

FCC FACT SHEET*

FCC Takes Further Steps to Streamline Broadband Data Collection

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program; In re: Delete, Delete, Delete

Report and Order and Further Notice of Proposed Rulemaking –
WC Docket Nos. 19-195 & 11-10 and GN Docket No. 25-133

Background: As technologies continue to evolve and expand access to high-speed internet services, the FCC’s Broadband Data Collection (BDC) needs to keep pace. This Report and Order and Further Notice of Proposed Rulemaking would take several steps to streamline audits and verifications, improve challenge processes, and reduce regulatory burdens that add costs without a corresponding benefit to the quality of provider-reported data, all while ensuring that the data depicted on the National Broadband Map (NBM) are accurate. Continuing to streamline and improve the BDC and the NBM will enable federal agencies, state, local, and Tribal governments, and other stakeholders to carefully and timely target resources to the locations and areas where support is needed most.

What the Report and Order Would Do:

- Align reporting requirements for broadband availability and subscription data
- Streamline the Fabric challenge process by eliminating the requirement that providers be notified of and allowed to respond to Fabric challenges during the Fabric development cycle
- Streamline verification and audit processes by having the BDC system automatically remove areas or locations that fail a verification or audit without requiring a provider to update its data
- Make certain ministerial changes to the BDC rules to increase clarity

What the Further Notice of Proposed Rulemaking Would Do:

- Seek comment on approaches to simplify and streamline the coverage restoration process
- Seek comment on eliminating requirements to submit “grandfathered” fixed broadband availability data, fixed broadband availability data at speeds below 25/3 Mbps, maximum buffer size data, 3G mobile broadband availability data, and mobile voice availability data
- Seek comment on relaxing the maximum consumer antenna height requirement
- Seek comment on establishing voluntary best practices for BDC data retention
- Seek comment on challenge process improvements: presumptive rebuttal of certain types of fixed challenges with infrastructure data, streamlining fixed challenge process timelines, and relaxing mobile crowdsourced data requirements
- Seek comment on mobile verification and audit process improvements
- Seek comment on providing that certain sensitive data always be treated as confidential

*This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WC Docket Nos. 19-195 & 11-10 and GN Docket No. 25-133, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs>). Before filing, participants should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*

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

In the Matter of)
Establishing the Digital Opportunity Data) WC Docket No. 11-10
Collection)
Modernizing the FCC Form 477 Data Program) WC Docket No. 19-195
Delete, Delete, Delete) GN Docket No. 25-133

SIXTH REPORT AND ORDER AND FIFTH FURTHER NOTICE OF PROPOSED
RULEMAKING*

Adopted: []

Released: []

Comment Date: 30 days after publication in the Federal Register
Reply Date: 60 days after publication in the Federal Register

By the Commission:

I. INTRODUCTION..... 2
II. BACKGROUND..... 2
III. SIXTH REPORT AND ORDER..... 4
A. Biannual Data Collection Submissions..... 4
B. Fabric Challenge Process Improvements..... 7
C. Streamlining Mobile and Fixed Verification and Audit Processes..... 9
D. Ministerial Changes 10
IV. FIFTH FURTHER NOTICE OF PROPOSED RULEMAKING..... 11
A. Coverage Restoration..... 11
B. Fixed and Fixed Wireless Biannual Data Collection Submissions..... 15
C. Ending Legacy Data Collections for Mobile Service 20
D. Data Retention Practices 23
E. Fixed Challenge Process Improvements 24
F. Mobile Challenge Process Improvements..... 27
G. Improvements to the Collection of Mobile Crowdsourced Data 27

* This document has been circulated for tentative consideration by the Commission at its May 20, 2026 open meeting. The issues referenced in this document and the Commission’s ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission’s ex parte rules apply and presentations are subject to “permit-but-disclose” ex parte rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

H. Mobile Verification and Audit Process Improvements.....	30
I. Treating Certain Sensitive Data as Confidential.....	32
V. PROCEDURAL MATTERS.....	34
VI. ORDERING CLAUSES.....	35

I. INTRODUCTION

1. Location-specific broadband availability data continue to be an important tool for consumers, communities, and policymakers. As technologies continue to evolve and expand access to high-speed internet services, the FCC’s Broadband Data Collection (BDC) must keep pace. In today’s item, the Commission is acting to streamline audits and verifications, improve challenge processes, and reduce regulatory burdens that add costs without a corresponding benefit to the quality of provider-reported data, all while ensuring that the data depicted on the National Broadband Map (NBM) are accurate. Continuing to streamline and improve the BDC and the NBM will enable federal agencies, state, local, and Tribal governments, and other interested stakeholders to carefully and timely target resources to the locations and areas where support is needed most.

2. The Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act)¹ requires the Commission to collect granular data from service providers and, based upon these data, publish maps depicting fixed broadband availability on a location-by-location basis and mobile broadband availability coverage areas.² To implement the Broadband DATA Act, the Commission launched the BDC to collect such data. To ensure the accuracy of these data, the Broadband DATA Act also required the Commission to establish challenge processes and to conduct verifications and audits. Data are made available to the public through the NBM and are also available for download by various stakeholders, including service providers, federal agencies, state, local, and Tribal governments, and other entities.

3. In this *Order*, we take steps to streamline the processes associated with the BDC and the NBM and alleviate unnecessary regulatory burdens on service providers and challenge process participants. We also make certain ministerial edits to restructure or update references in the BDC rules. In the *Further Notice*, we seek comment on eliminating outdated requirements and on ways to enhance the efficiency of the BDC while ensuring that the Commission continues to receive accurate, granular data. Both the *Order* and the *Further Notice* continue our broader efforts to simplify and reduce unnecessary regulatory burdens and better serve the public.

II. BACKGROUND

4. Congress passed the Broadband DATA Act in March 2020, which largely codified the Commission’s new approach to measuring broadband availability:³ a more granular collection of broadband availability data that shifted from Census block-level analysis to highly granular, location-specific information about the availability of broadband and required a common dataset of broadband serviceable locations (BSLs) where broadband could be offered as the basis for collecting location-

¹ 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).

² 47 U.S.C. § 642(b)(2).

