



PUBLIC NOTICE

Federal Communications Commission
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DA 22-712

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE INTERAGENCY BROADBAND COORDINATION AGREEMENT

WC Docket No. 22-251

Comment Date: August 1, 2022
Reply Comments Due: August 16, 2022

The Wireline Competition Bureau hereby seeks comment on the interagency agreement between the Federal Communications Commission, the U.S. Department of Agriculture (USDA) and the National Telecommunications and Information Administration (NTIA) (collectively, the Agencies) entered into pursuant to the Broadband Interagency Coordination Act of 2020 (BICA).¹ Comments will inform the Commission's preparation of a report to Congress on the effectiveness and possible improvements to the agreement.²

Under the BICA, within 180 days of the BICA's passage, the Agencies were required to enter into an agreement requiring the Agencies to coordinate for the distribution of funds for broadband deployment under the FCC's Universal Service Fund High Cost programs, programs administered by the Rural Utilities Service of the USDA, and programs administered or coordinated through NTIA.³ The BICA also required that the agreement require the Agencies to share information about existing or planned projects funded, or to receive funding, under their programs and to consider basing distribution of broadband funding under the programs on "standardized data regarding broadband coverage."⁴ Finally, the BICA required that the agreement be updated periodically and that the Commission seek public comment on:

- the effectiveness of the interagency agreement in facilitating efficient use of funds for broadband deployment;
- the availability of Tribal, State, and local data regarding broadband deployment and the inclusion of that data in interagency coordination; and
- any modifications to the agreement that would improve the interagency coordination.⁵

¹ The Broadband Interagency Coordination Act of 2020, Pub.L. 116-260, 134 Stat. 3214, Div. FF, tit. IX, § 904 (2020), codified at 47 U.S.C §1308 (BICA).

² *Id.* at § 1308(b)(4)(B).

³ *Id.* at § 1308(b)(1)-(3).

⁴ *Id.* at § 1308(b)(3).

⁵ *Id.* at § 1308 (b)(4)(A).

Based on its review and assessment of the comments received, the Commission must submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report detailing any findings and recommendations from the FCC's assessment.⁶

On June 25, 2021, the Agencies entered into an agreement in compliance with the BICA requirements,⁷ a copy of which is attached as an Appendix to this Public Notice. Prior to entering into the agreement, in anticipation of the need for coordination in connection with existing and future federal funding programs, the Agencies had begun regular and ad hoc meetings to share information on their respective efforts and discuss issues of common interest. These efforts are continuing and have increased and expanded to encompass additional issues and other federal funding agencies. For example, on May 6, 2022, the Agencies and the Department of Treasury entered into a separate Memorandum of Understanding Regarding Information Sharing (MOU) in which they agreed to “work diligently to develop consistent, complementary, and, to the extent possible, uniform formats, standards, protocols and reporting processes to facilitate the collection of [broadband program data] in a standardized and efficient fashion.”⁸ The Commission has also provided input to other funding agencies on their programs, both directly and through the interagency review process coordinated by the White House's Office of Information and Regulatory Affairs.⁹ In addition, the Commission, working with NTIA and other agencies, is implementing the Broadband Deployment Locations Map, an “online mapping tool that will provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal government,” as required by Section 60105 of the Infrastructure Investment and Jobs Act.¹⁰ This map will incorporate data from all federal agencies that fund broadband infrastructure, providing a valuable tool for coordination of federal, and other stakeholder efforts.

Pursuant to the BICA, we seek comment on the effectiveness of the BICA agreement in facilitating efficient use of funds for broadband deployment. The agreement has established a formal channel for information sharing and coordination among the Agencies, bolstering the Agencies' existing dialogue, and has contributed to an expanded awareness of the details of funding programs. Commenters should address any suggestions for improving the effectiveness of this arrangement.

We next seek comment on the availability of Tribal, State, and local data regarding broadband deployment and the inclusion of that data in interagency coordination. The Commission has initiated the Broadband Data Collection, which will yield highly granular data on broadband deployment nationwide, including on Tribal lands, when the initial maps are published later this year.¹¹ In addition, the Commission will be establishing the Broadband Deployment Locations Map, which will provide comprehensive data about federally funded broadband infrastructure. Commenters should address

⁶ *Id.* at § 1308(b)(4)(B).

⁷ See News Release, FCC, NTIA and USDA Announce Interagency Agreement to Coordinate Broadband Funding Deployment, (June 25, 2021) <https://docs.fcc.gov/public/attachments/DOC-373592A1.pdf>.

⁸ See News Release, FCC, NTIA, USDA and Treasury Announce Interagency Agreement to Collaborate on Federal Broadband Funding (May 12, 2022) <https://docs.fcc.gov/public/attachments/DOC-383280A1.pdf>.

⁹ The Office of Information and Regulatory Affairs, a statutory part of the White House Office of Management and Budget, is the central coordinating authority for executive branch regulations and information collections, among other duties. See Information and Regulatory Affairs web page at <https://www.whitehouse.gov/omb/information-regulatory-affairs/>.

¹⁰ See Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60105, Public Law 117-58, 135 Stat. 429 (November 15, 2021).

¹¹ See *Inaugural Filing Window for Broadband Data Collection Has Opened; Filers May Begin Submitting Broadband Availability Data*, Public Notice, WC Docket Nos. 11-10, 19-195, DA 22-696 (OEA June 30, 2022).

whether there are other sources of data on broadband deployment that should be considered as part of interagency coordination efforts, as well as how these resources can be used most effectively by the Agencies and other stakeholders to promote efficient, effective use of broadband funds.

We also seek comment on any modifications to the agreement that would improve the interagency coordination.¹² While the existing agreement captures the elements required by the BICA, commenters should address whether additional or alternate provisions would improve the Agencies' coordination efforts pursuant to the BICA.

Upon receiving public comments, the Commission is to review and assess the comments, then submit a report with finding and recommendations to the Senate Committee on Commerce, Science, and Transportation and the Committee on Energy and Commerce of the House of Representatives.¹³

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.¹⁴ All filings must refer to **WC Docket No. 22-251**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent 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.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹⁶

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530.

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation

¹² *Id.* at § 1308(b)(4)(A).

¹³ BICA at (b)(4)(B).

¹⁴ See 47 CFR §§ 1.2, 1.405, and 1.419.

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

¹⁶ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹⁷ See 47 CFR §§ 1.1200 *et seq.*

must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).¹⁸ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information regarding this proceeding, please contact Clinton Highfill, Telecommunications Access Policy Division, Wireline Competition Bureau at Clinton.Highfill@fcc.gov.

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¹⁸ *Id.* § 1.1206(b).