mar. 25, 2021), available at <https://sam.gov/opp/1b02de09717c4f4d8d1c14e819c7f2de/view>.

⁴⁶ See *FCC Broadband Serviceable Location Fabric*, Solicitation, FCC (June 1, 2021), available at <https://sam.gov/opp/a523db9a66a74fcf8b23eafa8751491c/view>.

were of sufficient quality to meet the needs of the BDC and that the vendor possessed the requisite qualifications to undertake development of the systems. This strategy enabled the Commission to take advantage of efficiencies created as a result of the vendor's familiarity with the system design and architectures and thereby reduced the overall anticipated timeline for system delivery by several months.⁴⁷ The vendor, with oversight from Commission staff, has developed critical components of the BDC system using agile development practices.

14. Fourth, OEA, the Wireless Telecommunications Bureau (WTB), and the Office of Engineering and Technology (OET) initiated a complex rulemaking for the mobile challenge process, as well as for verifying mobile broadband availability data and for the receipt of mobile crowdsource data, as required by the Broadband DATA Act. The Public Notice seeking comment on the technical requirements for these processes was released in July 2021.⁴⁸ The methodologies and statistical analyses on which the Bureau and Offices sought comment will empower consumers, state, local, and Tribal governmental entities, and other third parties, as part of these processes, to submit mobile broadband performance data directly to the Commission in support of challenges to mobile broadband service providers' coverage maps.⁴⁹ From a challenger's perspective, this process will be as simple as running a speed test on the FCC Speed Test app, or another speed test app approved by OET, which will then be submitted directly to the Commission and overlaid on the primary availability maps to identify areas subject to challenge.⁵⁰ The Commission is also procuring additional support services to provide technical assistance to state, local, and Tribal governments, as well as consumers, to ensure their ability to fully participate in the challenge process.⁵¹

15. Fifth, the Commission is in the process of acquiring resources to supplement the efforts of staff to provide technical assistance to filers and others as required by the Broadband DATA Act. Commission staff hosted an initial workshop for Tribal entities on December 8, 2021, during which staff provided an overview of the BDC and information on the tools and processes that will enable Tribes to submit broadband availability data directly to the Commission.⁵² As to broadband service providers and other relevant entities, the Commission has distinguished four tiers of technical assistance that it will offer as a part of the BDC, consisting of self-help resources, such as user guides and templates; support services to resolve basic questions on the broadband availability data collection, the challenge process and crowdsourcing efforts, and other common Helpdesk tasks; technically advanced guidance, including support for GIS data creation, manipulation, and analysis; and responses to policy-related questions.⁵³ While certain aspects of this technical assistance can be handled internally by Commission staff, the Commission requires outside services to provide the hands-on support envisioned by the Broadband DATA Act. Accordingly, on January 27, 2022, the Commission awarded a contract to a vendor with GIS

⁴⁷ See *Limited Source Justification, BDC Systems Development and Implementation*, Special Notice, FCC (July 2, 2021), available at <https://sam.gov/opp/e31406dd59b14ed68be1f08234b152f9/view>.

⁴⁸ See *Comment Sought on Technical Requirements for the Mobile Challenge, Verification, and Crowdsource Processes Required under the Broadband Data Act*, WC Docket No. 19-195, Public Notice, DA 21-853, 2021 WL 3057378 (WTB/OEA/OET July 16, 2021) (*BDC Mobile Technical Requirements Public Notice*).

⁴⁹ See *BDC Mobile Technical Requirements Public Notice*, at *4-*6, *29-*31, paras. 8-14, Appx. A § 3.1. This *Public Notice* uses Westlaw *pagination for the *BDC Mobile Technical Requirements Public Notice*.

⁵⁰ See *BDC Mobile Technical Requirements Public Notice*, at *20, para. 54.

⁵¹ See 47 U.S.C. § 644(e).

⁵² See Broadband Data Task Force, OEA, ONAP, *Broadband Data Collection Tribal Governments' Technical Assistance Workshop*, (Dec. 8, 2021), <https://www.fcc.gov/news-events/events/2021/12/broadband-data-collection-tribal-governments-technical-assistance>.

