



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

March 3, 2023

The Honorable Ted Cruz
United States Senate
127A Russell Senate Office Building
Washington, DC 20510

Dear Senator Cruz:

Thank you for your information request regarding the work to develop an iterative National Broadband Map at the Federal Communications Commission.

As Congress recognized in the Broadband DATA Act, in order to connect everyone, everywhere, we need to develop accurate information about where broadband service is and is not available across the country. With better data, we can more precisely target our policymaking efforts and financial resources, including the Commission's universal service funding system and the grant projects in the Bipartisan Infrastructure Law, to areas where support is needed most. Better data will also help other federal agencies, state and local governments, and Tribal entities target their own broadband mapping and deployment efforts.

Since the passage of the Broadband DATA Act, the Commission has worked to implement the requirements of the law and to begin the iterative data collection and challenge processes envisioned by the Act through the creation of its Broadband Data Collection (BDC) program. The BDC is a significant departure from the Commission's previous Form 477 process used for identifying the state of broadband deployment. The Form 477 process, which was used by the agency in various formats for decades, collected data only at the census-block level. If there was a single subscriber in the census block, the agency assumed service was available throughout. As a result, the Form 477 process systematically overstated the presence of broadband, particularly in rural areas. In addition, this process lacked a mechanism to verify that data based on the on-the-ground experience of consumers and other stakeholders.

This is no longer the case. As required by Congress in the Broadband DATA Act, the Commission has built an entirely new data-collection system for ingesting, validating, and aggregating provider data for download and publication on the National Broadband Map. This system is also designed to incorporate data submitted by individual consumers and by State and Tribal governments and other stakeholders challenging a provider's availability submissions at particular locations. In addition, the Broadband DATA Act required the Commission to develop the Broadband Serviceable Location Fabric (Fabric). The Fabric is a common dataset of all broadband serviceable locations (BSLs) in the United States where mass-market fixed broadband internet access service is available or could be installed. The Fabric dataset supports location-by-location reporting of available fixed broadband services by internet service

providers. To be clear, the Fabric itself is not a map. It is an evolving database of all BSLs nationwide that is used in the production of the map when combined with information from service providers and data from the challenge process.

On June 23, 2022, shortly before the opening of the filing window for reporting broadband availability data as of June 30, the Commission made the initial production version of the Fabric (Version 1) available to both internet service providers and to state, local, and Tribal governments. Internet service providers used Version 1 of the Fabric to report their fixed broadband availability data on or before the close of the inaugural filing window on September 1, 2022.

On November 18, 2022, the Commission released a pre-production draft of its new National Broadband Map depicting broadband availability, as of June 30, 2022, from over 2,500 facilities-based providers of fixed and mobile mass-market broadband Internet access services. The release of the pre-production draft of the map was a major milestone in the development of what will be the most accurate and granular dataset of internet availability across the United States to date. However, as you acknowledge, the Broadband DATA Act envisions the Commission's BDC efforts as an iterative process through which these maps evolve as the facts on the ground change, and one that incorporates improvements and refinements that are a result of the ongoing challenge and crowdsourcing processes. Our release of the pre-production draft of the new National Broadband Map on November 18 kicked off the opportunity for challengers to dispute the accuracy of the availability data. The Commission stands ready to continue to work with all stakeholders to receive feedback and continue to improve our map over time.

Consistent with the Broadband DATA Act, any individual may file a Fabric or availability challenge directly through the National Broadband Map interface simply by clicking on the map at their location and filling out a short web form. Service providers, governments, and other entities may file challenges in bulk by uploading data files in the BDC system. Once accepted, fixed availability challenges will be sent to the relevant provider for a response, and the provider will have 60 days to review and either concede the challenge (in which case they must remove that location from their availability data within 30 days) or dispute it. If a provider disputes the challenge, the provider must provide evidence in the BDC system and to the challenger to rebut the challenge. The provider and challenger then have 60 days to attempt to resolve the challenge. If the provider and challenger cannot resolve the challenge, the FCC will adjudicate the challenge based on the evidence and, pursuant to the Bipartisan Infrastructure Law, make a determination within 90 days after a provider submits its final response to a challenge. If a provider loses a challenge, it must revise its data consistent with the decision within 30 days and the FCC will update the map accordingly. Any availability challenges that are upheld will carry into future iterations of the map unless and until the provider demonstrates changed circumstances that would substantiate reporting availability at that location (such as deployment of new infrastructure).

As noted above, the Commission will accept location challenges from all stakeholders at any time—on a rolling basis. But Fabric dataset adjustments from the vendor and challenge process are only pushed through to the official National Broadband Map twice a year, after providers have reported their availability data based on the revisions. This is consistent with the statute, which states that the Fabric shall “serve as the foundation upon which all data relating to the availability of fixed broadband internet access service collected . . . shall be reported and overlaid.” 47 U.S.C. § 642(b)(1)(B)(ii). Proceeding in this way, the map will accurately reflect providers’ account of the availability of their services on the as-of date. Continually updating the National Broadband Map to reflect changes to the Fabric would create anomalies in the data because the map would contain locations for which providers have not had any opportunity to report availability, causing the maps to be less useful as a depiction of availability on the as-of date.