³ See *id.* §§ 641-646; *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, 7461, para. 2 (2020) (*Second Report and Order* or *Third FNPRM*).

specific broadband availability data.⁴ The Broadband DATA Act, among other things, set specific requirements for how providers determine their service areas, required the Commission to establish and overlay fixed broadband availability data on the Broadband Serviceable Location Fabric (Fabric), and required the Commission to establish processes for verifying the accuracy of the provider-reported data.⁵

5. Accordingly, the Commission adopted and implemented the requirements of the Broadband DATA Act through the July 2020 *Second Report and Order* and the January 2021 *Third Report and Order*.⁶ In the *Second Report and Order*, the Commission updated reporting and disclosure requirements for fixed and mobile broadband service providers, created audit and data verification processes, and adopted use of the Fabric.⁷ In the *Third Report and Order*, the Commission adopted additional standards for providers to report their service areas and set forth requirements for the fixed and mobile challenge processes.⁸ In March 2022, the Wireless Telecommunications Bureau (WTB), the Office of Economics and Analytics (OEA), and the Office of Engineering and Technology (OET) adopted the *Mobile Technical Requirements Order* to implement the mobile challenge, verification, and crowdsourcing processes established in the Broadband DATA Act.⁹

6. In July 2024, the Commission adopted the *Fourth Report and Order* to update the Commission's rules governing the challenge processes, to grant OEA the authority to conduct audits of providers' BDC submissions, as required by the Broadband DATA Act, and to make certain ministerial rule amendments.¹⁰ In the *Fourth Further Notice of Proposed Rulemaking (Fourth FNPRM)*, the Commission also proposed and sought comment on several changes to the BDC, including the reporting of "grandfathered" services, data retention requirements, improving the accuracy of satellite broadband service availability data, and other data validation matters, including whether to relax the requirement that a professional engineer certify to the data contained within biannual submissions.¹¹ In the June 2025 *Fifth Report and Order*, the Commission took action to allow biannual BDC submissions to be certified by a qualified engineer instead of a professional engineer.¹²

⁴ See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Report and Order and Second Further Notice of Proposed Rulemaking, 34 FCC Rcd 7505, 7506, para. 3 (2019) (*First Report and Order*).

⁵ 47 U.S.C. § 642.

⁶ *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 (2021) (*Third Report and Order*).

⁷ *Second Report and Order*, 35 FCC Rcd at 7462, para. 3; see also *id.* at 7465-74, paras. 12-31 (updating the reporting requirements for terrestrial fixed, fixed wireless, and satellite broadband Internet access services); *id.* at 7474-83, paras. 32-51 (updating the reporting requirements for mobile broadband Internet access service).

⁸ *Third Report and Order*, 36 FCC Rcd at 1130, para. 9.

⁹ See *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, Order, 37 FCC Rcd 3007, 3008, para 2. (OET/OEA/WTB 2022) (*Mobile Technical Requirements Order*).

¹⁰ *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Fourth Report and Order, Declaratory Ruling, and Fourth Further Notice of Proposed Rulemaking, 39 FCC Rcd 7539, 7543-49, paras. 11-26 (2024) (*Fourth Report and Order, Declaratory Ruling, or Fourth FNPRM*).

¹¹ *Fourth FNPRM*, 39 FCC Rcd at 7540-41, 7556-81, paras. 3, 45-122.

¹² *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Fifth Report and Order, 40 FCC Rcd 4681-82, para 3. (2025) (*Fifth Report and Order*). This change was adopted in "response to concerns about the unavailability of professional engineers and the unnecessary costs" the professional engineer certification imposed on broadband providers. *Id.*

III. SIXTH REPORT AND ORDER

A. Biannual Data Collection Submissions

7. *Aligning Reporting Requirements for Broadband Availability and Subscription Data.* Today, we adopt the Commission's proposal from the *Fourth FNPRM* to modify our rules so that Form 477 uses the same definition of "broadband" as the BDC.¹³ We believe that this change clarifies reporting requirements and reduces confusion among providers without materially affecting the Form 477 data collection or the BDC. Our adoption of this proposal is also consistent with Congress' mandate from the Broadband DATA Act to "harmonize reporting requirements and procedures regarding the deployment of broadband internet access service."¹⁴ Specifically, we update the definition of "broadband connection" in 47 CFR § 1.7001(a)(1) so that it refers to connections of a "broadband internet access service" as defined in 47 CFR § 8.1(b).¹⁵

8. Facilities-based providers of broadband services—both fixed and mobile—are required to report in their Form 477 filings the number of *broadband connections* in service (i.e., subscriptions) on the "as of" date of the filing.¹⁶ For Form 477 purposes, a broadband connection is currently defined as "[a] wired line, wireless channel, or satellite service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction."¹⁷ Meanwhile, the BDC collects information on the availability of *broadband internet access service*,¹⁸ which is defined in the Broadband DATA Act as "a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service."¹⁹

9. As discussed in the *Fourth FNPRM*, we believe the definition in the Broadband DATA Act is, on net, narrower than that used in the collection of connections in service through Form 477.²⁰ Form 477 currently collects information on both mass-market retail connections and those sold on a customized basis, the latter of which are outside the scope of the BDC.²¹ At the same time, the BDC currently collects information on the availability of very low bandwidth, mass-market broadband services that are outside the scope of Form 477.²² Imposing a common definition of broadband on both data collections thus simultaneously narrows the scope of Form 477 by removing customized broadband services and expands the scope of Form 477 by including very low bandwidth, mass-market broadband.

¹³ *Fourth FNPRM*, 39 FCC Rcd at 7580, paras. 117-18.

¹⁴ 47 U.S.C. § 642(b)(6)(A)(ii).

¹⁵ We decline to modify Form 477 so that it separately captures both mass-market and non-mass market connections. *Id.* at 7580, para. 119. There were no comments filed in support of this alternative and adopting it would impose additional burdens on providers without providing meaningful additional benefits to the Commission or to the public.

¹⁶ *Form 477 Modernization Order*, 28 FCC Rcd at 9888, para. 4.

¹⁷ 47 CFR § 1.7001(a)(1).

¹⁸ 47 U.S.C. § 642(a)(1)(A)(i).

¹⁹ 47 CFR § 8.1(b); *see* 47 U.S.C. § 641(1) (stating that "the term 'broadband internet access service' has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation").

