



# PUBLIC NOTICE

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## **BROADBAND DATA TASK FORCE ISSUES GUIDANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTAL ENTITIES FOR FILING VERIFIED BROADBAND AVAILABILITY DATA AS PART OF THE BROADBAND DATA COLLECTION**

**WC Docket Nos. 19-195, 11-10**

By this *Public Notice*, the Broadband Data Task Force (BDTF), together with the Wireline Competition Bureau, Wireless Telecommunications Bureau, Office of Economics and Analytics, and Office of Engineering and Technology (collectively the Bureaus and Offices), provides details on the procedures for state, local, and Tribal governmental entities to submit verified broadband availability data through the FCC's Broadband Data Collection (BDC) system. Specifically, this *Public Notice*: (1) explains the system and process the Federal Communications Commission (FCC or Commission) will use to authenticate entities purporting to file on behalf of state, local, or Tribal governmental entities; and (2) sets forth procedures for identifying state, local, and Tribal governmental entities with primary responsibility for mapping or tracking broadband internet access service coverage within their jurisdictions. We provide this guidance in advance of the June 30, 2022 opening of the first BDC filing window<sup>1</sup> so that those state, local, and Tribal governmental entities that intend to submit verified broadband availability data may take the necessary steps to meet these requirements before the June 30, 2022 filing window opens.

### **Background**

In March 2020, the Broadband Deployment Accuracy and Technological Availability (DATA) Act was signed into law.<sup>2</sup> The Broadband DATA Act requires the Commission to engage in “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” and to use these data to compile broadband coverage maps that the Commission will make publicly available.<sup>3</sup> In the legislation, Congress also directed the agency to “develop a process through which the Commission can collect verified data for use in [its] coverage maps from [] State, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service coverage for a State, unit of local government, or Indian Tribe, as applicable.”<sup>4</sup>

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<sup>1</sup> *Broadband Data Task Force and Office of Economics and Analytics Announce Inaugural Broadband Data Collection Filing Dates*, Public Notice, DA 22-182, at 1-2, 9, paras. 3, 22 (BDTF/OEA Feb. 22, 2022) (specifying that data as of June 30, 2022, must be submitted no later than September 1, 2022).

<sup>2</sup> 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).

<sup>3</sup> 47 U.S.C. § 642(a)(1)(A).

<sup>4</sup> 47 U.S.C. § 642(a)(2)(A).

The Commission adopted this latter requirement from the Broadband DATA Act in its *Second Report and Order* and stated that it “will treat . . . data [verified by the governmental entity that is primarily responsible for mapping or tracking coverage] as ‘primary’ availability data ‘for use in the coverage maps’ on par with the availability data submitted by providers in their biannual [BDC] filings.”<sup>5</sup> The Commission directed the Bureaus and Offices to implement the details of the process but sought further comment on certain aspects, including the meaning of “verified” data and how to reconcile these data with data submitted by providers in their biannual filings.<sup>6</sup>

In its *Third Report and Order*, the Commission held that coverage data from governmental entities will be considered “verified” “when they bear certain indicia of credibility,” to be determined based on the source of the data (among other considerations).<sup>7</sup> Specifically, to evaluate whether a particular dataset has the necessary indicia of credibility, the FCC must consider: (1) whether the entity seeking to submit verified availability data specializes in gathering and/or analyzing broadband availability data; and (2) whether the submitter is able to demonstrate that it (or the entity acting on its behalf) “has employed a sound and reliable methodology in collecting, organizing, and verifying the availability data it is submitting.”<sup>8</sup> To the extent that governmental entities choose to file verified availability data, they must therefore follow the same process (e.g., file in the same online portal, under the same parameters, and by the same filing deadlines) as providers submitting their biannual BDC filings.<sup>9</sup>

As required by the *Third Report and Order*, we “will publish the verified availability data collected from government entities . . . as a layer on the relevant coverage maps.”<sup>10</sup> The Commission determined that service providers must “review the verified data submitted in the online portal, work with the submitter to resolve any coverage discrepancies, make any corrections they deem necessary based on such review, and submit any updated data to the Commission within 60 days after being notified by the online portal that data has been submitted by the government entity.”<sup>11</sup> “If the provider does not agree with the data submitted by the government entity . . . , then the provider need not include such data as part of its broadband data submissions and the data will not be reflected in the broadband coverage maps”;

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<sup>5</sup> *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, 7494, para. 82 (2020) (*Second Report and Order*).

