



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 SEEKS COMMENT ON THE BROADBAND DATA COLLECTION CHALLENGE PROCESSES

WC Docket Nos. 11-10, 19-195

Comment Date: February 19, 2024

Reply Comment Date: March 5, 2024

By this Public Notice, the Broadband Data Task Force, in coordination with the Wireless Telecommunications Bureau (WTB), Wireline Competition Bureau, and Office of Economics and Analytics (OEA) (collectively BDTF), seeks public comment on its Broadband Data Collection (BDC) challenge processes. The BDC is the most granular, detailed collection of broadband availability data the FCC has ever gathered or released, depicting location-level information on mass-market fixed broadband internet access services available across the United States as well as standardized coverage maps of 3G, 4G, and 5G mobile wireless services. Importantly, the BDC—for the first time ever—also provides opportunities for consumers, State, local, and Tribal governmental entities, and other stakeholders to challenge the coverage and broadband availability information reported to the FCC and depicted in the new maps.

Pursuant to section 802(b)(5)(D) of the Communications Act, as amended by Pub. L. No. 116-130, the Commission is required to submit a report to Congress that evaluates the challenge processes and considers whether the Commission should commence an inquiry on the need for other tools to help identify potential inaccuracies in BDC data and improve the accuracy of those data.¹ Comments received in response to this Public Notice will inform this report. To this end, we request input on the extent to which stakeholders are participating in the challenge processes, whether they find the challenge processes to be “user-friendly”, and, if not, what improvements the Commission can make to its processes to make participation more user-friendly, and the effectiveness of the challenge processes in improving the quality and accuracy of our broadband availability data.

Background

The BDA, enacted in March 2020, required the Commission to establish a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may challenge the accuracy of: (1) the coverage maps; (2) broadband availability information submitted by providers; or (3) information included in the Broadband Serviceable Location Fabric (Fabric), a dataset of all Broadband Serviceable Locations (BSLs) in the United States.² The BDA required the Commission to take into consideration a number of factors when establishing the challenge

¹ See 47 U.S.C. § 642(b)(5)(D); 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 BDA), 47 U.S.C. § 642(a)(1)(A). The report must be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce. 47 U.S.C. § 642(b)(5)(D).

² 47 U.S.C. § 642(a)(1)(B)(iii), (b)(5).

processes, including: “(I) the types of information that an entity or individual submitting a challenge should provide to the Commission in support of the challenge; (II) the appropriate level of granularity for the information [that an entity or individual submitting a challenge should provide to the Commission in support of the challenge]; (III) the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities or individuals in [] challenging the accuracy of a coverage map and responding to challenges . . . ; (IV) the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps; (V) any lessons learned from the challenge process established under Mobility Fund Phase II, as determined from comments solicited by the Commission; and (VI) the need for user-friendly challenge submission formats that will promote participation in the challenge process”³ More specifically, the BDA required the Commission to develop an online mechanism for submitting challenges that: (1) is integrated into the coverage maps; (2) allows an entity or individual to submit a challenge; (3) makes challenge data available in both GIS and non-GIS formats; and (4) clearly identifies broadband availability and upload and download speeds as reported by providers.⁴ The BDA further required the Commission to adopt a process to verify the data submitted through the challenge process and allow providers to respond to challenges.⁵

The Commission addressed the requirements of section 802(b)(5) of the BDA in its *Third Report and Order* in this proceeding, adopted in January 2021.⁶ In the *Third Report and Order*, the Commission adopted rules for administering the fixed availability data challenge process, including the categories of information that consumers, governmental agencies, and other entities must provide to the Commission when submitting a challenge and the procedures the Commission will use to resolve fixed availability challenges.⁷ The Commission also adopted a distinct process for submitting challenges to the location information included in the Fabric.⁸

Similarly, the Commission adopted rules for challenges to mobile wireless coverage data based upon lack of service or poor service quality such as slow delivered user speeds.⁹ In so doing, the Commission delegated authority to WTB and OEA to implement detailed technical aspects of the mobile challenge process, including thresholds for when a challenge requires a provider response and a process for mobile providers to respond to challenges.¹⁰ The Commission’s Office of Engineering and Technology (OET), OEA, and WTB subsequently adopted the *Mobile Technical Requirements Order*, which outlined the technical requirements to implement the mobile challenge, verification, and crowdsourcing processes required by the BDA as part of the Commission’s ongoing BDC effort.¹¹ The *Mobile Technical Requirements Order* adopted processes and methodologies for collecting mobile challenge data and determining when a mobile availability challenge is “cognizable,” as well as processes for mobile providers to respond to challenges. To challenge the availability of mobile broadband service, individuals and entities can submit on-the-ground speed test data using the FCC’s Speed Test app, or

³ 47 U.S.C. § 642(b)(5)(B)(i)(I)-(VI).

