



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON CONTINUED FILING OF ALASKA PLAN FCC FORM 477 MOBILE DEPLOYMENT DATA; WAIVER OF INTERIM PR-USVI MOBILE MILESTONE FILING AND INFORMATION PROVIDED FOR FINAL MILESTONE FILING

WC Docket No. 16-271

WC Docket No. 18-143

WC Docket No. 19-195

Comments Due: 15 days after publication in the Federal Register

Reply Comments Due: 25 days after publication in the Federal Register

1. In this Public Notice, the Wireless Telecommunications Bureau (WTB) and Office of Economics and Analytics (OEA) seek comment on the process to continue the filing of mobile deployment data consistent with previous FCC Form 477 filings for mobile participants of the Alaska Plan. This Public Notice also provides information from the Wireline Competition Bureau (WCB) for mobile recipients of the Bringing Puerto Rico Together Fund and Connect USVI Fund to file their FCC Form 477 network coverage data as part of their final milestone requirement. In addition, WCB waives the data reporting requirement for the interim milestone for mobile recipients of the Bringing Puerto Rico Together Fund and the Connect USVI Fund.

2. In 2022, the Commission instituted the Broadband Data Collection (BDC), which required the filing of mobile deployment data similar to that collected through FCC Form 477, though with significant differences.¹ The specified requirements of the BDC² can lead to different coverage area data than what mobile providers submitted pursuant to FCC Form 477.³

¹ See generally *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Order, FCC 22-93 (rel. Dec. 9, 2022) (*Form 477 Sunset Order*) (discussing the effort to replace Form 477 deployment data with Broadband Data Collection data).

² See *Broadband Data Collection, Data Specifications for Biannual Submission of Subscription, Availability, and Supporting Data at 49-71* (Feb. 7, 2023), <https://us-fcc.app.box.com/v/bdc-availability-spec>.

³ For example, under FCC Form 477 rules, for broadband deployment data, facilities-based providers of mobile wireless were required to submit polygons indicating the minimum advertised upstream and downstream data speeds associated with that polygon, where the boundaries of that polygon represented the coverage area where users should expect to receive those advertised speeds (or, if the provider did not advertise such speeds, the minimum upload and download data speeds that users would expect to receive within the polygon). FCC Form 477, Instructions for Filings as of December 31, 2019-June 30, 2022 at 24-25, <https://us-fcc.app.box.com/v/Form477InstThruJune2022>. FCC Form 477 did not prescribe the variables for providers'

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3. On December 9, 2022, as a further step in implementing the BDC, the Commission adopted an order—*Form 477 Sunset Order*—sunsetting the collection of broadband and mobile voice deployment data through FCC Form 477.⁴ The Commission recognized, however, that it currently relies upon information from its FCC Form 477 data collection in other contexts, including, among other things, to assess the deployment of broadband services.⁵ Accordingly, the *Form 477 Sunset Order* (1) delegated authority to WTB and OEA to instruct mobile participants of the Alaska Plan how to submit coverage data specific to Alaska after sunsetting FCC Form 477 deployment data, and (2) delegated authority to WCB to instruct mobile providers that participate in either the Bringing Puerto Rico Together Fund or the Connect USVI Fund on how to submit coverage data for Puerto Rico and USVI, respectively.⁶

A. Alaska Plan

4. WTB and OEA propose to require mobile participants in the Alaska Plan to file deployment data consistent with FCC Form 477 and seek comment on this proposal. The *Alaska Plan Order*⁷ required mobile provider participants of the Alaska Plan to submit performance plans in 2016, with commitments due in 2021 and 2026.⁸ These original performance plans⁹ and any revised plans approved by WTB¹⁰ were based on mobile coverage consistent with the FCC Form 477 requirements.¹¹

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propagation models used to create the deployment files. See FCC Form 477, Instructions for Filings as of December 31, 2019-June 30, 2022 at 24-25, 31, <https://us-fcc.app.box.com/v/Form477InstThruJune2022>; FCC Form 477, Instructions For Filings Through June 30, 2019 at 23-24, 30, <https://us-fcc.app.box.com/v/Form477InstThruJune19>; see also Broadband Data Collection, Data Specifications for Biannual Submission of Subscription, Availability, and Supporting Data at 49-71 (Feb. 7, 2023), <https://us-fcc.app.box.com/v/bdc-availability-spec>. By contrast, the BDC is much more prescriptive regarding what factors must be included in the mobile providers' propagation modeling, including requiring maps that represent specific speeds. For example, for 4G LTE, the BDC requires mobile broadband service providers to submit deployment data that represent coverage where mobile wireless users should expect to receive minimum user speeds of 5/1 Mbps at the cell edge, with a cell edge probability of not less than 90% and a cell loading of not less than 50%. See, e.g., *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, 7479, para. 44 (2020) (*BDC Second Report and Order and Third Further Notice*).