²⁰ *See Fourth FNPRM*, 39 FCC Rcd at 7580, para. 118.

²¹ *See* 47 U.S.C. § 641(1); 47 CFR § 8.1(b); *see also Third Report and Order*, 36 FCC Rcd at 1133, para. 16 (declining to require filers to report data on non-mass market services).

²² *See* 47 CFR § 1.7001(a)(1).

Specifically, Form 477 will now collect data on connections that do not exceed the “200 kbps in at least one direction” floor established in the prior definition.²³ We believe, however, that there are very few connections that deliver a broadband internet access service at speeds that do not exceed 200 kbps in at least one direction that are also not delivered via a dial-up service. When taken together, we do not believe this change will have a material effect on the Form 477 data collection.

10. Several commenters supported our adoption of this proposal.²⁴ We agree with NTCA—The Rural Broadband Association (NTCA) that better alignment of the collections will improve our data validation processes and allow better comparisons of BDC and FCC Form 477 data.²⁵ We decline, however, to adopt NTCA and Vantage Point Solutions’ proposals to require providers of facilities-based fixed voice service to report locations where their services are available.²⁶ Neither the Commission’s existing rules nor the Broadband DATA Act require providers to report the availability of fixed voice services. Adopting such a requirement would impose new burdens on certain fixed voice service providers,²⁷ and we find that the record does not offer sufficient justification for this additional reporting that falls beyond both the scope and the purpose of the BDC and the NBM.

11. *No Additional Certifications and Supporting Data from Satellite Providers.* We expressly decline to require the additional certifications and supporting data from satellite providers on which the Commission sought comment in the *Fourth FNPRM*.²⁸ Next-generation satellite services continue to deploy and evolve at a rapid pace, resulting in reported service available to over 99.7% of all locations included on the NBM.²⁹ A variety of circumstances, often unique to the individual location in

²³ *Id.* § 1.7001(a)(1).

²⁴ National Rural Electric Cooperative Association (NRECA) *Fourth FNPRM* Comments at 5-6; NTCA *Fourth FNPRM* Comments at 15; USTelecom *Fourth FNPRM* Comments at 9. No comments in opposition to the proposal were filed.

²⁵ NTCA *Fourth FNPRM* Comments at 15; Vantage Point Solutions *Fourth FNPRM* Reply at 8 (asserting that the benefit of the “granularity that would be easily obtained on voice service availability and particularly in light of the Map’s intended use for federal funding programs which consider voice service offerings in determining funding amounts” outweighs the burden on providers of reporting fixed voice data).

²⁶ NTCA *Fourth FNPRM* Comments at 15; Vantage Point Solutions *Fourth FNPRM* Reply at 8 (asserting that the benefit of the “granularity that would be easily obtained on voice service availability and particularly in light of the Map’s intended use for federal funding programs which consider voice service offerings in determining funding amounts” outweighs the burden on providers of reporting fixed voice data). Both NTCA and Vantage Point Solutions make cursory assertions that complying with their proposed new reporting requirement would not be particularly burdensome, *see*, for example, NTCA *Fourth FNPRM* Comments at 16 (stating that “a provider can rather easily indicate at the same time as it reports broadband coverage for a given BSL that it also offers voice service there”), and that such data would be beneficial for use in federal funding programs that rely upon BDC data. Where broadband is present, consumers have access to a variety of internet protocol-based voice service offerings and, as a result, the BDC already provides a granular snapshot of where fixed voice services are likely to be available. In order to fulfill their statutory objectives, federal funding programs utilize the NBM as one of many inputs when assessing eligibility and have obtained information about the availability of facilities based fixed services from other sources when needed. Given the Broadband DATA Act’s focus on mapping broadband data, the additional burdens that such a collection would impose on entities, and the fact that reporting of fixed voice availability has never been required through the BDC nor the FCC Form 477 before it, we are not convinced that adopting the parties’ proposed requirement here would be appropriate.

²⁷ Adopting this proposal would both yield data of limited utility and impact certain fixed voice service providers disproportionately, as it would not include location-level availability of voice services from the 49% of fixed voice providers that do not report fixed broadband data. *See* FCC, *Form 477 Filers as of December 31, 2024*, <https://www.fcc.gov/sites/default/files/DEC2024%20National%20Filer%20List.pdf> (last visited Apr. 24, 2026).

²⁸ *Fourth Report and Order*, 39 FCC Rcd at 7563, paras. 65-76.

²⁹ *Broadband Data Collection*, National Broadband Map by the Numbers, https://www.fcc.gov/sites/default/files/fcc_bdc_by_the_numbers.pdf (last visited Apr. 7, 2026).

question, may affect the availability of an otherwise broadly available satellite service offering at a specific location.

12. In the *Third Report and Order*, the Commission determined that it would rely upon verification measures to help ensure the accuracy of satellite broadband availability data.³⁰ The Commission reminded satellite providers that “the standards for availability reporting that apply to *all fixed services* require that satellite providers include only locations that they are currently serving or meet the broadband installation standard.”³¹ The Commission also reminded satellite providers that they can only report an ability to serve an area upon a reasonable basis, “taking into account current and expected locations of spot beams, capacity constraints, and other relevant factors.”³² Updated verification specifications were issued in 2024 to better assist staff in verifying availability data.³³ Staff notified all providers, including satellite providers, that they must maintain supporting data for each reporting period and that the Commission may collect such data in the context of the Commission’s statutory obligations to verify broadband service availability data.³⁴

13. The *Fourth FNPRM* sought comment on whether to require satellite providers to include in their biannual submissions the infrastructure data set forth in Sections 2.3.1, 2.3.2, and 2.3.4 of the BDC Provider Infrastructure Data Specifications issued in 2024 and whether, in the event that such infrastructure data are required, the Commission should make the data available to the public.³⁵ The information included in the satellite provider infrastructure portion of the data specifications is largely based upon categories of data that each provider is already required to submit as part of its FCC Form 312 (Application for Satellite Space and Earth Station Authorizations) and accompanying Schedule S (Technical and Operational Appendix).³⁶ The *Fourth FNPRM* also sought comment on the burden that

³⁰ *Third Report and Order*, 36 FCC Rcd at 1141, para. 35. In the *Third FNPRM*, the Commission indicated that “[i]f concrete proposals are not provided to more reasonably represent satellite broadband deployment, [it] would rely on other mechanisms . . . including standards for availability reporting, crowdsourced data checks, certifications, audits, and enforcement, potentially as well as currently reported subscriber data, in assessing the accuracy of satellite provider claims of broadband deployment.” *Third FNPRM*, 35 FCC Rcd at 7499-500, para. 94 (footnote omitted). The Commission did not receive concrete proposals in response to the *Third FNPRM* and accordingly determined it would rely on verification measures to ensure the accuracy of satellite broadband availability data. *Fourth FNPRM*, 39 FCC Rcd at 7563-64, para. 67 (citing *Third Report and Order*, 36 FCC Rcd at 1141, para. 35).