⁴ 47 U.S.C. § 642(b)(5)(B)(iv)(I)-(IV).

⁵ 47 U.S.C. § 642(b)(5)(B)(ii), (iii).

⁶ See *Establishing the Digital Opportunity Data Collection*, WC Docket Nos. 19-195, 11-10, Third Report and Order, 36 FCC Rcd 1126 (2021) (*Third Report and Order*).

⁷ *Id.* at 1155-62, 1163-64, paras. 70-88, 90-94; 47 CFR § 1.7006(d).

⁸ *Id.* at 1162, 1165, paras. 89, 95-96; 47 CFR § 1.7006(d).

⁹ *Id.* at 1165-75, paras. 97-124; 47 CFR § 1.7006(e).

¹⁰ See, e.g., *id.* at 1168, paras. 105-06.

¹¹ *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, Order, 37 FCC Rcd 3007 (WTB, OEA, OET, 2022) (*Mobile Technical Requirements Order*).

another speed-test app approved by OET.¹² Once the threshold for “failed” tests for a given technology within a certain area and at different times of day are met, a challenge is created and the provider must respond.

The inaugural filing window in which providers of broadband Internet access service were required to file availability data as part of the BDC opened on June 30, 2022, and closed on September 1, 2022. Contemporaneous with the closing of the initial filing window, the BDTF released a Public Notice announcing that bulk challenges to the Fabric data would be accepted through the BDC system’s filing interface beginning on September 12, 2022.¹³ And on September 15, 2022, the BDTF released data specifications for bulk fixed availability challenges and crowdsource data.¹⁴ The Commission released a pre-production draft of the FCC National Broadband Map on November 18, 2022.¹⁵ The pre-production draft reflected the first round of provider-submitted availability data, and formally began the start of the challenge processes for fixed and mobile broadband availability data, as well as the consumer Fabric challenge process.¹⁶ Since that time, the Commission has regularly updated both the Fabric data and the National Broadband Map based upon the information gathered through the challenge processes.

The BDTF has provided a host of technical assistance and educational resources for consumers, service providers, state, local, and Tribal governmental entities, and other interested parties that explain the various challenge processes and other opportunities to participate in the BDC, such as submitting crowdsource data. The FCC’s BDC webpage contains best practices, virtual technical assistance webinars, workshops, and video tutorials detailing the various ways that consumers and entities may help improve the accuracy of the data on the National Broadband Map and providing step-by-step instructions on how to do so.¹⁷ The BDTF has engaged with hundreds of stakeholders on the challenge processes, and has provided resources for governmental and other entities to raise consumer awareness about the National Broadband Map and encourage consumers to contribute data directly to the FCC by viewing the National Broadband Map and filing challenges using the map interface.¹⁸ The BDTF also maintains an online Help Center which includes a variety of self-help resources such as knowledge base articles, tutorial videos, and step-by-step instructions for both consumers and entities who wish to participate in the BDC challenge processes.¹⁹

In addition to the challenge processes, other efforts, including some that are statutorily mandated, are being used to help improve the maps and verify the data submitted by providers.²⁰ For example, in

¹² *Third Report and Order*, 36 FCC Rcd at 1166-67, paras. 103-04.

¹³ *Broadband Data Task Force Announces the Start of the Broadband Serviceable Location Fabric Bulk Challenge Process*, WC Docket Nos. 19-195, 11-10, Public Notice, 37 FCC Rcd 10140 (2022).

¹⁴ *Broadband Data Task Force Publishes Specifications for Bulk Fixed Availability Challenge and Crowdsource Data*, WC Docket Nos. 19-195, 11-10, Public Notice, 37 FCC Rcd 10626 (2022).

¹⁵ *Broadband Data Task Force Releases Pre-Production Draft of the National Broadband Map; Announces the Start of the Broadband Availability Challenge Processes*, WC Docket Nos. 11-10, 19-195, Public Notice, 37 FCC Rcd 13348 (2022).

¹⁶ *Id.*

¹⁷ FCC, *Broadband Data Collection Resources*, <https://www.fcc.gov/BroadbandData/resources> (last visited Dec. 26, 2023). The “Releases” tab includes Public Notices, Orders, and other relevant Commission releases. The “Education” tab includes FAQs, overview documents, several tutorial videos and pre-recorded technical assistance workshops, and other resources detailing the challenge processes. The “Key Reference Documents” includes challenge data specifications.