<sup>6</sup> *Second Report and Order*, 35 FCC Rcd at 7494, para. 82; *see also id.* at 7506-10, paras. 113-21.

<sup>7</sup> *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, 1151, para. 62 (2021) (*Third Report and Order*).

<sup>8</sup> *Id.* at 1151-52, para. 62. The Commission determined that the BDC system will not accept data that governmental entities have “simply collected directly from providers and are passing along to us without any attempt to verify the data.” *Id.* at 1152, para. 64.

<sup>9</sup> *See* 47 CFR § 1.7008(d)(2); *Third Report and Order*, 36 FCC Rcd at 1152, 1154, paras. 63 & n.202, 68. Governmental entities must “file their broadband availability data in the same portal and under the same parameters as providers (e.g., formatting requirements, required information, certifications).” *Third Report and Order*, 36 FCC Rcd at 1152, para. 63. This includes a certification by a certified professional engineer that he or she is employed by the governmental entity submitting verified broadband availability data and has direct knowledge of, or responsibility for, the generation of the governmental entity’s BDC coverage maps. *Third Report and Order*, 36 FCC Rcd 1144-45, para. 43; 47 CFR § 1.7004(d); *see also Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, Order, DA 22-241, 2022 WL 743185 at \*45, para. 114 & n.436 (WTB/OEA/OET Mar. 9, 2022) (*BDC Mobile Technical Requirements Order*).

<sup>10</sup> *Third Report and Order*, 36 FCC Rcd at 1153, para. 65.

<sup>11</sup> *Id.*

“[i]f a government entity . . . does not agree with the provider’s treatment of the data, [it has] the option of filing the data as part of a challenge to the provider’s availability data via the challenge portal.”<sup>12</sup>

## Discussion

Below, we describe the details for how the Commission will authenticate whether a particular filer is an entity authorized to submit verified broadband availability data on behalf of a state, local, or Tribal governmental entity, as well as processes for identifying those state, local, or Tribal governmental entities that are “primarily responsible for mapping or tracking broadband internet access service coverage”<sup>13</sup> in the entity’s jurisdiction and that “specialize[] in gathering and/or analyzing broadband availability data.”<sup>14</sup> We note that these procedures pertain only to the submission of verified broadband availability data similar to the data that broadband providers will submit, and not to the submission of challenge or crowdsourced data for which the statutory requirements of section 802(a)(2) of the Broadband DATA Act do not apply.<sup>15</sup> Furthermore, we note that the BDTF and Bureaus and Offices have hosted or participated in multiple panel discussions, workshops, and other outreach activities with state, local, and Tribal governmental entities and organizations, and will continue its outreach efforts in the lead up to (and following) the opening of the first BDC filing window on June 30, 2022.<sup>16</sup> We will also make available to governmental entities primarily responsible for mapping or tracking broadband coverage a variety of technical assistance resources to assist with the submission of these data into the BDC system.<sup>17</sup>

### a) User Authentication as a State, Local, or Tribal Governmental Entity

As an initial matter, the Commission must authenticate that a filer purporting to submit verified availability data in the BDC system as a state, local, or Tribal governmental entity is, in fact, such an entity, and that the filer is authorized to act on behalf of the entity. We will use the FCC’s Commission Registration System (CORES) to authenticate state, local, and Tribal governmental entities.

CORES is a system that assigns users a unique, 10-digit FCC registration number (FRN) to identify and track the registrant’s business dealings with the Commission.<sup>18</sup> Any filer in an FCC system –

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<sup>12</sup> *Id.* at 1153, para. 66.

<sup>13</sup> 47 U.S.C. § 642(a)(2)(A) (emphasis added).

<sup>14</sup> *Third Report and Order*, 36 FCC Rcd at 1151, para. 62.

<sup>15</sup> Governmental entities may submit bulk challenge or crowdsourced data in the BDC system as part of the challenge and crowdsourcing processes, provided such data meet the requirements set forth in the Commission’s rules. *Third Report and Order*, 36 FCC Rcd at 1162-64, 1171-73, paras. 90-96, 113-20; *BDC Mobile Technical Requirements Order* at \*45, para. 115.

<sup>16</sup> For example, on two occasions, November 3, 2021 and March 1, 2022, members of the BDTF provided a status update on implementation of the BDC and took questions from members of NTIA’s State Broadband Leaders Network. The BDTF has also provided updates to the FCC’s Precision Ag Task Force, Intergovernmental Advisory Committee, and Native Nations Communications Task Force, as well as to groups from external intergovernmental organizations such as the National Governors Association, the National Association of Regulatory Utility Commissioners, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties, the National Association of Regional Councils, and others. We recognize that robust and consistent engagement by providers, state, local, and Tribal governments, and consumers will be essential to the success of the BDC, and we will continue ongoing efforts like these as the BDC filing window approaches.