³¹ *Fourth FNPRM*, 39 FCC Rcd at 7563-64, para. 67 (emphasis added). The Broadband DATA Act defines a standard broadband installation as “the initiation by a provider of fixed broadband internet access service in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider; and [] includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.” 47 U.S.C. § 641(14).

³² *Third Report and Order*, 36 FCC Rcd at 1141, para. 35.

³³ See Broadband Data Collection, Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes § 2.3 (Feb. 20, 2024) (BDC Provider Infrastructure Data Specifications), <https://us-fcc.app.box.com/v/bdc-infrastructure-spec>.

³⁴ See *Establishing the Digital Opportunity Data Collection et al.*, WC Docket No. 19-195, DA 23-1123, at para. 22 (WTB, WCB, OEA Nov. 30, 2023) (*PE Waiver Extension Order*).

³⁵ *Fourth FNPRM*, 39 FCC Rcd at 7565, para. 72. The BDC Provider Infrastructure Data Specifications state the requirements for 2.3.1, 2.3.2, and 2.3.4 at 56-59, 63-64. Section 2.3.1 covers system information including the general operating parameters for the satellite system, and Section 2.3.2 covers records for each constellation or orbital shell of space stations deployed by the satellite broadband provider during the reporting period. *Id.* at 56-59. Section 2.3.4 covers system capacity for specific geographic regions on earth of each constellation or orbital shell of space stations deployed by the satellite broadband provider. *Id.* at 63-64.

³⁶ See *Fourth FNPRM* at 7565-66, para. 74. FCC Form 312 is used to apply for all authorizations relating to satellite earth and space station facilities and to notify the Commission of changes to these facilities in cases where prior

(continued....)

requiring such increased data reporting on a biannual basis would place upon satellite providers.³⁷ In addition, the Commission sought comment on any other data from satellite providers that could be collected that would provide better insights into their broadband availability data.³⁸

14. The record developed in response is mixed, with some commenters opposing the proposal to require filing additional infrastructure data and supporting capacity information as part of providers' biannual submissions and some commenters supporting the proposal and arguing the collection would benefit the public.³⁹ On balance, we find that any potential benefit in routinely collecting such information in satellite providers' biannual submissions is outweighed by the burden created in requiring a duplicative submission of the data in FCC Form 312 and Schedule S.⁴⁰ We therefore decline to adopt the Commission's proposals from the *Fourth FNPRM*.

B. Fabric Challenge Process Improvements

15. *Eliminating Requirement that Fabric Challenges be Shared with Service Providers.* We adopt the proposals set forth in the *Fourth FNPRM* to eliminate the requirement to notify service providers of Fabric challenges and the requirement that service providers be afforded an opportunity to respond to such challenges during the Fabric development cycle.⁴¹ Further, we clarify the Commission's interpretation that the language from the Infrastructure Investment Jobs Act (IIJA) permitting provider responses and setting a deadline for the Commission to resolve challenges only applies to availability challenges and not to Fabric challenges.⁴² Service providers will continue to be notified of accepted Fabric challenges before the next version of the map is published and will then have an opportunity to challenge any results with which they disagree.

16. As currently implemented, the BDC system publishes information about in-progress and resolved Fabric challenges on a monthly basis as publicly available data downloads on the NBM. The BDC system does not separately alert providers of accepted Fabric challenges. The Commission has deemed the existence of the monthly data downloads that include information on Fabric challenges to be sufficient to meet the existing notice requirement and determined that any subsequent challenges submitted by a provider to these locations would constitute an opportunity to respond.⁴³ This approach

(Continued from previous page) _____

Commission approval is not required. Much of the information required by Section 2.3.1 through 2.3.4 of the BDC Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes require similar information to the Form 312, but the BDC Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes information must be submitted in a specified format within the BDC system and contain information on actual, live operations during the applicable BDC reporting period (as opposed to authorized, but not yet operating, parameters as reported in the FCC Form 312 and Schedule S).

³⁷ See *Fourth FNPRM* at 7565-66, para. 74.

³⁸ See *id.* at 7566, para. 76.

³⁹ See Space X *Fourth FNPRM* Comments at 5; see generally Amazon *Fourth FNPRM* Reply (opposing the Commission's proposal); see Pew *Fourth FNPRM* Comments at 2-3; NTCA *Fourth FNPRM* Comments at 6-7; 9-10; NRECA *Fourth FNPRM* Comments at 2-3; Rural Wireless Association (RWA) *Fourth FNPRM* Reply at 2-4 (supporting the Commission's proposal).

⁴⁰ See *supra* note 36. Because we decline to require the submission of additional data, we do not reach the questions of confidentiality and the presumption of confidentiality.

⁴¹ See *Fourth FNPRM*, 39 FCC Rcd at 7570-72, paras. 90-94.

⁴² See *id.* at 7572, para. 94.