⁵³ See *FCC RFI – BDC Technical Assistance Tier 1 Services*, Special Notice, FCC (Nov. 11 2021), available at <https://sam.gov/opp/67406e68a97e4d90b3f821a7883be2e0/view>.

expertise, to provide certain of these technical support services for the BDC,⁵⁴ and is in the process of procuring services to provide more general helpdesk support.⁵⁵

16. Sixth, Commission staff have engaged in a number of other efforts to improve broadband availability data and prepare stakeholders for the new data collection. For example, in August 2021 the Commission published 4G LTE coverage data from the nation's four largest mobile wireless service providers, reported based upon the standardized BDC parameters.⁵⁶ Because these four carriers used the same key input parameters to model their 4G LTE network coverage, this map is a more consistent representation of mobile wireless service coverage and provides a preview of how the mobile data to be collected from all carriers under the BDC will look. Staff have also provided presentations and participated in meetings and other events with stakeholders to provide updates on the progress of the work of the Broadband Data Task Force and our efforts to launch the BDC.⁵⁷ The Commission has also engaged consumers directly, establishing a new public portal for consumers to share their broadband experiences to help inform the work of the Task Force.⁵⁸ As of January 31, 2022, the Commission has received over 13,500 broadband experience submissions from consumers since opening this portal. Additionally, the Commission is encouraging consumers to download the FCC Speed Test app, which currently collects mobile speed test data as part of the FCC's Measuring Broadband America program and will be updated in the coming months to allow consumers to submit data in support of challenges to the mobile broadband availability maps as part of the BDC platform.⁵⁹

17. These efforts have resulted in substantial progress toward the launch of the BDC, but several challenges remain. Most notably, our ability to open the initial BDC filing window as planned is linked to the completion of the Fabric which, under the Broadband DATA Act, forms the foundation upon which all fixed broadband availability data is reported and overlaid. The protests of the Fabric, while part of the competitive bid process required in the Broadband DATA Act have impeded both our ability to move forward with obtaining the Fabric data in advance of launching the BDC and with making the data available to filers. After the RFP response deadline, but prior to our awarding a contract for the Fabric, one of the offerors filed a pre-award protest of the RFP with the Government Accountability Office (GAO). To quickly dispose of this protest, the Commission delivered a revised RFP to all offerors and following its review of the revised RFP responses, and consistent with the evaluation requirements in

⁵⁴ See *Broadband Data Collection Technical Assistance Tiers 0 and 2*, Definitive Contract PIID 273FCC22C0012, Contract Summary (Jan. 27, 2022), available at https://www.usaspending.gov/award/CONT_AWD_273FCC22C0012_2700_-NONE_-NONE-.

⁵⁵ See *FCC RFI – BDC Technical Assistance Tier 1 Services*, Special Notice, FCC (Nov. 11 2021), available at <https://sam.gov/opp/67406e68a97e4d90b3f821a7883be2e0/view>.

⁵⁶ Press Release, FCC, FCC Releases First-of-its-Kind Mobile Broadband Map (Aug. 6, 2021), <https://www.fcc.gov/document/fcc-launches-new-mobile-broadband-map>.

⁵⁷ For example, members of the Broadband Data Task Force provided a CLE presentation to the Federal Communications Bar Association (FCBA) on March 11, 2021. The slide deck from that presentation is available at: <https://www.fcc.gov/sites/default/files/fcc-cle-presentation-03112021.pdf>. As another example, on November 3, 2021, members of the Task Force provided an overview of the BDC, a status update on implementation, and took questions from members of NTIA's State Broadband Leaders Network. The Broadband Data Task Force has also provided updates to the FCC's Precision Ag Task Force, Intergovernmental Advisory Committee, Native Nations Communications Task Force, and a variety of other stakeholders on various occasions. This is not an exhaustive list of the robust and consistent stakeholder engagement that is essential to the BDC, which, as explained above, will require direct input from providers, state, local, and Tribal governments, and consumers.

⁵⁸ Press Release, FCC, FCC Announces New Outreach to Collect Consumer Broadband Availability Experiences (Mar. 22, 2021), <https://www.fcc.gov/document/fcc-reaches-out-collect-consumer-broadband-availability-experiences>.

⁵⁹ Press Release, FCC, FCC Encourages Public to Use Its Speed Test App to Measure Their Broadband Speeds (Apr. 12, 2021), <https://www.fcc.gov/document/fcc-encourages-public-use-its-speed-test-app>.

the solicitation and the Federal Acquisition Regulation (FAR), the Commission awarded a contract for Fabric development on November 9. Subsequently, an unsuccessful offeror filed a post-award protest with GAO, as permitted under the FAR, and has since filed several supplemental protests. We were required to suspend performance of the contract until GAO issues a decision, and the Commission has therefore been unable to commence work with the contractor on development of the Fabric.⁶⁰ However, pursuant to its regulations, GAO is expected to issue a decision on the protest within 100 days after being filed.⁶¹