<sup>17</sup> More information about these resources will be posted to the FCC’s Broadband Data Collection website. See FCC, *Broadband Data Collection*, <https://www.fcc.gov/broadbanddata> (last visited Apr. 12, 2022).

<sup>18</sup> See FCC, *FCC Registration System – What You Need to Know*, <https://apps.fcc.gov/coresWeb/html/know.html> (last visited Apr. 2, 2022).

including any state, local, or Tribal governmental entity – is considered to be “doing business” with the Commission and therefore must register for an FRN.<sup>19</sup> Further, each individual or organization that registers for an FRN is required to provide and maintain in CORES a current official contact address associated with the entity.<sup>20</sup>

When registering for an FRN in CORES, CORES asks the filer to specify whether it is a business/agency or an individual and, if a business/agency, to select an Entity Type. CORES currently provides five options for Entity Type: (1) Federal Agency; (2) Foreign Entity; (3) Private Sector; (4) State or Local Agency; and (5) Tribal Government Agency. Each FRN registrant self-selects from the Entity Type options in CORES, and we require that state and local governmental entities seeking to submit availability data in the BDC system select the “State or Local Agency” Entity Type when registering an FRN in CORES. Similarly, we require that Tribal entities seeking to submit availability data in the BDC system select the “Tribal Government Agency” Entity Type when registering an FRN in CORES. Then, when a user associated with that FRN logs into the BDC system, begins a data submission for that FRN, and indicates that the FRN is associated with a state, local, or Tribal governmental entity, the BDC system will validate this selection against the CORES Entity Type associated with the filer’s FRN. If the FRN is associated with the State or Local Agency or Tribal Government Agency Entity Type in CORES, then the user can proceed to submit its verified availability data. If not, then the user will receive an error message and be prompted to return to CORES to make that association. The user representing the purported state, local, or Tribal governmental entity will not be able to continue with submitting verified availability data in the BDC system until making the required update in CORES.

To further assist the Commission in validating an entity’s identity within the BDC system, we will also require that most entities provide an Employer Identification Number (EIN), with the exception of Tribal governmental entities that lack an EIN. Like the Entity Type check performed by the BDC system, the filer will receive an error message in the BDC system if it has not provided its EIN in CORES (unless it is a Tribal governmental entity that has indicated that it does not have an EIN), and it will be prompted to go into CORES to enter this information. Tribal governmental entities that do not have an EIN may indicate that they are a Tribal governmental entity in CORES in lieu of providing an EIN.

We find that the processes outlined above will place minimal burdens on state, local, and Tribal governmental entities seeking to file verified broadband availability data in the BDC system, while enabling the Commission to satisfy its statutory requirement to ensure that it only receives these data from filers authorized to act on behalf of these covered entities.

#### **b) Authentication as an Agency Primarily Responsible for Mapping or Tracking Broadband Service Coverage**

Pursuant to the Broadband DATA Act, the Commission must also establish a process and protocols to authenticate that a state, local, or Tribal governmental entity submitting (or attempting to submit) availability data is “primarily responsible for mapping or tracking broadband internet access service coverage” for the jurisdiction and “specializes in gathering and/or analyzing broadband availability data.”<sup>21</sup> As noted in the *Third Report and Order*, the credibility of state, local, and Tribal governmental entities’ availability data will depend, in part, upon the source of the data.<sup>22</sup> While the

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<sup>19</sup> *See id.*

<sup>20</sup> *Id.*

<sup>21</sup> 47 U.S.C. § 642(a)(2)(A); *Third Report and Order*, 36 FCC Rcd at 1151, para. 62.

<sup>22</sup> *Third Report and Order*, 36 FCC Rcd at 1151, para. 62. Governmental entities that submit verified fixed availability data using a list of locations (as opposed to a polygon) will need to obtain access to the Broadband Serviceable Location Fabric to align their availability data with the locations set out in the Fabric. We will provide

Commission did not specify a process for identifying or authenticating governmental entities seeking to submit verified availability data, it delegated the details for implementing this collection to the Bureaus and Offices in the *Second Report and Order*,<sup>23</sup> and such a process is necessary to reduce confusion and to help address potential discrepancies in data between different but similarly situated agencies. Pursuant to this delegated authority, we describe below the framework(s) for identifying these “primary” agencies at the state, local, and Tribal level.