⁴³ *Id.* at 7571, para. 92 (explaining that "the FCC publishes data on in-progress Fabric challenges monthly, and on resolved Fabric challenges through the information it makes available when it publishes a new version of the Fabric" and noting that "[p]roviders are thereby able to 'respond' to these pending or resolved Fabric challenges by filing subsequent, follow-on challenges to such challenges").

allows providers to identify which Fabric challenges are relevant to their current or future BDC filings, including areas where they plan to expand their networks. To date, exceedingly few locations that were previously the subject of a Fabric challenge have been subsequently challenged by another entity after resolution of the former challenge.⁴⁴

17. The *Fourth FNPRM* proposed to eliminate the requirement that the BDC system alert providers of accepted Fabric challenges, along with the related requirement that providers be afforded an opportunity to respond to Fabric challenges before the challenges are included for processing of the next version of the Fabric. WISPA – The Association for Broadband Without Boundaries (WISPA) states that it “does not oppose the Commission’s proposal to eliminate the requirement that the BDC system alert a provider of accepted Fabric challenges and that service providers be afforded an opportunity to directly respond to Fabric challenges in-cycle.”⁴⁵ USTelecom – The Broadband Association (USTelecom) supports both the proposal to eliminate the requirement of notifying a provider of Fabric challenges and the Commission continuing to notify the provider when changes are made to each version of the Fabric.⁴⁶ Pew Charitable Trusts encourages “the Commission to create a tailored notification system to inform state broadband offices and local jurisdictions of relevant changes within their jurisdiction.”⁴⁷ Other commenters oppose the elimination of the requirements for notifications and to discontinue allowing providers to respond to challenges before the challenges are included for processing of the next version of the Fabric. These commenters argue notice is necessary to provide clarity about the challenges and an opportunity to learn the outcomes of their Fabric challenges.⁴⁸

18. We conclude that the adoption of these proposals to eliminate notice requirements and responses to challenges will clarify any ambiguity in the Commission’s rules and streamline the process for resolving Fabric challenges and incorporating challenge results into the next version of the Fabric. Conversely, implementing a more robust notification system and permitting additional time for service providers to respond to in-progress Fabric challenges would inherently add more complexity to the existing process by which the Commission updates the Fabric on a biannual basis and would substantially increase the amount of time it takes to resolve Fabric challenges and may impact Fabric data generation timelines. The Commission will continue to make data on Fabric challenges available in the data downloads published on the NBM, including the ability to download state-specific files.⁴⁹ The Commission will also continue to provide challengers with responses to their Fabric challenges in advance of incorporation of these challenge data into the Fabric.

19. In the *Fourth FNPRM*, the Commission also proposed to interpret language in the IJA requiring it to resolve challenges within 90 days of a final response by the provider to be inapplicable as to Fabric challenges.⁵⁰ In today’s *Order*, we clarify that the Commission’s interpretation that the IJA language permitting provider responses and setting a deadline for the Commission to resolve challenges is only applicable to availability challenges and not to Fabric challenges.

⁴⁴ Initial staff analysis has identified just 11,759 out of 2,673,550 locations that were subject to a subsequent Fabric challenge by a different challenger after an earlier challenge to an existing location was submitted (approximately 0.4%) and 6,402 out of 644,558 locations that were subject to a subsequent Fabric challenge by a different challenger after an earlier challenge to add a new location was submitted and the location was added to the Fabric (approximately 1%).

⁴⁵ WISPA *Fourth FNPRM* Comments at 4.

⁴⁶ USTelecom *Fourth FNPRM* Comments at 6.

⁴⁷ Pew Charitable Trusts *Fourth FNPRM* Comments at 3.

⁴⁸ See ACA *Fourth FNPRM* Comments at 7-8; NTCA *Fourth FNPRM* Comments at 8-12.

⁴⁹ See *Fourth FNPRM*, 39 FCC Rcd at 7557, para. 49.

⁵⁰ *Id.* at 7569-72, paras. 86-94; see also 47 U.S.C. § 642(b)(5)(C)(i). No commenters addressed this proposed clarification in the record.

20. *Adopting New Rule Subsection for Fabric Challenge Process.* The *Fourth FNPRM* proposed to modify the Commission's rules to better distinguish between fixed and Fabric challenges by moving the rules pertinent to Fabric challenges into their own subsection.⁵¹ One commenter opined on this proposal and supported the change;⁵² none opposed the proposal. It is our view that the current language of section 1.7006 conflates availability and Fabric challenges and can be confusing to interpret given the differences between the two processes—for example, the functional difference between challenging availability data (i.e., claims of service by providers) and Fabric challenges (challenging the dataset of all BSLs across the country), different reasons for filing a challenge (availability of broadband versus the existence of a BSL on the map), etc.—and that having separate sections explaining the distinct challenge processes would improve and clarify the Commission's rules. Thus, we adopt the *Fourth FNPRM's* proposal to adopt a new rule subsection for the Fabric challenge process.

C. Streamlining Mobile and Fixed Verification and Audit Processes

21. Next, we adopt changes to section 1.7009(d) to remove the obligation of providers to update their BDC data based on adverse verification results and add section 1.7009(e) to require Commission staff to modify or remove the provider's BDC data from the NBM after the provider is notified of an adverse audit or verification finding.⁵³ We adopt these changes in order to streamline the closeout process for a failed verification or audit, ensuring the NBM reflects corrected data in a timely fashion. This update to the rules will also clarify for providers the potential ramifications stemming specifically from an adverse finding in a verification or audit.⁵⁴

22. In the *Fourth Report and Order*, the Commission delegated authority to OEA, in coordination with WTB, the Wireline Competition Bureau (WCB), and the Space Bureau (SB), to continue to perform verifications and audits of the biannual data filed by providers in the BDC using the tools currently available, including the authority to establish methodologies and procedures for selecting providers and locations or areas subject to verification or audit.⁵⁵ Pursuant to section 1.7009(d) of the Commission's rules, "[p]roviders must file corrected data when they discover inaccuracy, omission, or significant reporting error in the original data that they submitted, whether through self-discovery, the crowdsource process, the challenge process, the Commission verification process, or otherwise."⁵⁶ Section 1.7009(d)(1) then states that "[p]roviders must file corrections within 30 days of their discovery of incorrect or incomplete data."⁵⁷ As the Commission noted in the *Fourth FNPRM*, "[i]n the case of mobile wireless coverage subject to a verification inquiry, we have also made clear that 'we may treat any targeted [mobile wireless coverage] areas that . . . fail verification as a failure to file required data in a timely manner and that the Commission may make modifications to the data presented on the broadband map (i.e., by removing some or all of the targeted area from the provider's coverage maps).'"⁵⁸ The Commission added that it had "not been as explicit in announcing that similar procedures and remedies would apply in response to determinations made as a result of verification of fixed availability data or in the case of audits (of both fixed and mobile data)."⁵⁹

⁵¹ *Id.* at 7581, paras. 120-21.