⁴ *Form 477 Sunset Order*, FCC 22-93. The *Order* became effective December 16, 2022, the date of publication in the Federal Register. Federal Communications Commission, *Establishing the Digital Opportunity Data Collection, Modernizing the Form 477 Data Collection*, 87 Fed. Reg. 76949 (Dec. 16, 2022).

⁵ *Form 477 Sunset Order* at 6, para. 14.

⁶ *Form 477 Sunset Order* at 6, para. 14 (“We delegate authority and direct the Wireless Telecommunications Bureau (WTB) and the Office of Economics and Analytics (OEA) to provide instructions to mobile providers that participate in the Alaska Plan on how to submit coverage data after the sunsetting of the Form 477 broadband deployment data collection, including whether to use the BDC filing system for submission of data currently submitted using the Form 477 filing system that are specific to Alaska. We delegate authority and direct the Wireline Competition Bureau (WCB) to provide instructions to providers that participate in either the Bringing Puerto Rico Together Fund or the Connect USVI Fund on how to submit coverage data that are specific to Puerto Rico and the U.S. Virgin Islands to comply with the requirements of those funding mechanisms.”).

⁷ *Connect America Fund et al.*, WC Docket Nos. 10-90, 16-271, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*).

⁸ *Alaska Plan Order*, 31 FCC Rcd at 10166, para. 85.

⁹ See *Wireless Telecommunications Bureau Approves Performance Plans of the Eight Wireless Providers That Elected to Participate in the Alaska Plan*, WC Docket No. 16-271, Public Notice, 31 FCC Rcd 13317, Appx. (WTB 2016) (*Wireless Commitments Notice*) (accepting the eight mobile-provider participants' original performance plans).

¹⁰ See *Wireless Telecommunications Bureau Approves GCI's Revised Performance Plan Pursuant to the Alaska Plan Order*, WC Docket No. 16-271, Public Notice, 35 FCC Rcd 9539, 9539-41, Appx. (WTB 2020) (accepting

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The propagation models and the speeds in these approved performance plans often do not align with BDC requirements.¹² Continued filing of deployment data under the previous FCC Form 477 instructions will allow for like comparisons to the previous deployment data on which Alaska Plan mobile providers based their commitments. WTB and OEA believe such data are, therefore, essential for understanding whether providers met their commitments.

5. WTB and OEA propose that all mobile participants in the Alaska Plan file deployment data consistent with FCC Form 477 instructions, as specified in the Appendix, below.¹³ Mobile Alaska Plan participants would file these deployment data annually until March 1, 2028. These data will allow like comparisons to continue throughout the ten-year Alaska Plan, with an additional year of data after the final commitment. The data would be submitted through the BDC special collections portal, consistent with the data specification provided in the Appendix. For the first year, data representing December 2022 would be due by June 30, 2023. Subsequently, the FCC Form 477-based data would be due March 1 of each year. WTB and OEA seek comment on this proposal.

B. Bringing Puerto Rico Together Fund and the Connect USVI Fund

6. WCB requires Stage 2 mobile recipients of the Bringing Puerto Rico Fund and the Connect USVI Fund to file FCC Form 477 network deployment data for their final 100% network coverage area data submission in the BDC special collections portal. WCB also waives, on its own motion, the requirement for mobile providers receiving support to submit interim milestone reports demonstrating 66% mobile network coverage area.

7. In 2017, Hurricanes Irma and Maria caused massive devastation to Puerto Rico and the United States Virgin Islands (USVI). In response, the Commission created the Bringing Puerto Rico Together Fund and the Connect USVI Fund. As part of Stage 2 of those Funds, the Commission has authorized approximately \$385.9 million in universal service support to facilitate and harden deployment of advanced broadband networks. More than \$250 million of this funding was dedicated to mobile broadband restoration, hardening, and improvement over a three-year period.¹⁴ Specifically as to mobile support recipients, the Commission required, as a condition of support, that providers meet interim and final network coverage area milestones.¹⁵ At the end of the three-year term of support, each mobile support recipient must have restored its mobile network coverage to an area that is equal to or greater than 100% of the pre-hurricane network coverage area when compared with its June 2017 FCC Form 477 coverage data.¹⁶

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GCI's current performance plan, which uses 2016 FCC Form 477 technology codes); *Wireless Telecommunications Bureau Approves ASTAC's and GCI's Revised Performance Plans Pursuant to the Alaska Plan Order*, WC Docket No. 16-271, Public Notice, 34 FCC Rcd 12183, 12184, 12186, Appx. (WTB 2019) (accepting ASTAC's current performance plan, which uses 2016 FCC Form 477 technology codes). WTB must accept proposed performance plans for them to be operative. 47 CFR § 54.317(f).