Below is some additional information in response to the other issues referenced in your letter.

I appreciate your sharing your concerns regarding the “deadline” for submitting location and availability challenges to the National Broadband Map as well as with the accuracy of the location and availability data shown on the map. At the outset, I want to clarify that the January 13, 2023 date was not a deadline because the Commission continues to accept and resolve location and availability challenges so that they may be included in future iterations of the map. The Commission rules make clear that the agency will accept challenges to the Fabric and availability data on a rolling basis, at any time.

As you indicate, under its authority under the Bipartisan Infrastructure Law, the National Telecommunications and Information Administration (NTIA) continues to target June 30 as the date by which it will allocate each state and territory’s funding under the Broadband Equity, Access, and Deployment (BEAD) program.¹ January 13, 2023 was identified as the target date by which availability challenges had the best opportunity to be fully addressed and incorporated into the map, if necessary, ahead of NTIA's plan to allocate funds by June 30.

Since July of 2022, FCC staff has engaged in significant outreach to all 56 states and territories to explain the BDC, the maps, and the challenge process for both location data and availability data. Last summer, I personally reached out to broadband leaders in all fifty states and the U.S. territories to encourage them to review the broadband location Fabric. Since the Commission released the pre-production version of the National Broadband Map on November 18, 2022, Commission staff have engaged directly with state broadband leaders, Tribal leaders, and consumer groups to offer technical assistance with the maps and with the filing broadband data availability challenges as needed. The FCC partnered with NTIA on a series of Office Hours sessions to provide support to state and territorial broadband offices interested in submitting challenges to the provider-reported availability data shown on the pre-production draft map. The Commission has also conducted outreach to local and regional county

¹ <https://ntia.gov/blog/2023/advancing-internet-all>.

governments through their national associations, such as the National Association of Counties, the National League of Cities and the National Association of Regulatory Utility Commissioners to ensure their members had the information needed to participate in the challenge processes. FCC staff have also been engaging with stakeholders on a more local level; for example, in Texas, we met with leaders and stakeholders from SA Digital Connects, Travis County, Harris County, and the Deep East Texas Council of Governments to offer a demonstration of the map and support their efforts to participate in the challenge processes.

The Commission in its outreach since the summer of 2022 noted that states should review the Fabric and consider making challenges to the location Fabric as soon as possible in order for those changes to be visible in the second release of the Map. On September 12, 2022, the FCC opened a process for governmental entities, internet service providers, and other parties to begin submitting challenges for multiple broadband-serviceable locations (i.e., “bulk” Fabric challenges). The Commission made every effort to review and adjudicate any submitted Fabric challenges submitted by state broadband leaders that were received before November 10, 2022 for inclusion in Version 2 of the Fabric, which was finalized and shared with broadband service providers for the second BDC window on January 3, 2023.

Governmental entities, including 20 states, submitted 1.11 million individual challenges to Version 1 of the Fabric data that were processed in anticipation of preparation of Version 2. Many internet service providers also submitted challenges to Version 1 of the Fabric. These challenges were predominately to add missing locations, but included challenges to correct information associated with existing locations as well. Many of these challenges require identifying differences in the data collection practices used by governmental entities and providers and those required for the BDC. In other words, in many cases, we have the same data but in a different format, or the data may require slight latitude and longitude adjustments to the BSLs. To put these challenges in context, it is important to note that they sought corrections for records corresponding to less than 1% of the total number of locations identified in Version 1 of the Fabric. Of these 1.11 million challenges, more than half were for locations that were either already included in Version 1 of the Fabric or that CostQuest, the vendor selected to develop the Fabric in accord with the Broadband DATA Act, had independently identified through its own efforts for inclusion in Version 2. Successful location challenges from state governments resulted in approximately 122,000 new locations being added into Version 2 of the Fabric.

I hope the above is helpful. Please let me know if you have any further questions. I look forward to continuing to work with you to implement the Broadband DATA Act and help close the digital divide.

Sincerely,



Jessica Rosenworcel



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March 3, 2023

The Honorable John Thune
United States Senate
511 Dirksen Senate Office Building
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As Congress recognized in the Broadband DATA Act, in order to connect everyone, everywhere, we need to develop accurate information about where broadband service is and is not available across the country. With better data, we can more precisely target our policymaking efforts and financial resources, including the Commission's universal service funding system and the grant projects in the Bipartisan Infrastructure Law, to areas where support is needed most. Better data will also help other federal agencies, state and local governments, and Tribal entities target their own broadband mapping and deployment efforts.

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Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel