

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Establishing the Digital Opportunity Data)	WC Docket No. 19-195
Collection)	
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	
Network Tool and Die Company, Inc. Request for)	
Waiver of Section 1.7004(b) & (d) of the)	
Commission's Rules)	

ORDER

Adopted: June 11, 2025

Released: June 11, 2025

By the Deputy Bureau Chief, Wireless Telecommunications Bureau and Chair, Broadband Data Task Force; and Chiefs, Wireline Competition Bureau and Office of Economics and Analytics:

I. INTRODUCTION

1. In this *Order*, the Wireless Telecommunications Bureau (WTB), Wireline Competition Bureau (WCB), and the Office of Economics and Analytics (OEA), in coordination with the Broadband Data Task Force, respond to a Request for Waiver filed by Network Tool & Die Company, Inc. (NTAD or Company) (Waiver Request). NTAD requests that the Commission issue a waiver of: (i) section 1.7004(b) to allow a late filing of its December 31, 2024, data submission in the Broadband Data Collection (BDC), due March 3, 2025; and (ii) section 1.7004(d) to allow its Systems and Network Administrator to provide the engineering certification in this submission despite not meeting the eligibility requirements as a qualified or otherwise qualified engineer.¹ For the reasons discussed below, we grant NTAD's Waiver Request and waive the requirements of section 1.7004(b) and (d), only for NTAD, for the BDC filing period for submitting biannual data as of December 31, 2024. Pursuant to this waiver, the BDC filing due on March 3, 2025, will now be due no later than 30 days after the adoption of this *Order*. This waiver does not impact the Company's obligation to submit future BDC filings on a timely basis, including the filing of its data as of June 30, 2025, no later than September 2, 2025.

II. BACKGROUND

2. In March 2020, Congress passed the Broadband DATA Act requiring the Commission to adopt new rules for "the biannual collection and dissemination of granular data . . . relating to the availability and quality of service with respect to terrestrial fixed, fixed wireless, satellite, and mobile

¹ Petition of Network Tool & Die Company, Inc. for Waiver of Section 1.7004(b) & (d), WC Docket Nos. 19-195, 11-10 (filed May 6, 2025), <https://www.fcc.gov/ecfs/document/10506210036255/1> (Waiver Request).

broadband internet access service.”² In the July 2020 *Second Order and Third Further Notice*,³ the Commission established the requirements for the biannual submission of fixed and mobile broadband Internet access service availability data, including the timing of collection filings.⁴ The Commission also adopted rules requiring that a corporate officer certify that the statements of fact contained in providers’ biannual BDC submissions are true and correct⁵ and that providers submit certifications to the accuracy of their biannual submissions by a certified professional engineer or a corporate engineering officer.⁶ For biannual filings to date, WTB, WCB, and OEA have waived the professional engineering certification requirement and permitted BDC filings to be certified by an engineer that is an “otherwise qualified engineer.”⁷

3. On May 6, 2025, NTAD, a provider of fixed broadband services that is subject to BDC filing requirements, filed a request to waive retroactively (1) section 1.7004(b) to allow a late filing of its March 3, 2025, filing; and (2) section 1.7004(d) to allow its Systems and Network Administrator to certify the filing as an otherwise qualified engineer under the waiver standard. NTAD’s Waiver Request states that it was unable to comply with the corporate officer certification requirement in section

² Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-46) (Broadband DATA Act or Act); 47 U.S.C. § 642(a)(1)(A); 47 CFR § 1.7004(b); 47 CFR §§ 1.4(e), (j) (requiring that BDC data as of December 31, 2024, must be submitted no later than March 3, 2025, the first business day after the standard March 1 deadline).

³ See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460 (2020) (*Second Order and Third Further Notice*).

⁴ *Second Order and Third Further Notice*, 35 FCC Rcd at 7462, 7484, paras. 3, 55 (establishing a biannual schedule for collection of broadband internet access service availability and quality of service data and filing deadlines of March 1 and September 1 each year); accord 47 CFR § 1.7004(b).

⁵ 47 CFR § 1.7004(d); *Second Order and Third Further Notice*, 35 FCC Rcd at 7486, para. 61 (citing 47 U.S.C. § 642(b)(4)); see also *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association Petition for Declaratory Ruling or Limited Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Declaratory Ruling and Limited Waiver, 37 FCC Rcd 7836, 7838-39, 7840, paras. 6, 7, 9 (WCB/OEA/WTB 2022) (*2022 BDC PE Order*) (clarifying that a corporate engineering officer who meets certain criteria does not also need to be a certified professional engineer).