¹¹ See, e.g., *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103 (requiring use of FCC Form 477 for evaluation of commitments); *Wireless Commitments Notice*, 31 FCC Rcd at Appx. (providing technology commitments using 2016 FCC Form 477 technology codes).

¹² The *BDC Second Report and Order and Third Further Notice* carved out an exception for Alaska Plan filers to file 4G LTE at speeds other than 5/1 Mbps, consistent with their commitments. *BDC Second Report and Order and Third Further Notice*, 35 FCC Rcd at 7479, n.120.

¹³ See Appendix, *infra*; see also Instructions For Filings Through June 30, 2019 at 23-24, 26, 30, <https://us-fcc.app.box.com/v/Form477InstThruJune19>. WTB would not collect coverage polygons by frequency band.

¹⁴ *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, WC Docket Nos. 18-143, 10-90, Report and Order and Order on Reconsideration, 34 FCC Rcd 9109, 9110, paras. 1-3 (2019) (*2019 PR USVI Order*).

¹⁵ 47 CFR § 54.1513(b); *2019 PR USVI Order*, 34 FCC Rcd at 9172-74, paras. 126-30.

¹⁶ 47 CFR §§ 54.1509(c), 54.1510.

8. In the *2019 PR USVI Order*, the Commission provided that the filing of coverage data pursuant to FCC Form 477 instructions is essential for like comparisons to assess whether providers fulfilled this requirement.¹⁷ The Commission required PR/USVI Fund mobile recipients to file FCC Form 477 network deployment data for their final 100% network coverage area data submission. The deadline for mobile providers to file their final 100% network coverage area data submission is January 30, 2024.¹⁸ As directed by the Commission, the final network coverage area report would be based on FCC Form 477 data and shall reflect the network coverage area for a provider as of the end of its three-year Stage 2 support term.¹⁹ Providers shall file consistent with previous FCC Form 477 instructions, submitting through the BDC special collections portal utilizing the data specifications in the Appendix below.

9. While WCB is committed to ensuring the full restoration of mobile networks to their pre-hurricane coverage areas, we take this opportunity to waive, on our own motion, the interim milestone report for mobile providers receiving support to demonstrate 66% mobile network coverage area for the Bringing Puerto Rico Together Fund and the Connect USVI Fund.²⁰ WCB finds this waiver for the filing of the network coverage report to be warranted and in the public interest based on the Commission's receipt of FCC Form 477 reporting data, which were submitted and certified by mobile providers subject to the interim milestone report.²¹ An analysis comparing FCC Form 477 data for June 2017 and subsequent filing periods from Puerto Rico and USVI mobile providers verified that each provider has restored more than 66% of its network coverage area that existed prior to the 2017 hurricanes, thus meeting the interim milestone under section 54.1514(a) of the Commission's rules. WCB concludes that limiting the burden on providers and not requiring them to expend their resources to resubmit FCC Form 477 data already in the Commission's possession is in the public interest.

10. While WCB finds a waiver of the 66% interim milestone report is warranted, WCB maintains the Commission's requirement for ensuring mobile providers meet their network performance commitments and their final 100% network coverage area milestone reports and certifications.²² In a separate public notice, WCB and OEA will provide instructions regarding the reporting of drive, drone,

¹⁷ *2019 PR USVI Order*, 34 FCC Rcd at 9173, para. 128. As with Alaska Plan participants, polygons would not need to be submitted by frequency band. See Instructions For Filings Through June 30, 2019 at 23-24, 26, 30, <https://us-fcc.app.box.com/v/Form477InstThruJune19>.

¹⁸ 47 CFR § 54.1514(a).

