

Federal Communications Commission Washington, D.C. 20554

October 17, 2022

BY EMAIL

Ian Dillner Associate General Counsel Federal Regulatory and Legal Affairs 1300 I Street NW Washington, DC 20005

RE: Verizon Confidentiality Request, Broadband Data Collection, Docket No. 19-195

Mr. Dillner:

Thank you for certifying and submitting Verizon's broadband availability data into the FCC's Broadband Data Collection (BDC) system. We are in receipt of Verizon's request for confidential treatment submitted pursuant to sections 1.7005, 0.457, and 0.459 of the Commission's rules,¹ in which Verizon seeks confidential treatment of the following categories of data: (1) *Cellco Partnership* link budget parameters and link budget rationale; (2) *Cellco Partnership* heat maps; and (3) fixed broadband location lists.² For the reasons described below, we deny Verizon's request for confidentiality of *Cellco Partnership* 's link budget parameters and heat maps and of Verizon's fixed broadband location lists, but will treat its mobile link budget parameters rationale file as confidential for this BDC filing.

Cellco Partnership link budget parameters and link budget rationale

Verizon seeks confidential treatment of the above-listed information, which Verizon does not customarily disclose. In particular, Verizon says that required SINR, receiver sensitivity, and thermal noise power are proprietary to Verizon's equipment vendors and that maximum allowable path loss and minimum signal strength are confidential because they could be used to derive the vendor-proprietary parameters.³ Verizon argues that "disclosure of [its] link budget information would cause substantial competitive harm because it would provide competitors with commercial valuable network engineering and propagation modeling expertise."⁴

In the *Second Order*, the Commission required mobile broadband service providers to disclose details of their propagation models and of the link budgets they use for modeling cell edge network throughput (both uplink and downlink), as well as (1) all applicable link-budgets used to design their networks and provide service at the defined speeds, and all parameters and parameter values included in those link budgets; (2) a description of how the carrier developed its link budget(s) and the rationale for using specific values in the link budget(s); and (3) the name of the creator, developer or supplier, as well as the

¹ 47 CFR § 0.457, 0.459, 1.7005.

² Letter from Ian Dillner, Associate General Counsel, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 19-195, at 2 (filed Sept. 1, 2022) (Request). Verizon's Request notes that its ILEC entities filing in the BDC include Verizon Virginia LLC; Verizon Washington, DC, Inc.; Verizon Maryland, LLC; Verizon Pennsylvania LLC; Verizon New Jersey Inc.; Verizon New York Inc.; Verizon New England Inc.; and Verizon South Inc. Id. at note 11.

³ Id. at 2-3.

⁴ *Id.* at 3-4.

vintage of the terrain and clutter datasets used, the specific resolution of the data (subject to the minimum requirements adopted in the *Second Order*), a list of clutter categories used, a description of each clutter category, and a description of the propagation loss due to clutter for each.⁵ The Commission required that this information be made public, subject to individual requests for confidential treatment, so that it is available to those who wish to challenge provider-submitted coverage maps.⁶

There is a strong public interest in making the above-described information for which Verizon seeks confidential treatment available to the public. The Broadband DATA Act requires the Commission to "establish a user-friendly challenge process through which consumers, [s]tate, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission to challenge the accuracy of - (i) the coverage maps; [and] (ii) any information submitted by a provider regarding the availability of broadband internet access service."⁷ Thus, the aim of the BDC is not only to provide this information to the Commission, but also to make it available to enable the public to validate or challenge providers' coverage data. Public access to this supporting information will maximize the efficacy of the mobile challenge process.

However, for the first public release of information, we will not release providers' link budget parameters rationale because we find that the potential benefits of making providers' link budget parameters rationale may not outweigh the potential harm in its disclosure, as filers may have unnecessarily disclosed competitively sensitive information that will allow competitors or others to gain insight into filers' internal business operations. We therefore deny Verizon's request that we keep its link budget parameters confidential, but we will not release providers' link budget parameters rationale for this BDC filing.

Cellco Partnership heat maps

Verizon does not customarily disclose *Cellco Partnership's* signal strength heat maps and seeks confidential treatment of them. Additionally, Verizon argues that its heat maps must be treated as confidential because they reveal cell site locations within 100 feet or less, and because, in the *Third Order*, the Commission found that cell site location data raises security concerns and would therefore be treated as presumptively confidential.⁸ At a minimum, Verizon argues, the Commission should treat as confidential the highest strength signal contours (-50, -60, and -70 dB) which most precisely indicate cell site locations.⁹

In the *Third Order*, the Commission required providers to submit heat maps using RSRP values provided in 10 dB increments or finer beginning with a maximum of -50 dBm and continuing to -120 dBm and stated, unequivocally, that "[t]his information will be made publicly available."¹⁰ The Commission noted the importance of these maps in ensuring that consumers and policymakers have accurate information

⁵ 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, 7481-82, paras. 48-49 (2020) (Second Order);

⁶ *Id.* at 7482, para. 49.