⁵² USTelecom *Fourth FNPRM* Comments at 9-10.

⁵³ See *Fourth FNPRM*, 39 FCC Rcd at 7577, paras. 108-09.

⁵⁴ *Id.* at 7577, para. 108.

⁵⁵ *Id.* at 7548-49, paras. 24-26.

⁵⁶ 47 CFR § 1.7009(d).

⁵⁷ *Id.* § 1.7009(d)(1).

⁵⁸ *Fourth FNPRM*, 39 FCC Rcd at 7576, para. 107.

⁵⁹ *Id.* at 7576-77, para. 107.

23. To create clarity for providers, in the *Fourth FNPRM*, the Commission sought comment on its tentative conclusion “that it would be beneficial to clarify in our rule that, in the event a provider’s response to a verification inquiry or an audit does not support its availability filing—whether due to an incomplete response or where the response demonstrates that service is not available” then the data must be updated accordingly after the provider is notified of the Commission’s finding.⁶⁰ In response, commenters cited the need for staff to ensure the accuracy of the NBM and supported “the Commission’s proposed clarification of authority on the removal of locations from filings that are found to be inaccurate.”⁶¹ USTelecom stated “there is a need to remove locations without availability from the map” and that “it seems unnecessary for providers to be required to regenerate a new filing within 30 days of an audit if the [BDC] system has an automated way to perform the same function.”⁶² We agree with commenters and add section 1.7009(e) specifically to clarify that the Commission will update the NBM, which may include amending or removing some or all of a provider’s BDC data after an adverse verification or audit inquiry.⁶³ We find that this clarification will streamline the outcome of verifications and audits, improve the accuracy for the NBM, align with how the BDC system is designed to process the amendment or removal of locations or areas after adverse verification or audit findings,⁶⁴ and eliminate the burden on providers to meet a 30-day correction window, particularly small business providers who may have limited staffing and monetary resources. Adoption of this rule change does not foreclose other Commission remedies for misreporting data, including enforcement action and/or other penalties as set forth in the Communications Act and other applicable laws.⁶⁵

D. Ministerial Changes

24. We amend sections 1.7001(d)(4), 1.7003, and 1.7010 to modernize the BDC rules to reflect organizational changes to the Commission since 2023.⁶⁶ In 2023, the Commission created two

⁶⁰ *Fourth FNPRM* at 7577, para. 109.

⁶¹ Pew Charitable Trust *Fourth FNPRM* Comments at 3; accord WISPA *Fourth FNPRM* Comments at 5 (“The ultimate objective is to make the Map as accurate as possible, and Commission staff should have the right to take action if the provider does not do so.”).

⁶² USTelecom *Fourth FNPRM* Comments at 7; see also NANA Regional Corp. *Fourth FNPRM* Comments at 10 (“NANA wholeheartedly supports the Commission’s suggestion to amend section 1.7009 of the Commission’s rules to explicitly state that Commission staff may remove locations or areas from a provider’s availability data should an audit or verification find that the data are deficient or unverifiable.”); RWA *Fourth FNPRM* Comments at 2-3 (“RWA agrees with the FCC’s tentative conclusion that the proposed rule amendment is critical to the FCC’s BDC verification and audit processes”).

⁶³ Under this remedy, not only could Commission staff remove a provider’s availability data from the NBM after an adverse verification or audit finding, but Commission staff could also amend a provider’s reported speed data without removing the location if those speeds were found to be unachievable based on a verification or audit inquiry. See *Fourth FNPRM*, 39 FCC Rcd at 7577, para. 109 (proposing that OEA, in coordination with WTB, WCB, or SB (as relevant), amend or remove the provider’s availability data from the NBM should it fail to submit corrected data within 30 days).

⁶⁴ Currently, the BDC system has the ability to amend or remove those areas or locations lost due to an adverse verification or audit finding from a provider’s availability data when processing the NBM data.

⁶⁵ 47 CFR § 1.7009(a); see also NTCA *Fourth FNPRM* Comments at 8-9 (“If the only consequence for overstated coverage claims is to ‘remove them from the map and try again’—even as the Commission has adopted a heightened standard for refiling of locations previously removed by challenge—reporting providers have reduced incentives to report accurately in the first place.” (footnote omitted)).

⁶⁶ This rule amendment is exempt from the notice-and-comment requirements of the Administrative Procedure Act (APA) as a “rule[] of agency organization, procedure, or practice.” 5 U.S.C. § 553(b)(A); *DeRieux v. Five Smiths, Inc.*, 499 F.2d 1321, 1333 (Temp. Emer. Ct. App. 1974); see also *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980) (stating that “this exception was provided to ensure that agencies retain latitude in organizing their internal operations”).

separate entities from the former International Bureau (IB)—the Space Bureau (SB) and the Office of International Affairs (OIA).⁶⁷ Because satellite broadband providers are required to file in the BDC, the Space Bureau remains actively involved in BDC matters since the Space Bureau has regulatory responsibilities relating to satellite technology and space-based services.⁶⁸ Sections 1.7001(d)(4), 1.7003, and 1.7010 were amended to replace the references to IB with references to OIA and SB for authority to disclose provider-specific data contained in FCC Form 477,⁶⁹ update FCC Form 477,⁷⁰ and update the Digital Opportunity Data Collection.⁷¹

25. SB has explicit delegated authority, along with WTB and WCB, to coordinate with OEA on BDC matters.⁷² OIA is not named as an Office with delegated authority to update rules for the BDC. Therefore, the references in section 1.7001(d)(4), 1.7003, and 1.7010 to “Office of International Affairs” are removed.

26. We also amend section 1.7005(e) to clarify the rule’s purpose as requiring public release of all provider-specific broadband availability data without delineating the specific subcomponents of these data.⁷³ This ministerial change increases clarity for providers by simplifying the rule language without substantively changing the scope of the current rule.⁷⁴

IV. FIFTH FURTHER NOTICE OF PROPOSED RULEMAKING

A. Coverage Restoration

27. We seek comment on ways to simplify and streamline the coverage restoration process. Specifically, building off the infrastructure data-based coverage restoration process established by the Commission,⁷⁵ we seek further comment on several approaches suggested by commenters to simplify, streamline, or otherwise reduce burdens in this coverage restoration process.