⁶ 47 CFR § 1.7004(d); *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, 1144-45, para. 43 (2021) (*Third Report and Order*); accord 47 CFR § 1.7004(d). The Commission indicated that an engineering certification “must state that the certified professional engineer or corporate engineering officer is employed by the service provider and has direct knowledge of, or responsibility for, the generation of the service provider’s [Broadband Data Collection] coverage maps,” and that “[t]he certified professional engineer or corporate engineering officer . . . certify that he or she has examined the information contained in the submission and that, to the best of the engineer’s knowledge, information, and belief, all statements of fact contained in the submission are true and correct, and in accordance with the service provider’s ordinary course of network design and engineering.” *Third Report and Order*, 36 FCC Rcd at 1144-45, para. 43.

⁷ *2022 BDC PE Order*, 37 FCC Rcd at 7838, 7842, 7847, paras. 6, 12-13, 19; *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association and USTelecom – The Broadband Association Petition for Extension of Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Order, 38 FCC Rcd 11075, 11075, para. 1 (WCB/OEA/WTB 2023) (*PE Waiver Extension Order*). The waivers specified that an otherwise-qualified engineer must meet certain minimum qualifications in lieu of state professional engineering licensure in order to certify a BDC filing: 1) a bachelor’s or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven years of relevant experience in broadband network design and/or performance; or 2) specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten years of relevant experience in broadband network engineering, design, and/or performance. *2022 BDC PE Order* at 7839, 7846-47, paras. 6, 19.

1.7004(b) because the person who previously certified the filing—the company’s President and sole owner, Mr. Kurt Friesen—passed away in November 2024, and the company’s new owner, Gwendolyn Neufeld, was not able to appoint herself President until April 2025.⁸ Additionally, NTAD explains that while Mr. Friesen’s certification previously met the standard for an otherwise qualified engineer, the company’s remaining employee with direct knowledge of the generation of NTAD’s BDC filing does not have the minimum amount of experience necessary to certify the Company’s filing under section 1.7004(d) and the associated waiver standard.⁹ Therefore, while NTAD uploaded its biannual availability data into the BDC system prior to the March 3, 2025, deadline, it could not provide the corporate officer and engineering certifications required to finalize its submission.¹⁰

III. DISCUSSION

4. Section 1.3 of the Commission’s rules provides that the Commission may “on its own motion or on petition” waive a rule “for good cause shown, in whole or in part, at any time. . . .”¹¹ The Commission may find that the “good cause” standard is met when (1) “special circumstances warrant a deviation from the general rule” and (2) “such deviation will serve the public interest.”¹² The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹³ Further, in making a waiver determination, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁴

5. We find that the circumstances and events set forth in the Waiver Request constitute “special circumstances” that warrant a deviation from the rules in section 1.7004(b) and (d). The Commission has stated that “[t]imely filed [Broadband Data Collection] information is critical for the Commission to ensure its maps are as accurate and up-to-date as possible.”¹⁵ However, NTAD’s failure to finalize its submission before the deadline was based on its inability to provide the required certifications as a result of circumstances outside of its control. Specifically, Mr. Friesen—who served as sole owner and certifying engineer¹⁶—died less than a month before the opening of the filing window, and it was not possible prior to the March 3, 2025, filing deadline¹⁷ for the new owner to appoint herself as a corporate officer and then to retain a new individual with the credentials, education, and training necessary to provide the engineering certification required by section 1.7004(d). It was therefore not

⁸ Waiver Request at 2.

⁹ *Id.* at 2.

¹⁰ *Id.* at 4.

¹¹ 47 CFR § 1.3. The Bureaus and Office issue this *Order* pursuant to their delegated authority. 47 CFR §§ 0.271, 0.291, 0.331.

¹² *See, e.g., Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969) (*WAIT Radio*).

¹³ *Northeast Cellular*, 897 F.2d at 1166.

¹⁴ *WAIT Radio*, 418 F.2d at 1159.

¹⁵ *Third Report and Order*, 36 FCC Rcd at 1182, para. 144.

¹⁶ Records in the BDC system show that Mr. Friesen certified NTAD’s filings as both the Certifying Official (i.e., an official (corporate officer, managing partner, or sole proprietor), and Certifying Engineer (i.e., a certified professional engineer or corporate engineering officer or “otherwise qualified engineer” as described in the 2022 *BDC PE Order* and *PE Waiver Extension Order*) for each of the prior filing periods for data as of June 2022, December 2022, June 2023, December 2023, and June 2024.