18. Assuming a favorable result from GAO, we anticipate the contractor will deliver to the Commission a preliminary version of the Fabric that we would plan to share with filers so they can begin developing their processes to align their address or location data with the Fabric well in advance of the opening of the reporting window. We will also work with the contractor to finalize the requirements for the production version of the Fabric.⁶² While completing this preparatory and development work and integrating the production version of the Fabric data into the BDC system will take time, a favorable GAO action within its usual timeframe should enable a production version of the Fabric to be completed and made available to filers in time for the initial collection.⁶³

19. At the same time the Fabric is under development, we will finalize construction and testing of the Broadband Data Collection system. After each component of the system is developed, it undergoes user acceptance testing (UAT), independent verification and validation (IV&V), and remediation of any issues that are identified through the UAT and IV&V processes, all of which ensures the system is reliable, robust, and functions correctly. The system components must also undergo comprehensive security review to receive an Authorization to Operate before the system code can be pushed into a production environment for final testing prior to launch.⁶⁴ Completion of each of these additional tasks is a prerequisite to our opening the initial BDC filing window.

20. Finally, Commission staff will be working with our technical assistance vendor(s) to onboard and train their staff on the details of the BDC requirements and processes and how the BDC system works, to prepare self-help materials and other resources, to stand-up the customer support center for providing user assistance, and to allocate resources for support requests (including potential surge support during high-demand periods, such as the initial filing window, when we expect a large number of filers to have questions about preparing their data based upon the BDC requirements and parameters). All of these resources need to be in place before we open the initial BDC filing window, as required under the Broadband DATA Act.

⁶⁰ See 48 CFR § 33.104(c)(1) (“When the agency receives notice of a protest from the GAO within 10 days after contract award or within 5 days after a debriefing date offered to the protester for any debriefing that is required by 15.505 or 15.506, whichever is later, the contracting officer shall immediately suspend performance or terminate the contract award, except as provided in paragraphs (c)(2) and (3) of this section.”).

⁶¹ 4 CFR § 21.9(a). GAO’s regulations further provide that it, “to the maximum extent practicable, shall resolve a timely supplemental protest adding one or more new grounds to an existing protest, or a timely amended protest, within the time limit established in paragraph (a) of this section for decision on the initial protest.” 4 CFR § 21.9(c).

⁶² *Third Report and Order*, 36 FCC Rcd at 1177, paras. 126-132.

⁶³ See *FCC Broadband Serviceable Location Fabric*, Statement of Objectives, FCC (June 1, 2021), available at <https://sam.gov/opp/a523db9a66a74fcf8b23eafa8751491c/view>.

⁶⁴ See Authorization to Operate (ATO) – Glossary | CSRC, https://csrc.nist.gov/glossary/term/authorization_to_operate (last visited Jan. 31, 2022) (defining ATO as “[t]he official management decision given by a senior organizational official to authorize operation of an information system and to explicitly accept the risk to organizational operations (including mission, functions, image, or reputation), organizational assets, individuals, other organizations, and the Nation based on the implementation of an agreed-upon set of security controls.”).

II. DISCUSSION

21. Despite the challenges outlined above, the Commission continues to make advancements on the substantial amount of work left to be done to launch the BDC. Subject to a favorable outcome of the Fabric post-award protest, we believe that the BDC system will be ready to begin accepting data on June 30, 2022. Accordingly, we issue this Public Notice announcing the start of the BDC and initial filing dates.

A. Notice of Initial BDC Filing Dates

22. Fixed and mobile broadband service providers required to file broadband availability coverage data pursuant to section 1.7004 of the Commission's rules (covered broadband service providers) must prepare their initial data submissions reporting data as of June 30, 2022.⁶⁵ Commission staff will open the BDC filing window on June 30, 2022, and covered broadband service providers must submit their data no later than September 1, 2022.⁶⁶ Other federal agencies as well as state, local, and Tribal governmental entities primarily responsible for mapping or tracking broadband Internet access service coverage in their areas and third parties wishing to submit verified availability data must also submit their data as of the same date (i.e., June 30, 2022) on or before September 1, 2022.⁶⁷

23. In the *Second Order and Third Further Notice*, the Commission directed OEA to issue a public notice announcing the initial BDC filing deadline at least six months prior to that date.⁶⁸ Accordingly, the Broadband Data Task Force and OEA are providing this Public Notice more than six months in advance of the September 1, 2022 filing deadline. We do so notwithstanding a provision of the Infrastructure Investment and Jobs Act (IIJA) alleviating the Commission of any obligation to provide this amount of notice, and instead requiring only that the Commission "provide notice to broadband providers not later than 60 days before the initial deadline for submission of data" in the BDC.⁶⁹ Our approach in announcing the deadline for the inaugural BDC collection at this time is guided by several considerations.

24. First, we want to give as much advance notice as possible to broadband service providers and filers of verified availability data prior to the reporting date and the opening of the filing window. Broadband service providers have had ample time since enactment of the Broadband DATA Act, which specified many of the data collection requirements, and adoption of the BDC rules to prepare for this collection.⁷⁰ But we believe that it would be beneficial to provide reporting entities (i.e., covered broadband service providers and verified availability data filers) with the maximum possible notice of the starting date, while balancing the number of interrelated variables that contribute to our ability to announce with some certainty a specific date by which the BDC system, the Fabric data, various technical assistance resources, and other key resources will be available to filers.

25. Second, we maximize the notice period afforded service providers to emphasize that any requests for waivers or extensions of the filing deadline will "face[] a high hurdle even at the starting

⁶⁵ See 47 CFR § 1.7004(b).

⁶⁶ See *id.*

⁶⁷ See 47 CFR § 1.7008(d)(2). This deadline applies only to submission of verified broadband availability data, and not to the submission of data challenging the broadband availability data submitted by providers or the submission of crowdsourced data. The Bureau and Offices will issue a future public notice announcing procedures for authenticating state, local, and Tribal governmental entities seeking to submit verified availability data into the BDC system.

⁶⁸ *Second Order and Third Further Notice*, 35 FCC Rcd at 7484, para. 55.

⁶⁹ IIJA § 60103(c).

⁷⁰ As noted above, the Broadband DATA Act was enacted in March 2020, the *Second Order and Third Further Notice* was adopted in July 2020, and the *Third Order* was adopted in January 2021.

gate”⁷¹ and that a failure to timely file required data in the new BDC system may lead to enforcement action and/or penalties as set forth in the Communications Act and other applicable laws absent circumstances beyond a filer’s control.⁷² Accurate and timely submission of BDC data is mandatory for covered broadband service providers.⁷³ Federal and state policymakers, in addition to the general public, have an urgent and compelling need for these data, particularly given they are a prerequisite to the distribution of many of the broadband deployment funds made available by Congress in the IJA.⁷⁴

26. In addition, we urge reporting entities to upload their broadband availability data into the system well in advance of the end of the filing window (i.e., before September 1, 2022). The BDC system will include automatic checks and validations that will prevent filers from submitting faulty data; thus, filers must correct any errors identified by the system *prior* to submitting and certifying a BDC filing, which they must do before the filing deadline.⁷⁵ Filing early in the window will afford filers an opportunity to make any necessary corrections in advance of the deadline to assure that their submission is timely filed. Stated another way, a filer’s failure to take into account the time required to resubmit data in response to potential rejections by these system validations on or before the close of the filing window will not constitute a circumstance beyond a filer’s control that would excuse noncompliance with the deadline.

27. Third, we issue this Public Notice based upon our current expectation of when the BDC system, the Fabric data, a revised version of the FCC Speed Test app, approved third-party speed test apps, various forms of technical assistance, and other resources will be in place as part of the broader BDC framework. As noted above, however, the delivery schedule for several of these resources could be affected by forces outside of the control of the Commission. While the end result of any one of these factors could be that we are forced to extend, on our own motion, the filing window dates, we do not expect that to be the case. On the contrary, it is possible that all of the systems and processes comprising the BDC could be ready for launch in advance of June 30. In the event that, over the coming weeks, the Broadband Data Task Force and OEA gather additional information indicating that the various components of the BDC will all be ready and available for launch prior to June 30, then broadband service providers and entities intending to submit verified broadband availability data should take into consideration in their preparations for filing that, pursuant to section 60103(c) of the IJA, the Commission retains the statutory discretion, and therefore reserves the right, to issue an order modifying the as-of and filing window dates announced in this Public Notice to earlier dates, subject to providing notice not later than 60 days before the deadline for submission of the data.

B. BDC Data Specifications

28. We intend to release detailed data specifications that instruct filers on how they must prepare and format their BDC availability data. The specifications will address the types of data that must or may be submitted by different entities, how the system will accept the data, how files must be formatted for upload, and the values that the system will accept and validate against other sources. In

⁷¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

⁷² *See Third Report and Order*, 36 FCC Rcd at 1182, para. 144; *see also* 47 U.S.C. § 643 (providing that “[i]t shall be unlawful for an entity or individual to willfully and knowingly, or recklessly, submit information or data under this subchapter that is materially inaccurate or incomplete with respect to the availability of broadband internet access service or the quality of service with respect to broadband internet access service”).