¹⁹ The end of each mobile recipient's three-year support term will vary and is calculated based on the date it was authorized to receive high-cost mobile support. *Wireline Competition Bureau Authorizes Stage 2 Mobile Support for Certain Providers Participating in the Uniendo a Puerto Rico Fund and the Connect USVI Fund*, WC Docket Nos. 18-143, 10-90, Public Notice, 35 FCC Rcd 6321, 6324, Attach. A (WCB 2020) (starting the support period in June 2020 for AT&T, PRTC, and T-Mobile in Puerto Rico, and AT&T in the U.S. Virgin Islands); *Wireline Competition Bureau Authorizes Stage 2 Mobile Support for T-Mobile in Puerto Rico*, WC Docket Nos. 18-143, 10-90, Public Notice, 35 FCC Rcd 10303, 10305, Attach. A (WCB 2020) (authorizing additional mobile support in September 2020 for T-Mobile based on its acquisition of PR Wireless PR, LLC); *Wireline Competition Bureau Authorizes Stage 2 Mobile Support for Viya in the U.S. Virgin Islands*, WC Docket Nos. 18-143, 10-90, Public Notice, 35 FCC Rcd 11555, 11557, Attach. A (WCB 2020) (starting the support period in October 2020 for Viya).

²⁰ The deadline for carriers to file the 66% milestone report, which WCB waives here, would have been March 31, 2023. *Wireline Competition Bureau Announces Revised Filing Deadline of March 31, 2023 for Bringing Puerto Rico Together Fund and the Connect USVI Fund Stage 2 Mobile Coverage*, WC Docket Nos. 18-43, 10-90, Public Notice, DA 23-64 (WCB Jan. 24, 2023).

²¹ WCB reviewed FCC Form 477 network coverage data for multiple filing periods: June 2021, December 2021, and June 2022.

²² 47 CFR § 54.1514(a)-(c).

and/or scattered site test data for network coverage and reporting of network performance as part of the final 100% milestone report.²³

11. *Ex Parte Rules: Permit-but-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.²⁴ 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 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 presenter’s 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 rule 1.1206(b). In proceedings governed by rule 1.49(f) 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). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

12. *Filing of Comments and Replies.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.²⁵ Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).²⁶

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- 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 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.

²³ 47 CFR § 54.1514(a)-(b).

²⁴ 47 CFR §§ 1.1200 *et seq.*

²⁵ 47 CFR §§ 1.415, 1.419.

²⁶ See FCC, Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (May 1, 1998).

- 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-19.²⁷
- Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules. We direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments.

13. *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 & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

14. *Additional Information.* For additional information on this proceeding, contact Matthew Warner of the Wireless Telecommunications Bureau, Competition and Infrastructure Policy Division, matthew.warner@fcc.gov, (202) 418-0247; Dangkhwa Nguyen, Wireline Competition Bureau, Telecommunications Access Policy Division, dangkhwa.nguyen@fcc.gov, (202) 418-7865.

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²⁷ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

APPENDIX
Data Specification

Field	Data Type	Example	Description / Notes
brandname	String	Acme Wireless	Name of the entity or service advertised or offered to consumers.
technology	Integer	400	Code for the technology used for the deployed service. ²⁸ - <i>Value must be one of the following codes:</i> 200 – 2G 300 – 3G 400 – 4G LTE 500 – 5G-NR
mindown	Decimal (5,3)	10.0	The minimum advertised downstream bandwidth, or the downstream speed users should expect to receive in the coverage area, in Mbps with a precision of three decimal digits. ²⁹ - <i>Value must be greater than or equal to 0.</i>
minup	Decimal (5,3)	1.0	The minimum advertised upstream bandwidth, or the upstream speed users should expect to receive in the coverage area, in Mbps with a precision of three decimal digits. - <i>Value must be greater than or equal to 0.</i>

²⁸ For commitments made using technology codes of FCC Form 477, for technology codes 85 (CDMA) and 86 (GSM), enter them as 200 (2G); for 80 (WCDMA/UMTS/HSPA), 81 (HSPA+), and 82 (EVDO/EVDO Rev A), enter them as 300 (3G); for 83 (LTE), enter as 400 (4G).

²⁹ For voice-only commitments, enter 0 for the minimum speeds. For commitments below 1 Mbps, enter 0 before decimal (e.g., for 256 kbps commitment, enter “0.256”). The data associated with each polygon should indicate the minimum advertised upload and download data speeds associated with that network technology (in Mbps, with a maximum of 3 decimal places), and the coverage area polygon should depict the boundaries where, according to providers, users should expect to receive those *advertised speeds*. If a provider advertises different minimum upload and download speeds in different areas of the country using the same technology (e.g., HSPA+), then the provider should submit separate polygons showing the coverage area for each speed. A variation in technology or speed would require the submission of a separate polygon. If a provider does not advertise the minimum upload and/or download data speeds, the provider must indicate the minimum upload/download data speeds that users should expect to receive within the polygon depicting the geographic coverage area of the deployed technology. See Instructions For Filings Through June 30, 2019 at 23-24, <https://us-fcc.app.box.com/v/Form477InstThruJune19>.