*State Entities.* We require that any statewide entity seeking to submit verified broadband availability data into the BDC system obtain a letter from its highest ranking senior state executive (e.g., governor or equivalent official, such as the Mayor of the District of Columbia), identifying the agency as the entity primarily responsible for mapping or tracking broadband coverage for the state.<sup>24</sup> The Commission must have a process for identifying the state governmental entity that is primarily responsible for mapping or tracking broadband internet access service coverage in the state, and we find that requiring the state executive to name such entity for the state is an appropriate first step in identifying such entities. We note that this process is similar to that established in the *4.9 GHz Sixth Report and Order*.<sup>25</sup> Specifically, a letter from the state executive must be filed in WC Docket Nos. 19-195 and 11-10 using ECFS, no later than 45 days prior to the opening of a BDC filing window.<sup>26</sup> The letter from the state executive must include the name and FRN of the state entity in its letter. We establish this requirement to ensure that FCC staff have sufficient time in advance of the opening of the BDC filing window to make the final determination as to the eligibility of the state governmental entities to submit verified data, prepare a list of identified agencies, implement the list in the BDC system, and perform the necessary system coding and testing to ensure that only identified agencies are permitted to submit verified availability data. A state executive would only need to designate the relevant agency once, until such time as the executive wishes to change or remove the designated agency (which it would similarly need to do no later than 45 days prior to the opening of a subsequent BDC filing window). A state executive may change or remove a designated agency by submitting an amended letter identifying the new agency via the same process described above for submitting its initial letter no later than 45 days prior to the opening of a BDC filing window. The letter from the state executive must include the name and FRN of the state entity in its letter. We establish this requirement for the same reasons as explained above for the initial filing window.

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details in the future about how governmental entities primarily responsible for mapping or tracking broadband coverage may access the Fabric. But such entities will still follow the process set forth in this *Public Notice* to authenticate themselves as an entity that is “primarily responsible for mapping or tracking broadband internet access service coverage” for the jurisdiction and “specializes in gathering and/or analyzing broadband availability data.”

<sup>23</sup> *Second Report and Order*, 35 FCC Rcd at 7494, para. 82.

<sup>24</sup> The term “state” includes the District of Columbia and the Territories and possessions. 47 U.S.C. § 153(47).

<sup>25</sup> See *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Sixth Report and Order and Seventh Notice of Proposed Rulemaking, 36 FCC Rcd 1958 (2020). The Commission issued an Order in May 2021 staying implementation of the new leasing framework and adopted an Order on Reconsideration of the *Sixth Report and Order* at its September 2021 open meeting. See *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Order, 36 FCC Rcd 9761 (2021); *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Order on Reconsideration and Eighth Further Notice of Proposed Rulemaking, FCC 21-106 (Oct. 1, 2021). While the Order on Reconsideration eliminated the procedures for designating a State Lessor, it did so as a function of repealing the entire State Lessor framework and associated rules adopted in the *Sixth Report and Order*, without specifically opining on the legality, wisdom or value of the particular procedures for designating a State Lessor.

<sup>26</sup> For a state seeking to submit verified availability data during the filing window that opens on June 30, 2022, a letter from its highest ranking senior state executive must be uploaded to ECFS in WC Docket Nos. 19-195 and 11-10 on or before May 16, 2022.

In many states, several disparate agencies or entities may be involved, to varying degrees, in issues around broadband availability, mapping, and deployment.<sup>27</sup> More than one statewide agency may therefore be “primarily responsible for mapping or tracking broadband internet access service coverage.”<sup>28</sup> We encourage states (and territories) with more than one such agency to coordinate and identify a single entity within the jurisdiction that will submit verified availability data for their state. To the extent that more than one agency in a state seeks to submit verified availability data separately, it must separately register in CORES, and a letter from the state executive must be submitted for each such entity identifying it as an entity primarily responsible for mapping or tracking broadband coverage for the state. To the extent such separate agencies map or track broadband availability in different, non-overlapping areas within the jurisdiction or deployed using distinct technologies, then the BDC system will ingest these data without any further action required by the state.<sup>29</sup> If, however, more than one agency submits availability data for the same technology in the same or overlapping area(s), the BDC system will flag the data submission and the data will not be published as part of the verified data from other governmental entities until such time as either (1) the submitting state agencies have resolved the data discrepancy between themselves, or (2) the state executive has filed an amended notification letter (or letters) instructing the Bureaus and Offices on how to prioritize consideration of the data between (or among) the different agencies.