⁷³ *See* 47 CFR 1.7004(a).

⁷⁴ IJA § 60102(c)(1), (c)(3).

⁷⁵ As noted below, the Broadband Data Task Force and OEA will release information about the new filing system well in advance of the filing window to allow reporting entities to familiarize themselves with the new system’s operations. We particularly urge entities required to file to take advantage of these materials as they become available so that they are ready and able to file their data as required.

addition to announcing the release of the data specifications by a public notice, the specifications will also be available on the BDC webpage at <https://www.fcc.gov/BroadbandData/>.

C. Form 477 Filing Requirements and Subscription Data

29. This Notice does not alter the obligation of service providers to file the semiannual Form 477 filing. In the *Third Report and Order*, the Commission stated that it would continue the “census-based deployment data collection under Form 477 [for fixed service providers] for at least one reporting cycle after the new granular reporting collection commences.”⁷⁶ The Commission likewise did not specify a sunset date for the Form 477 broadband deployment collection for mobile service providers.⁷⁷ Until the Commission announces a sunset date for the submission of Form 477 broadband deployment data, all service providers required to submit these data under Form 477 must continue to do so.⁷⁸

30. Additionally, fixed and mobile broadband service providers that have traditionally filed broadband and voice subscribership data in the FCC’s Form 477 filing interface will be required to file these subscribership data in *both* the new BDC system and the existing Form 477 filing interface. The Commission has several reasons for requiring filers to submit subscribership data in both systems. First, as referenced above, we anticipate that the Commission will sunset the collection of broadband deployment data under Form 477 and then decommission the use of the existing Form 477 filing interface to collect new data at a yet-to-be-determined date. However, the collection of Form 477 subscribership data will continue,⁷⁹ and by collecting these data through the BDC system, filers will be able to submit all of their biannual broadband and voice data in a single system at the same time. Further, collecting subscribership data in the BDC system will improve the quality of both the BDC availability data and the Form 477 subscribership data because the system will conduct automated data quality checks comparing the two types of data and identifying errors or inconsistencies for filers in real time. Finally, it will enable the Commission to track whether the same provider is complying with both the Form 477 and BDC collections. Therefore, fixed and mobile service providers that offer both broadband and voice services must file subscribership data for both services in both the BDC system and the Form 477 filing interface for data as of June 30, 2022 and until the Commission decommissions the Form 477 filing interface. Service providers that offer only voice service (and do not also offer broadband service) are not required to submit their voice subscribership data in both systems; such data as-of June 30, 2022 must be submitted in the Form 477 filing interface.⁸⁰

D. Forthcoming Resources and Additional Information

31. The Commission will release over the coming weeks a number of additional resources pertaining to the BDC including, but not limited to: data specifications for broadband availability data, challenge and crowdsource data, infrastructure data for challenge rebuttal, and third-party speed test data; a User Guide for the BDC system; an order establishing the technical requirements for the mobile challenge, verification, and crowdsourcing processes based on the record developed in response to the *BDC Mobile Technical Requirements Public Notice*; a public notice announcing the process through which third-party speed test apps can seek approval from OET for use in the challenge and crowdsource

⁷⁶ *Third Report and Order*, 36 FCC Rcd at 1187-88, para. 160.

⁷⁷ In the *Third Report and Order*, the Commission also indicated that it would require mobile service providers to report both voice and broadband subscription data under the rules in effect on July 1, 2019 for all future Form 477 submissions. *Id.* at 1187, para. 158; *see also* 47 U.S.C. § 642(b)(6)(B). When the current Form 477 filing interface is decommissioned, the sole platform for collecting subscription data will be the BDC system.

⁷⁸ *Third Report and Order*, 36 FCC Rcd at 1187-88, para. 160.

⁷⁹ *Id.* at 1187, para. 158.

⁸⁰ If the Commission sunsets the collection of broadband deployment data through Form 477, providers that offer only voice service will be required to submit voice subscribership data in the subscribership module of the BDC system.

processes; guidance on the process for authenticating state, local, and Tribal government filers primarily responsible for mapping or tracking broadband service coverage; and information on the technical assistance resources and support the Commission will make available as part of the BDC. These, and all other releases pertaining to the BDC, will be made available on the BDC webpage, at <https://www.fcc.gov/BroadbandData/>.

32. For additional information and questions regarding the Broadband Data Collection please visit the BDC website at www.FCC.gov/BroadbandData or email BroadbandDataInquiries@fcc.gov. For media inquiries please contact Anne Veigle in the Office of Media Relations at anne.veigle@fcc.gov.

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