⁷ 47 U.S.C. § 642(b)(5)(A); see id. § 642(a)(1)(B)(iii).

⁸ Request at 3, 4. *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, Third Report and Order, 36 FCC Rcd 1126, 1145, para. 55 (2021) (*Third Order*).

⁹ Request at 4.

¹⁰ *Third Order* at 1142, para. 37.

about mobile broadband coverage and noted that no commenters opposed this approach of requiring providers to submit a second set of maps showing RSSI or RSRP signal levels.¹¹

There is a strong public interest in making the above-described information for which Verizon seeks confidential treatment available to the public. The Broadband DATA Act requires the Commission to "establish a user-friendly challenge process through which consumers, [s]tate, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission to challenge the accuracy of - (i) the coverage maps; [and] (ii) any information submitted by a provider regarding the availability of broadband internet access service."¹² Thus, the aim of the BDC is not only to provide this information to the Commission, but also to make it available to enable the public to validate or challenge providers' coverage data. Public access to this supporting information will maximize the efficacy of the mobile challenge process.

While we understand that Verizon does not customarily make the above-described information publicly available in the ordinary course of its business, the Commission has determined that the information should be made publicly available as part of the Broadband Data Collection system to enhance transparency and confidence in filers' coverage maps accuracy. Accordingly, we deny Verizon's request for confidential treatment of its heat maps.

Fixed broadband location lists

Verizon requests confidential treatment of its location lists, and any other list or location-level map of all Verizon-served locations, but not of broadband availability information for individual locations or addresses.¹³ While consumers can obtain availability information for a particular address via Verizon's website, Verizon does not customarily disclose bulk location-level availability information as it constitutes sensitive commercial information.¹⁴ Disclosure of this information, Verizon argues, would reveal availability information for every building in Verizon's footprint and allow competitors to target their competitive responses accordingly. Similarly, Verizon argues that disclosure of its fixed wireless access services would reveal Verizon's initial deployment and marketing plans, and enable competitors, including cable incumbents, to target their responses accordingly.¹⁵

In the *Second Order*, the Commission required providers of terrestrial fixed, fixed wireless, and satellite broadband Internet access to report availability and quality of service data that document where they have actually built out their networks and where they could perform a standard broadband installation, and to report either their shapefiles or a list of addresses or locations that reflect their service areas. The Commission also said it would make such information publicly available, subject to individual requests for confidentiality of this information.¹⁶

¹¹ *Id.* CTIA has filed a Petition For Reconsideration of the *Third Report and Order* arguing, among other things, that "heat maps" should not be required because it claims they are poor predictor of coverage and would confuse the public when comparing to providers' coverage maps. Petition For Reconsideration of CTIA, WC Docket Nos. 19-195, 11-10, at 6-7 (filed May 7, 2021).

¹² 47 U.S.C. § 642(b)(5)(A); see id. § 642(a)(1)(B)(iii).

¹³ Request at 2.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 4-5.

¹⁶ Second Order at 7466, para 12.

Verizon's Request does not meet the requirements set forth in the Commission's rules for requesting confidential treatment. Verizon states that it does not customarily disclose lists of locations to which it offers fixed broadband service,¹⁷ but does not otherwise explain why the information is sensitive or how disclosure of the information could result in substantial competitive harm to Verizon, as required by section 0.459(b)(5) of the Commission's rules.¹⁸

Verizon states that revealing this information publicly would give competitors information about its deployment and marketing plans that those competitors would not otherwise have access to,¹⁹ but it does not explain why its situation differs from the typical provider, such that Verizon's information should be kept confidential despite the Commission's findings, nor how disclosure of Verizon's information will place it at a competitive disadvantage to its rivals whose information also is being publicly disclosed. We therefore deny Verizon's Request to the extent it seeks confidential treatment of its fixed broadband location lists.

Please direct further questions to Jennifer Flynn, Attorney Advisor, Competition & Infrastructure Policy Division, Wireless Telecommunications Bureau, at Jennifer.Flynn@fcc.gov.

Sincerely,

<u>/Christina Clearwater/</u> Christina Clearwater Associate Division Chief Competition and Infrastructure Policy Division Wireless Telecommunications Bureau

¹⁷ Request at 3.

¹⁸ 47 CFR § 0.459(b)(5).

¹⁹ Request at 4-5.