28. Pursuant to the statutory framework in the Broadband DATA Act, in the *Second Report and Order* and the *Third Report and Order*, the Commission adopted processes for consumers and entities to challenge broadband availability data submitted in the BDC, as well as processes for the Commission to verify and audit such data to ensure the accuracy of the NBM.⁷⁶ Where the provider concedes or where staff upholds a challenge to a provider’s fixed or mobile broadband availability data,

⁶⁷ *Establishment of the Space Bureau and the Office of International Affairs and Reorganization of the Consumer and Governmental Affairs Bureau and the Office of the Managing Director*, MD Docket No. 23-12, Order, 38 FCC Rcd 608, 609-10, paras. 4-7 (2023).

⁶⁸ *See id.* at 609, para. 7.

⁶⁹ *See id.* at 637, para. 54.

⁷⁰ *See id.* at 637, para. 55.

⁷¹ *See id.* at 637-38, para. 56. In 2024, the Commission amended the rules to replace references to the “Digital Opportunity Data Collection” or “DODC” with references to the “Broadband Data Collection” or (“BDC”) in the *Fourth Report and Order*, 39 FCC Rcd at 7549, 7585, para. 27, Appx. A, para. 2.

⁷² *Fourth Report and Order*, 39 FCC Rcd at 7548-49, 7550, 7555, paras. 24-26, 29, 44.

⁷³ *Second Report and Order*, 35 FCC Rcd at 7494-95, para. 83.

⁷⁴ This rule amendment is exempt from the notice-and-comment requirements of the Administrative Procedure Act (APA) under the good cause exception (i.e., “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”). *See* 5 U.S.C § 553(b)(B).

⁷⁵ *Declaratory Ruling*, 39 FCC Rcd at 7555-56, paras. 41-44.

⁷⁶ *E.g.*, *Second Report and Order*, 35 FCC Rcd at 7486, para. 60; *Third Report and Order*, 36 FCC Rcd at 1162-63, 1164-74, paras. 90-94, 97-124.

the provider generally must remove claimed coverage for the challenged location or area.⁷⁷ Similarly, claimed coverage must be removed where staff is unable to verify the availability of a provider's reported fixed or mobile broadband service pursuant to a verification request or audit.⁷⁸ In the *Declaratory Ruling* accompanying the *Fourth Report and Order*, the Commission interpreted its rules to require a restoration process through which a provider that previously had coverage removed from the NBM "as the result of a lost or conceded challenge, a verification inquiry, or an audit (together, a 'Removed Location or Area') . . . [ould] demonstrate that it can make service available to the Removed Location or Area."⁷⁹ Consistent with the Commission's delegation to OEA to develop specifications for the data that a provider would be required to submit,⁸⁰ Commission staff released data specifications and announced the establishment of an initial coverage restoration process wherein providers may submit infrastructure data to demonstrate their ability to now provide broadband service.⁸¹

29. In the *Fourth FNPRM*, the Commission also sought comment on the data requirements for restoring coverage where infrastructure data may not be relevant.⁸² In response to concerns raised in the record about the burdens of the coverage restoration process,⁸³ today we seek to refresh the record as well as seek comment on a variety of options that may help ensure the accuracy of the data depicted on the NBM while streamlining this process and reducing burdens on providers. We note that we generally expect these options would be alternative mechanisms to the existing coverage restoration process based upon provider submission of infrastructure data or would apply in scenarios where infrastructure data may be inapplicable and seek comment on this assumption.

30. Some parties have suggested alternatives to a data-driven coverage restoration process whereby removed locations or areas would be automatically restored without the need for the provider to submit further data or evidence establishing that it actually serves the location or area or upon the provider simply selecting from a list of potential reasons why the location can now be served.⁸⁴ These commenters generally suggest that the Commission already has sufficient safeguards to ensure the accuracy of data, including "collecting infrastructure data as part of audits, verification requests, and

⁷⁷ 47 CFR § 1.7006(d)(4), (6), (e)(7).

⁷⁸ 47 CFR § 1.7009(d).

⁷⁹ *Declaratory Ruling*, 39 FCC Rcd at 7550, para. 29.

⁸⁰ *Id.* at 7556, para. 44 ("We direct OEA, in consultation with WCB, WTB, OET and SB, to develop and publish data specifications detailing the information a provider must submit when seeking to restore a previously Removed Location or Area through a subsequent BDC filing—starting with the infrastructure data included in the Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes.").

⁸¹ *Broadband Data Task Force and Office of Economics and Analytics Publish Specifications for Data Required to Restore Coverage and Announce Launch of Coverage Restoration Process*, Public Notice, DA 26-420 (BDTF/OEA, Apr. 29, 2026).

⁸² *Fourth FNPRM*, 39 FCC Rcd at 7578-79, paras. 110-14.

⁸³ See CTIA *Fourth FNPRM* Comments at 1-7; T-Mobile *Fourth FNPRM* Comments at 4-11; USTelecom *Fourth FNPRM* Comments at 7-9; WISPA *Fourth FNPRM* Comments at 5-6.

⁸⁴ See CTIA Comments, GN Docket No. 25-133, at A-2 (CTIA *In re: Delete, Delete, Delete* Comments) (proposing to delete entirely the fixed and mobile coverage restoration processes because they "are unduly burdensome, not necessary given the certification and verification protections in the rules, and are not explicitly required by the Broadband DATA Act"); CTIA *Fourth FNPRM* Comments at 4-6 (proposing the automatic restoration of fixed broadband coverage when the number of locations to be restored is below a 2% *de minimis* threshold or, when above that threshold, where the provider conceded due to a "service change"); USTelecom *Fourth FNPRM* Comments at 8-9 (suggesting that the Commission allow for the restoration of fixed broadband coverage where the location was removed due to a challenge "that relate[s] to the process the provider used to sign up a customer for new service" and not based upon network infrastructure); WISPA *Fourth FNPRM* Comments at 5-6.

enforcement”⁸⁵ or by leveraging the existing challenge process.⁸⁶ We seek comment on these suggestions.