Finally, we note that these procedural requirements are in addition to the requirements adopted in the *Third Report and Order* that we determine whether the data are “submitted by an entity that specializes in gathering and/or analyzing broadband availability data” and that the filer (or the entity acting on its behalf) “employ[] a sound and reliable methodology in collecting, organizing, and verifying the availability data it is submitting.”<sup>30</sup> While the procedural requirements (including a letter from the state executive) will help to identify the agency or agencies primarily responsible for mapping or tracking broadband internet access service coverage in a state, they are not intended to be used to explain the agency’s (or agencies’) substantive expertise in fulfilling these responsibilities, which the agency itself will be in the best position to provide as part of its data submission.<sup>31</sup>

*Local Entities.* We adopt a process for authenticating local entities that are primarily responsible for mapping or tracking broadband internet access service coverage similar to the process outlined above for state entities. For the BDC system to receive verified availability data from local entities, the highest ranking senior executive for the county, city, or other locality (e.g., County Executive or Mayor), must file a letter identifying such a primarily responsible entity(ies) in the above-referenced dockets using ECFS, no later than 45 days prior to the opening of a BDC filing window. The letter must include not

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<sup>27</sup> As one example, according to information from the National Telecommunications and Information Administration (NTIA), five separate state entities represent Nebraska on NTIA’s State Broadband Leaders Network. See NTIA, States | BroadbandUSA, <https://broadbandusa.ntia.doc.gov/resources/states> (listing as state broadband contacts (1) the University of Nebraska – Lincoln, (2) the Nebraska Information Technology Commission, (3) the Nebraska Public Service Commission, (4) the Nebraska Library Commission, and (5) the Nebraska Department of Economic Development). Multiple other states provide information for two or more agencies.

<sup>28</sup> 47 U.S.C. § 642(a)(2)(A).

<sup>29</sup> For example, if one statewide agency collects verified data on the availability of terrestrial fixed broadband service, and a separate agency collects verified data on the availability of mobile wireless broadband service, then the BDC system will accept these two datasets without any further procedural requirements (subject to the other rules and requirements for verified availability data set forth in the Commission’s rules and prior orders in this proceeding).

<sup>30</sup> *Third Report and Order*, 36 FCC Rcd at 1151-52, para. 62.

<sup>31</sup> See FCC, Broadband Data Collection—Data Specifications for Biannual Submission of Subscription, Availability, and Supporting Data at 10 (2022), <https://us-fcc.app.box.com/v/bdc-availability-spec>.

only the name and FRN of the local entity seeking to submit verified availability data, but also a declaration that the letter's signatory is the highest-ranking executive official for the jurisdiction. As noted above, we establish this requirement to ensure that FCC staff have sufficient time to make the final determination as to the eligibility of the local governmental entities to submit verified data, prepare a list of identified agencies, implement the list in the BDC system, and perform the necessary system coding and testing to ensure that only identified agencies are permitted to submit verified availability data. Similar to the process for state entities, a local executive would only need to designate the relevant agency once, until such time as the executive wishes to change or remove the designated agency (which it would similarly need to do no later than 45 days prior to the opening of a subsequent BDC filing window). An executive may change or remove a designated agency by submitting an amended letter identifying the new agency via the same process described above for submitting its initial letter.

Contrary to the examples cited above of overlapping state agencies with jurisdiction over mapping or tracking broadband service coverage, we are not aware of any similar instances of multiple, overlapping agencies within a single county, city or other locality; however, we cannot definitively rule out that such circumstances exist. We therefore adopt the same parameters and requirements for multiple entities with the same jurisdictional boundaries as we adopt for state entities. To reiterate, we encourage localities to coordinate and identify a single entity for the jurisdiction that will submit verified availability data. The BDC system will permit more than one authenticated entity to submit verified broadband availability data for the jurisdiction covering different, non-overlapping geographic areas within the jurisdiction or distinct technologies, if each such entity has registered in CORES and the Commission has received a letter from the local executive identifying that the entities are primarily responsible for mapping or tracking broadband coverage for the jurisdiction. But the BDC system will flag submissions involving the same technology and the same overlapping area(s) and the data will not be published as part of the verified data from other governmental entities until such time as either (1) the submitting agencies have resolved the data discrepancy between themselves, or (2) the local executive has filed an amended notification letter (or letters) instructing the Bureaus and Offices on how to prioritize consideration of the data between (or among) the different agencies. Finally, in the unlikely event that the Commission receives data from different local agencies whose geography overlaps but whose jurisdictional boundaries differ from one another (e.g., from a county governmental entity as well as a city governmental entity within the geographic area of the county), we will publish both datasets—assuming the data are “verified” and satisfy the “indicia of credibility” and other requirements the Commission has adopted—and encourage the overlapping local governmental entities to resolve any conflicts or inconsistencies in the data, should they exist.