¹⁷ BDC filings for data as of December 31, 2024, were required to be submitted by March 3, 2025. *Broadband Data Task Force Announces the Opening of the Sixth Broadband Data Collection Window*, WC Docket Nos. 19-195, 11-10, Public Notice, DA 24-1257 (OEA/WCB/WTB 2022); *see also* 47 CFR § 1.4(e), (j).

possible for the company to submit a certified BDC filing before the deadline.¹⁸ The language of both required certifications stipulates that “[p]ersons making willful false statements . . . can be punished by fine or imprisonment under the Communications Act, 47 U.S.C. § 220(e),”¹⁹ meaning NTAD could not have certified its filing consistent with section 1.7004(d) without exposing itself to potential liability under the Communications Act²⁰ and the Commission’s rules.²¹ In waiving the rules, we note NTAD’s good faith effort to submit timely data; BDC system records show that the Company uploaded BDC data on February 26, 2025, before the filing deadline, even though it could not certify the data in a manner that complied with the Commission’s rules at the time.

6. We find that granting the waiver will serve the public interest. The BDC is intended to collect comprehensive broadband availability data and to produce granular, precise maps that will allow the Commission and other federal agencies to target support toward the provision of broadband access to consumers who lack such access. In keeping with these goals, the requirements in section 1.7004(d) that a corporate officer certify that the submission is “true and correct,” and that a qualified engineer certify to “the accuracy of its submissions” are intended to ensure that filers have engaged in the analysis necessary to meet Congress and the Commission’s objective of developing more accurate broadband coverage data.²² The Commission has a strong interest in ensuring the data submitted by providers are validated and verified, in part through the timely certification process, but we find under the circumstances presented that it would not serve the public interest to preclude this provider from finalizing its BDC submission now that the Company has a President capable certifying as a corporate officer and an employee with direct knowledge of the generation of the provider’s BDC filing. Moreover, the Company states that it “will have a qualified or otherwise qualified engineer available to certify for its next filing in time to meet the September 1, 2025, [sic] deadline.”²³ Given these specific circumstances, we find that the public interest is served by granting this waiver since, absent a waiver, the data will not be included in the Commission’s biannual update to the National Broadband Map, which would result in a less accurate version of the map and be contrary to the goals of the Commission.

7. Should NTAD later determine that any of the data submitted are inaccurate, the Commission’s rules require it to correct those data, and Commission staff also reserve the right to formally verify NTAD’s data submissions to ensure that this waiver does not result in any data inaccuracies.²⁴

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 642 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 642, and section 1.3 of the Commission’s rules, 47 CFR § 1.3, that section 1.7004(b) and (d), 47 CFR § 1.7004(b) and 47 CFR §

¹⁸ Biannual BDC filings are not submitted to the FCC until a provider has completed all of the necessary steps in the BDC system, which includes completing the required certifications and clicking “Certify Submission.” See Federal Communications Commission Broadband Data Collection BDC System User Guide at 144 (2025), <https://help.bdc.fcc.gov/hc/en-us/articles/6789299021723-Key-Reference-Documents> (BDC System User Guide).

¹⁹ See BDC System User Guide at 146.

²⁰ 47 U.S.C. § 220(e).

²¹ *Third Report and Order*, 36 FCC Rcd at 1145, para. 46; see also 47 CFR § 1.7001(c), (f) and 47 CFR § 1.7009(b).

²² *Second Report and Order*, 35 FCC Rcd at 7486, para. 61; *Third Report and Order*, 36 FCC Rcd at 1145, para. 45; 47 U.S.C. § 642(b)(4).

²³ Waiver Petition at 2, 4. We note that while the deadline to submit BDC filings for data as-of June 30 each year would normally be September 1, the deadline for such data this year is September 2 because September 1, 2025 is a Federal holiday. See 47 CFR § 1.7004(b); 47 CFR §§ 1.4(e), (j).

²⁴ *Third Report and Order*, 36 FCC Rcd at 1146, para. 47; see 47 U.S.C. § 642(b)(4)(B).

1.7004(d), are WAIVED to the extent indicated herein.

9. IT IS FURTHER ORDERED that the deadline for late filing of the Company's BDC data as of December 31, 2025, due on March 3, 2025, is no later than 30 days after the adoption of this Order.

10. This action is taken by the Deputy Bureau Chief of the Wireless Telecommunications Bureau, and Chiefs of the Wireline Competition Bureau and Office of Economics and Analytics under delegated authority, pursuant to sections 0.21, 0.91, 0.271, and 0.291 of the Commission's rules, 47 CFR §§ 0.21, 0.91, 0.131, 0.271, 0.291, and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Jean L. Kiddoo
Deputy Bureau Chief, Wireless Telecommunications
Bureau; Chair, Broadband Data Task Force

Joseph S. Calascione,
Chief, Wireline Competition Bureau

Catherine Matraves,
Acting Chief, Office of Economics and Analytics