¹⁸ FCC, *National Broadband Map Outreach Toolkit*, <https://www.fcc.gov/national-broadband-map-outreach-toolkit> (last visited Dec. 26, 2023).

¹⁹ FCC, *Broadband Data Collection Help Center*, <https://help.bdc.fcc.gov/hc/en-us> (last visited Dec. 26, 2023).

²⁰ See 47 U.S.C. § 642(a)(1)(B)(i), (b)(4)(B).

building the BDC system, staff developed automated BDC system validations that trigger when a provider's BDC filings may warrant further review. There are also separate processes in place to independently verify providers' BDC filings based on BDC system flags, crowdsource data, irregularities in filings, or other indications that a provider's data may be inaccurate.²¹ To further assist the Commission in verifying the accuracy of mobile and fixed wireless providers' broadband availability maps and data submitted in the challenge and verification processes, the Commission has awarded two contracts: one for propagation modeling software and automation services, in July 2022, and a second for wireless engineering analysis and support services, in January 2023. Commission staff have initiated over 900 verification inquiries to date, resulting in updates to over 600 submissions from providers and a clearer picture of broadband availability in every state and territory. The Commission also has authority to conduct regular audits of BDC data and pursue enforcement actions for noncompliance.²²

Discussion

The BDC allows for consumers, Tribal entities, governments, providers, and other third parties to continually improve and refine the accuracy of the broadband availability data through two challenge processes: one for the availability data submitted by fixed and mobile service providers and another for the locations represented in the Fabric. Both types of challenges allow for consumer challenges, submitted directly through the National Broadband Map interface, and bulk challenges, filed in the BDC system.

Evaluation of the Fixed Availability Challenge Process. The fixed availability challenge process is designed to allow consumers and other parties to challenge whether the National Broadband Map accurately reflects the *availability* of a fixed broadband service at a specific location as reported by a particular provider. This challenge process allows stakeholders to dispute whether a given type of fixed service (e.g., fiber to the premises) at a reported maximum advertised upload and download speed is available at the challenged location.²³ Commission staff review challenge submissions in accordance with the Commission's rules and if a filing is accepted, it is forwarded to the provider being challenged who is then required to submit a response within 60 days.²⁴ If the provider disputes the challenge, a second 60-day period begins wherein the provider and challenger are encouraged to work together toward a resolution.²⁵ If, however, a resolution is not reached, Commission staff will adjudicate the challenge. The National Broadband Map will be updated according to the result of the challenge.²⁶

²¹ 47 CFR § 1.7006(b)(4), (c).

²² 47 U.S.C. §§ 644(a), 643; 47 CFR §§ 1.7006(a), 1.7009.

²³ The fixed availability challenge process is not intended to address disputes that subscribers have with their broadband provider about quality of service issues, such as network performance experienced at a particular location. See *Third Report and Order*, 36 FCC Rcd at 1156, para. 72, n.230.

²⁴ *Third Report and Order*, 36 FCC Rcd at 1159, para. 83.

²⁵ *Id.* at 1160, para. 84. The provider may also "concede" the challenge, in which case the National Broadband Map will be updated to reflect a correction for the challenged location. *Id.* at 1160, para. 83.

²⁶ *Id.* at 1160, para. 84.

Between November 18, 2022, and November 16, 2023,²⁷ approximately 3.7 million fixed availability challenges were accepted and submitted to providers for response.²⁸ The vast majority of these challenges were submitted through the bulk challenge process.²⁹ In total, 140 distinct entities submitted bulk fixed availability challenges during this period.³⁰ Of the total number of fixed availability challenges served on providers, more than 2.2 million were conceded by providers, resulting in updates to the map. Roughly 866,000 challenges were disputed by providers and ultimately adjudicated by FCC staff;³¹ of those, approximately 276,000 were upheld by the FCC in favor of the challenger (resulting in additional updates to the map), while approximately 590,000 were overturned by the FCC. In total, more than 2.5 million updates to the National Broadband Map have occurred as a direct result of fixed availability challenges.³²

We seek comment on participation in the fixed broadband availability challenge process. Are the Commission's fixed availability challenge rules sufficiently user-friendly so as to promote participation in the challenge process? Do the categories of fixed availability challenges accurately reflect the types of impediments to fixed broadband availability at specific BSLs?³³ Is 60 days the appropriate amount of

²⁷ The Commission released the third iteration of the National Broadband Map on November 17, 2023, displaying provider availability data as of June 30, 2023. See The Hon. Jessica Rosenworcel, Chairwoman, FCC, *National Broadband Map 3.0: Thankful for Continued Improvements*, Notes from the FCC (Nov. 17, 2023), <https://www.fcc.gov/news-events/notes/2023/11/17/national-broadband-map-30-thankful-continued-improvements>. Accordingly, fixed availability challenges received after November 16, 2023 were made to the June 30, 2023 availability data collection.

²⁸ This figure only reflects challenges that, upon initial review by FCC staff, were found to have included sufficient information for the challenge to be accepted for submission and served upon the challenged service provider. The system allows for challengers to “delete” a submission at any point throughout the process prior to a challenge being fully resolved. Those “accepted-and-later-deleted” challenges are not reflected in this figure. Some challenge submissions, including several bulk availability challenge submissions from governmental or other entities (which are subject to a higher evidentiary standard on the part of the challenger), did not contain location-specific evidence supporting the challenge type asserted for the challenged locations and were therefore not accepted for filing. FCC staff contacted bulk filers whose submissions were not accepted to explain the challenge process and the need for more granular evidence or improved methodologies that would support a more location-specific analysis of the reported broadband availability being challenged. This engagement and technical assistance resulted in a number of bulk challengers refiled their bulk challenge submissions with improved evidence and/or methodologies and were accepted for filing. Other filers resubmitted their original filings as crowdsource submissions, which require less location-specific evidence and can form the basis for FCC verifications or audits.

²⁹ Of these 3.7 million challenges, approximately 20,000 were submitted via the National Broadband Map interface, while the remainder were submitted through the bulk challenge process.

³⁰ Entities used a total of 140 FCC Registration Numbers to file bulk fixed availability challenges.

³¹ This number reflects challenges that were disputed by the challenged provider at the “final response” stage which occurs after the second 60-day period allotted for dialogue between the challenger and the provider. It does not include challenges that were initially disputed by the provider, but later either conceded by the provider at the final response stage or withdrawn by the challenger.

³² This figure only represents challenges which were either conceded by the service provider or upheld by the FCC. Service providers have made innumerable other updates to fixed broadband availability data displayed on the National Broadband Map due to other efforts, such as challenges ultimately withdrawn by a challenger due to the challenger and the service provider resolving the challenge among themselves (without an FCC adjudication), as well as changes resulting from the submission of crowdsource data, verification inquiries initiated by FCC staff, and other measures.

³³ FCC, *How to Format Bulk Fixed Challenge and Crowdsource Data*, <https://help.bdc.fcc.gov/hc/en-us/articles/10390523851803-How-to-Format-Bulk-Fixed-Challenge-and-Crowdsource-Data>. The challenge codes are: 1) provider failed to schedule a service installation within 10 business days of a request; 2) provider did not install the service at the agreed-upon time; 3) provider requested more than the standard installation fee to connect

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time allotted to providers for initially responding to a challenge that has been submitted and accepted? Does the fixed availability challenge process appropriately balance the time, expense, and burden to entities and individuals in challenging the accuracy of the maps, on the one hand, and to providers in responding to challenges, on the other hand?

Do the number of unique entities participating in the bulk fixed availability challenge process, and the number of bulk challenges submitted, indicate sufficiently robust participation in this process? Did bulk filers consult the Commission's rules before submitting a challenge? If not, were other resources helpful in filing a challenge (e.g., Help Center articles, online tutorials, etc.)? Would other online or in-system support be helpful when filing a bulk fixed availability challenge? Are the availability data downloads and other resources available to bulk challengers adequate to support their review and submission of bulk challenges to the data reflected on the National Broadband Map?

Is the fixed availability challenge submission form on the challenge interface of the National Broadband Map sufficiently user-friendly? Do the Commission's rules appropriately balance the level of effort placed on consumers in submitting fixed availability challenges against the need for a user-friendly process? Do the data depicted in the National Broadband Map clearly identify the locations at which broadband internet access service is available and the providers offering those services? What, if anything, should the Commission glean from the number of fixed availability challenges submitted by consumers and others using the map interface? Would other technical assistance resources or user interface enhancements be helpful to individual fixed availability challengers? Are there other ways the Commission can promote the fixed availability challenge process to consumers?

As noted above, the Commission's rules establish a higher evidentiary standard for governmental and other entities than for individual consumer challengers.³⁴ Given the heightened standard of proof that applies to challenges of availability data by entities or individuals who do not own or reside at, or are otherwise authorized to request service at, the challenged location(s), we seek comment on whether we should require those challengers to submit data via the BDC system pursuant to the data specifications applicable to bulk challenges (i.e., only permit consumers who own or reside at, or are otherwise authorized to request service at, the challenged location to use the National Broadband Map interface to submit fixed availability challenges). Are there benefits to allowing non-consumer challengers to submit challenges directly through the map interface? Assuming that we continue to permit both individuals and entities to submit fixed availability challenges using the National Broadband Map interface, should we allow individuals to provide additional information or otherwise expressly indicate that they reside at, or are authorized to request service at, the challenged location? Should we instead require challengers who do *not* own or reside at, or are authorized to request service at, the challenged location to provide additional information to explain or substantiate their relationship to the challenged location? Should we do both? Would the fixed availability challenge process remain "user-friendly" in the event we were to make any or all of these changes?