As with state entities, we note that these procedural requirements are in addition to the requirements adopted in the *Third Report and Order*—i.e., that the Commission determine whether the data are “submitted by an entity that specializes in gathering and/or analyzing broadband availability data” and that the filer (or the entity acting on its behalf) “has employed a sound and reliable methodology in collecting, organizing, and verifying the availability data it is submitting”—and as such, the agency (or agencies) must separately explain its substantive expertise in mapping or tracking broadband internet access service coverage, which the agency itself will provide as part of its data submission.<sup>32</sup>

*Tribal Entities.* Similar to state and local entities, Tribal governments that intend to submit verified broadband availability data in the BDC system will be required to submit a letter from an elected Tribal leader of the Tribal government identifying the entity that is primarily responsible for mapping or tracking broadband internet access service to be the representative of the Tribal government for filing purposes. The letter must be filed *via* ECFS in the above-referenced dockets no later than 45 days prior to the opening of a BDC filing window. Tribal governments would only need to designate the relevant

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<sup>32</sup> See *id.* at 10.

entity once. Should the Tribal government wish to change or remove the designated entity, it would need to do so by submitting a letter no later than 45 days prior to the opening of a subsequent BDC filing window. Alternatively, should a Tribe not have a designated entity primarily responsible for mapping or tracking broadband internet access service coverage, we will accept data from Tribal governmental entities that have been authenticated through the CORES and BDC systems, using the process described in section “a) User Authentication as a State, Local, or Tribal Governmental Entity” above.

While we anticipate it is unlikely that a Tribal government will have multiple entities with overlapping responsibility for mapping or tracking broadband internet access service coverage, we will follow the same procedures described above for state and local entities where more than one entity is “primarily responsible for mapping or tracking broadband internet access service coverage.” As such, we encourage Tribal governments to coordinate and identify a single entity for the Tribe that will submit verified availability data. The BDC system will permit more than one authenticated entity to submit verified broadband availability data for the Tribe covering different, non-overlapping geographic areas within the jurisdiction or distinct technologies, if each such entity has registered in CORES and the Commission has received a letter from the elected Tribal leader identifying each of the entities as primarily responsible for mapping or tracking broadband coverage for the jurisdiction. But the BDC system will flag submissions involving the same technology and the same overlapping area(s) and the data will not be published as part of the verified data from other governmental entities until such time as either (1) the submitting agencies have resolved the data discrepancy between themselves, or (2) the elected Tribal leader has filed an amended notification letter (or letters) instructing the Bureaus and Offices on how to prioritize consideration of the data between (or among) the different entities within the Tribe. Finally, to the extent the Commission receives data from different Tribal governments whose geography overlaps, we will publish both datasets—assuming the data are “verified” and satisfy the “indicia of credibility” and other requirements the Commission has adopted—and encourage the overlapping Tribes to resolve any conflicts or inconsistencies in the data, should they exist.

We note that these procedural requirements are in addition to the requirements adopted in the *Third Report and Order* and are not intended to be used to explain a Tribal governmental entity’s (or entities’) substantive expertise in mapping or tracking broadband internet access service coverage, which the entity itself will provide as part of its data submission.<sup>33</sup>

## Procedural Matters

*Paperwork Reduction Act.* This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, as the requirements adopted in this *Public Notice* are statutorily exempted from the requirements of the PRA.<sup>34</sup> As a result, this *Public Notice* will not be submitted to OMB for review under section 3507(d) of the PRA.

*Congressional Review Act.* The Commission will not send a copy of this *Public Notice* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A), because the adopted rule is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

*Additional Information.* For additional information or questions about this *Public Notice* or the Broadband Data Collection, please visit the Broadband Data Collection website at <https://www.fcc.gov/broadbanddata> or email [BroadbandDataInquiries@fcc.gov](mailto:BroadbandDataInquiries@fcc.gov).

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<sup>33</sup> *See id.*

<sup>34</sup> *See* Infrastructure Investment and Jobs Act § 60102(h)(2)(E)(ii) (amending 47 U.S.C. § 646(b)).

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