The fixed challenge process includes a period of time when providers are able to work with the challenger to try and resolve the challenge through consensus as to whether or not service is available, as reported, at the location(s) being challenged. Over 1.3 million challenges were withdrawn or deleted and

this location; 4) provider denied the request for service; 5) provider does not offer the technology entered above at this location; 6) provider does not offer the speed(s) shown on the Broadband Map for purchase at this location; 7) the actual speed of the service does not match its advertised speed (crowdsource only); 8) no wireless or satellite signal is available at this location; 9) new, non-standard equipment is required to connect this location; and 10) missing provider (crowdsource only).

³⁴ See *supra*, n. 31; compare 47 CFR § 1.7006(d)(7) ("In consumer challenges to availability and coverage map data, a consumer's challenge must make an initial showing, *by a preponderance of the evidence*, that a provider's data are inaccurate") with *id.* at § 1.7006(d)(8) ("In challenges to availability and coverage data by governmental (State, local, Tribal), or other entities, the challenger must make a detailed, clear and methodologically sound showing, *by clear and convincing evidence*, that a provider's data are inaccurate") (emphases added).

providers conceded over 91,000 challenges following interactions between challengers and providers.³⁵ Are these interactions leading to mutual understanding of the services that are truly available? Is 60 days, during the second stage of the challenge process, the appropriate amount of time allotted to this dialogue? Are there ways the Commission can improve this stage of the challenge process to ensure both parties have an opportunity to attempt a resolution of the challenge prior to FCC adjudication?

Does the fixed availability challenge process, and resulting increased accuracy of the National Broadband Map, effectively reduce “the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps”³⁶

Evaluation of the Mobile Availability Challenge Process. In addition to fixed broadband availability data, the National Broadband Map shows mobile wireless broadband coverage data reported by each mobile wireless service provider for 3G, 4G, and 5G network technologies. These coverage areas on the National Broadband Map reflect where subscribers should be able to receive mobile connectivity, by technology and at a minimum throughput (*i.e.*, download and upload speed), when outdoors or in a moving vehicle.³⁷ If the information on mobile coverage submitted by a provider does not match the on-the-ground subscriber experience, the subscriber can dispute that information by taking outdoor or in-vehicle speed tests on a mobile device using the FCC Speed Test app.³⁸ The FCC Speed Test app is free and may be downloaded from the Apple or Google Play app stores.³⁹ Entities – including service providers, state, local, and Tribal governments, as well as other third parties (e.g., consumer groups, non-governmental groups, etc.) – interested in submitting multiple mobile speed test results to challenge the mobile coverage shown on the National Broadband Map may either use the FCC Speed Test app or their own hardware or software to collect mobile speed test data and upload it into the BDC system through a bulk mobile speed test data submission process.⁴⁰ Challenge speed test results are analyzed and aggregated each month to determine whether there is a pattern of speed tests from the same geographic area that meets the Commission’s thresholds for creating a cognizable challenge and requiring a provider response.⁴¹ Providers must rebut or concede cognizable challenges within 60 days of notification.⁴²

Between November 18, 2022, and August 31, 2023,⁴³ nearly 190,000 mobile on-the-ground speed test results were submitted to the Commission—all of which were submitted directly via the FCC Speed

³⁵ Challengers can withdraw challenges at any time after submission prior to FCC adjudication or provider concession. Additionally, the system allows for challengers to “delete” a submission at any point throughout the process prior to the challenges being fully resolved. Of the over 2.2 million challenges conceded by providers, over 91,000 of those concessions occurred during the second stage of the challenge process.

³⁶ See 47 U.S.C. § 642(b)(5)(B)(i)(IV).

³⁷ See 47 CFR § 1.7004(c)(3). The National Broadband Map does not display mobile indoor coverage.

³⁸ Challenge speed tests must be taken between the hours of 6:00 a.m. - 10:00 p.m., local time, and may not be taken indoors.

³⁹ See Federal Communications Commission, FCC Speed Test App FAQs, November 23, 2022, <https://www.fcc.gov/consumers/guides/fcc-speed-test-app-tip-sheet> (last visited Jan. 4, 2024).

⁴⁰ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3013, para. 13 (citing *Third Report and Order*, 36 FCC Rcd at 1172, para. 117).

⁴¹ See generally, *Mobile Technical Requirements Order*, 37 FCC Rcd at 3012-44, paras. 13-59.

⁴² *Mobile Technical Requirements Order*, 37 FCC Rcd at 3044, para. 61 (citing *Third Report and Order*, 36 FCC Rcd at 1168, 1173-74, paras. 107, 121; 47 CFR § 1.7006(e)(3), (f)(4)).

⁴³ Commission staff perform an analysis of mobile speed test data at the end of each month to determine whether a sufficient number of tests have been submitted to create a cognizable challenge. Mobile service providers have 60 days to respond to cognizable challenges and, if a provider rebuts a challenge within the allotted 60-day time period, the Commission will review the provider’s response and resolve the challenge within 90 days of the provider

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Test app—resulting in 35 cognizable challenges and 18 corrections to mobile wireless coverage data displayed in the National Broadband Map.

We seek comment on participation in the mobile broadband availability challenge process. What, if anything, should the Commission glean from the number of speed tests submitted using the FCC Speed Test app and the resulting number of cognizable challenges to mobile coverage data? Are the Commission's mobile availability challenge rules sufficiently user-friendly so as to promote participation in the challenge process? Have consumers and other entities experienced problems in understanding how to use the FCC Speed Test app, including when mobile speed tests may be submitted to challenge the National Broadband Map versus when they may be submitted as crowdsource data? Are the challenge thresholds set out in the *Mobile Technical Requirements Order* adequately formulated to allow for the creation of a cognizable mobile challenge, or should they be adjusted? Does the mobile availability challenge process appropriately balance the time, expense, and burden of entities and individuals in challenging the accuracy of the maps, on the one hand, and providers in responding to challenges, on the other hand? Do the data depicted in the National Broadband Map clearly identify the areas in which mobile broadband internet access service is available, as well as the hexagonal areas and service providers subject to challenge?

Are there barriers preventing full participation in the mobile challenge process, including both to the submission of challenges and/or to providers accurately demonstrating their coverage when challenged? In addition to the existing technical assistance workshops, recorded webinars, tutorial videos, knowledge base articles, methodologies, and data specifications, are there other resources that the Commission could provide which would be helpful to stakeholders who wish to participate in the mobile availability challenge process? Are there other ways the Commission can promote participation in the mobile availability challenge process?

Evaluation of the Fabric Challenge Process. Similar to the availability challenge processes, challenges to Fabric data help to identify missing BSLs and inaccurate data associated with existing BSLs. Fabric challenges may be submitted on an individual basis by consumers, or in bulk by governmental entities, service providers, and other third parties.⁴⁴ Fabric challenges must be based on a pre-approved list of reasons.⁴⁵ The BDTF, in consultation with CostQuest LLC, the Commission's Fabric contractor, resolves Fabric challenges and responds with a reason for acceptance or denial.⁴⁶ Given the amount of work required to resolve Fabric challenges, including manual review, the Commission has generally announced a date by which bulk challenges to a particular version of the Fabric should be

submitting its final response. 47 U.S.C. § 642(b)(5)(C)(i). In cases where a challenged provider concedes or loses a challenge, the provider must file updated data depicting the challenged area that has been shown to lack sufficient service within 30 days of the concession or notification of the Commission's decision. See 47 CFR § 1.7006(e)(6)(iii), (f)(7). Given these timelines, cognizable challenges created after August 31, 2023 are still in process as of the release of this *Public Notice*. Accordingly, we provide data on speed test results submitted between November 18, 2022 and August 31, 2023.

⁴⁴ 47 CFR § 1.7006 (d); *Third Report and Order*, 36 FCC Rcd at 1161-62, para. 89.

⁴⁵ FCC, *Data Specifications for Bulk Fabric Challenge Data*, <https://us-fcc.app.box.com/v/bdc-bulk-fabric-challenge-spec>. The challenge codes are: 1) Missing Broadband Serviceable Location; 2) Incorrect Location Primary Address; 3) Incorrect Location Unit Count; 4) Incorrect Location Building Type Code; 5) Location is Not Within Footprint of the Correct Building; 6) Location is Not Broadband Serviceable; 7) Add Supplemental Address; 8) Remove Secondary Address. See also FCC, *Fabric Challenge Category Code Overview*, <https://help.bdc.fcc.gov/hc/en-us/articles/9201263798811-Fabric-Challenge-Category-Code-Overview->.

⁴⁶ See FCC, *Fabric Challenge Response Codes*, <https://help.bdc.fcc.gov/hc/en-us/articles/17077103993371-Fabric-Challenge-Response-Codes> (Jul. 12, 2023). The Commission delegated authority to OEA, in consultation with the Wireline Competition Bureau, "to ensure that locations reflect broadband serviceability to the extent they are able to make determinations given the data available." *Third Report and Order*, 36 FCC Rcd at 1176, para. 128. OEA works with the Fabric vendor, CostQuest LLC, to implement the adjudication methodology determined by OEA to meet the requirements of the *Third Report and Order* and to resolve Fabric challenges.

submitted in order to be reflected in the next version of the Fabric.⁴⁷ Once the FCC has processed and resolved Fabric challenges, bulk Fabric challengers are able to download a comma-separated value (CSV) file from the BDC system indicating how each challenge was addressed.⁴⁸ Individual challengers are notified of the outcome of their challenge via email and can see the results of the challenge on the National Broadband Map. Challenges that are accepted are incorporated into the next version of the Fabric dataset.

Between September 12, 2022, and October 22, 2023,⁴⁹ the Commission received approximately 9.23 million Fabric challenges. Similar to fixed availability challenges, the vast majority of Fabric challenges were submitted through the bulk Fabric challenge process.⁵⁰ In total, 461 entities submitted bulk Fabric challenges during this period.⁵¹ Challengers submitted roughly 7.66 million challenges to add new locations to the Fabric (i.e., “Challenge Code 1” Fabric challenges) and roughly 1.57 million challenges for other categories of Fabric changes during this period. The FCC upheld over 497,000 of the Challenge Code 1 challenges to add a new Fabric location and approximately 1.2 million of the challenges for other categories of Fabric changes.⁵²

We seek comment on participation in the Fabric challenge process. Do the number of entities participating in the bulk Fabric challenge process, and the number of bulk challenge submissions, indicate sufficiently robust participation in this process? What about the number of individual Fabric challenges received from consumers through the map interface? Is the individual Fabric challenge submission interface on the National Broadband Map user-friendly? Do the Commission’s rules appropriately balance the level of effort placed on individual Fabric challengers against the need for a user-friendly process? Do the data depicted in the National Broadband Map clearly identify the BSLs and other Fabric locations included in the data as well as the attributes of that data that may be corrected in the challenge process? Are the Commission’s Fabric challenge rules and systems sufficiently user-friendly to encourage participation in the bulk Fabric challenge process? Do the Fabric challenge reason codes adequately capture the possible challenge types that a user may wish to submit to the Fabric location dataset? Based on the location challenges received to date, we have found that individuals and community-based organizations often have localized and current information about their communities. How can the Commission continue to encourage ongoing participation from these groups? In addition to the existing technical assistance workshops, recorded webinars, tutorial videos, knowledge base articles, FAQs, Fabric methodology manuals, and Fabric challenge data specifications, are there other Fabric

⁴⁷ See e.g., *Broadband Data Task Force Begins Accepting Challenges to June 2023 Broadband Serviceable Location Fabric*, WC Docket Nos. 11-10, 19-195, Public Notice, DA 23-579 (BDTF Jul. 3, 2023). Individual challenges to Fabric data submitted through the National Broadband Map interface are reviewed and aligned with updates the FCC and CostQuest make to the subsequent Fabric version through their own efforts as well as through adjudications of bulk Fabric challenges. See *id.* at 1-2, n.4.

⁴⁸ FCC, *Challenge Resolution Information for Bulk Fabric Challengers*, <https://help.bdc.fcc.gov/hc/en-us/articles/11587546422427-Challenge-Resolution-Information-for-Bulk-Fabric-Challengers> (Dec. 27, 2022).

⁴⁹ The bulk Fabric challenge process began on September 12, 2022, and FCC and CostQuest provided the latest version of the Fabric (version 4) to licensees on or around December 31, 2023. The latest challenges received in time to be incorporated into version 4 of the Fabric, and to have information on the resolution of challenges, were received on October 22, 2023.

⁵⁰ Of the 9.2 million Fabric challenges, approximately 22,000 were submitted via the National Broadband Map interface, while the remainder were submitted through the bulk challenge process.

⁵¹ Entities used a total of 461 FCC Registration Numbers to file Fabric challenges.

⁵² Importantly, the number of Challenge Code 1 challenges denied by the FCC includes (1) challenges that confirmed the presence of a BSL independently found to exist by the FCC and CostQuest (e.g., more than two million challenges included geographic coordinates of a location for which a BSL was already represented in the Fabric data) and (2) challenges that were rejected due to the FCC having already accepted a prior challenge submitted earlier in time.

resources that the Commission could provide which would be helpful to stakeholders who wish to participate in the Fabric challenge process? Are there other ways the Commission can promote the Fabric challenge process to consumers and other stakeholders?

The Need for Other Tools. The BDA requires the Commission, following the opportunity for notice and comment afforded by this Public Notice, to consider whether it should “commence an inquiry on the need for other tools to help . . . identify potential inaccuracies in the data relating to broadband internet access service that providers report; and . . . improve the accuracy of [providers’ biannual BDC data].”⁵³

We seek comment on whether additional tools are necessary to help identify potential inaccuracies in the availability data that broadband service providers report in the BDC. Does the fixed availability challenge process allow challengers to submit appropriate types of evidence at adequate levels of granularity in support of their challenges? As an example, we seek comment on whether (and, if so, under what conditions) speed test data could indicate a lack of availability of fixed broadband service.⁵⁴ The BDTF is currently unaware of any mechanism whereby a speed test website or application would collect data from an individual or entity that is not a subscriber of a fixed broadband service that would demonstrate that a service is unavailable at a specific BSL. Does any such testing platform exist? If so, how would the Commission encourage its adoption and use? Similarly, should the Commission accept challenges to the maximum latency of fixed availability services and, if so, how would it collect reliable challenge data disputing latency?

Similarly, does the mobile availability challenge process allow challengers to submit appropriate types of evidence at adequate levels of granularity in support of their challenges? In particular, the BDTF has adopted procedures for the approval of third-party speed test applications for use in the mobile challenge process.⁵⁵ To date, however, the only approved application is the FCC Speed Test app.⁵⁶ Does the FCC Speed Test app fully provide a “user-friendly [] process through which consumers, State, Local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission to challenge the accuracy of the [mobile] coverage maps”⁵⁷ Are there other tools for identifying potential inaccuracies in mobile broadband internet access service coverage data that the Commission should consider allowing as part of the BDC? Are there other ways to incentivize bulk submission of mobile speed tests? Has the H3 indexing system been an efficient way to identify geographic areas subject to a cognizable mobile challenge?⁵⁸ If not, then is there another open-source system available to the Commission and other stakeholders to use instead? Have providers experienced difficulty using the H3 system (and, if so, what are those difficulties, and how can the Commission address them)? Should the Commission expand the scenarios in which infrastructure data, on their own, may be used to respond to a mobile challenge? If so, what scenarios should be added?

When providing input, commenters should explain how any such tools would be different from existing validation mechanisms available to the Commission, including the BDC system flags, informal

⁵³ 47 U.S.C. § 642(b)(5)(D)(ii).

⁵⁴ The fixed availability challenge process “is not meant to address disputes that subscribers have with their broadband provider about quality of service issues, such as network performance experienced at a particular location.” *Third Report and Order*, 36 FCC Rcd at 1156, para. 72, n.230.

⁵⁵ *OET Announces Procedures for Third-Party Mobile Speed Test Apps*, WC Docket Nos. 11-10, 19-195, Public Notice, 37 FCC Rcd 5004 (2022).

⁵⁶ The Commission has contracted with Mozark PTE, Ltd. to build a new version of the FCC Speed Test app, which will be released in the future. See Sam.gov, *BDC Speed Test Mobile Application for Broadband Data Collection* (Mar. 29, 2023), <https://sam.gov/opp/fe1a53db903b4c2da0c166500eb25a1f/view>.

⁵⁷ 47 U.S.C. § 642(b)(5)(A)(i).

⁵⁸ UberBlog, *H3: Uber’s Hexagonal Hierarchical Spatial Index*, <https://www.uber.com/blog/h3/> (June 27, 2018).

investigations, verification inquiries based upon crowdsourced data and other information, audits, and enforcement actions.

Procedural Matters

Ex Parte Rules. Pursuant to the provisions of 47 CFR § 1.1200(a) of the Commission's rules, this proceeding is deemed an exempt proceeding, comparable to a notice of inquiry proceeding.⁵⁹ *Ex parte* presentations to or from Commission decision-making personnel are permissible and need not be disclosed.

Comment Filing Procedures. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.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. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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).

Contact Person. For further information about this proceeding, please contact Will Holloway, Assistant Counsel, Broadband Data Task Force, at William.Holloway@fcc.gov.

For additional information and questions regarding the Broadband Data Collection, please visit the BDC website at <https://www.fcc.gov/BroadbandData>.

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⁵⁹ 47 CFR § 1.1200(a) (“Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice.”); see also 47 CFR § 1.1204(b)(1) (providing that *ex parte* presentations in notice of inquiry proceedings are presumptively exempt from disclosure).