31. The Broadband DATA Act requires the Commission to “verify the accuracy and reliability of” broadband availability data,⁸⁷ to establish a process by which consumers and entities can submit evidence challenging such data,⁸⁸ and to specifically consider “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” in implementing these challenge processes.⁸⁹ In circumstances where Commission staff has determined that a provider’s broadband availability data are not accurate or reliable or where Commission staff has found that the reported service is not available based on challenger evidence, does the Broadband DATA Act require additional data or evidence to overturn these earlier determinations? We also seek comment on whether allowing coverage restoration to locations or areas removed due to a successful challenge or failed audit or verification without data or further evidence would undermine the purpose of these processes or would otherwise disincentivize providers from responding to challenges or data requests.

32. We seek comment on CTIA’s suggestion that we consider the number of locations to which a fixed broadband provider seeks to restore coverage (or, analogously, the number of hexagons for a mobile broadband provider) when evaluating coverage restoration and treat requests to restore coverage when this number is below a *de minimis* threshold to a lower evidentiary burden than requests above this threshold.⁹⁰ If we were to adopt CTIA’s suggested approach to evaluate coverage restoration requests for a *de minimis* number of locations or hexagons differently than those above a *de minimis* threshold, is 2% of the locations or hexagons that the provider reports in its biannual submission in a given state the correct threshold, or should we establish a different percentage? Should evaluation of any *de minimis* threshold be done at the state level, as CTIA suggests, or would a different geographic scope be more appropriate? If we determine both that some additional data or evidence are required and that we should hold *de minimis* requests to a lower burden, what sort of data or evidence should we require when a provider seeks to restore a *de minimis* number of locations or hexagons? Should the *de minimis* threshold apply only to locations lost in a bulk challenge or a verification or audit? Would this approach impact the value of individual consumer challenges and if so, how?

33. The BDC system was modified in 2023 to allow providers to concede to a fixed challenge due to a change in service availability while maintaining that the service availability reported was accurate on the “as of” date for the filing round subject to the challenge (by electing the “Concede - Service Change” response). Staff added this option to account for concerns raised by providers of fixed wireless service that, due to the dynamic nature of wireless networks, there are situations where the provider accurately reported its service as available at a location as of a particular date only for the service to be no longer available a short time later. CTIA, T-Mobile, and USTelecom request that the Commission not treat as true concessions any challenges where the provider conceded the challenge due to a service change in its fixed wireless service. In turn, they asked that restoring coverage to these

⁸⁵ CTIA *Fourth FNPRM* Comments at 5.

⁸⁶ WISPA *Fourth FNPRM* Comments at 5-6 (asserting that “if the Commission receives a challenge to a restored location, it can either decide the case on the merits or seek further written explanation from the provider” about its earlier restoration).

⁸⁷ 47 U.S.C. § 642(b)(4)(B).

⁸⁸ *Id.* § 642(b)(5).

⁸⁹ *Id.* § 642(b)(5)(B)(IV).

⁹⁰ CTIA *Fourth FNPRM* Comments at 4-5.

locations require either a lower evidentiary threshold or no additional data.⁹¹ We seek comment on this suggestion. We also seek comment on whether we should evaluate differently requests to restore coverage to a challenged location or hexagon where the challenge was upheld, where the provider conceded (whether or not due to a service change), or where the provider failed to respond at all to the challenge and automatically conceded. Should the nature of the provider's response to a challenge, or lack of response, factor into how we evaluate requests to restore coverage? If the Commission adopts different restoration requirements based on the type of concession the provider submits, what safeguards, if any, should be considered to ensure providers continue to actively participate in the challenge process and accurately respond to challenges?

34. We also seek comment on whether we should consider the recency of the broadband availability data that were removed due to a successful challenge or failed verification or audit when evaluating coverage restoration requests. In response to the *Fourth FNPRM*, USTelecom identifies particular fixed challenge category codes as “relat[ing] to the process the provider used to sign up a customer for new service” rather than due to network infrastructure, and suggests allowing coverage to be restored to locations removed due to these challenges “after a 90 day period with a certification by the provider” that any issue has been corrected.⁹² We seek comment on this proposed approach, whether 90 days is the appropriate amount of time to consider, and to which challenge category codes this approach would apply.

35. Alternatively, should we allow for a more streamlined approach to coverage restoration across all locations or areas removed due to any type of challenge or due to a failed verification or audit (including, potentially, the automatic restoration of coverage) whereby the underlying challenge, verification, or audit would expire after some period of time and, if so, how long should it take for any expiration? Would a time-based option for coverage restoration maintain incentives for providers to meaningfully participate in the challenge process? We also seek comment on whether allowing a time-based coverage restoration would be consistent with the statutory goal of ensuring accuracy of data on the NBM. For example, would a time-based approach to restoration impact funding programs seeking to use BDC data to inform funding decisions?

36. Commenters also urge the Commission to provide flexibility in what sort of information (other than infrastructure data) providers may submit in order to demonstrate that service is available in the coverage restoration process, and specifically suggest allowing the submission of screenshots from the provider's websites or certification that a location has a current, active subscriber.⁹³ We seek comment on this suggestion. If we allow the submission of screenshots, subscriber certifications, or other miscellaneous information in lieu of infrastructure data, how should staff evaluate the sufficiency of this evidence? Would this information be more probative in certain circumstances than in others, such as when a provider seeks to restore coverage that was removed due to a challenge with a particular challenge

⁹¹ *Id.* at 4; T-Mobile *Fourth FNPRM* Comments at 5 (arguing that “due to the dynamic nature of T-Mobile’s and other providers’ wireless networks, a snapshot will almost immediately be out of date as a provider’s ability to serve a given location depends on its capacity to add subscribers at that location to the network, as well as the availability of additional spectrum resources, assets, and infrastructure sites” and therefore “[a] ‘concession,’ in this instance, is a misnomer, as it merely indicates a change in service availability subsequent to the snapshot data, and does not mean that the provider’s filing itself was inaccurate”); USTelecom *Fourth FNPRM* Comments at 7-8 (arguing that “the restoration of fixed wireless locations previously removed as ‘conceded’ due to a ‘service change’ should not require additional data support . . . [because] it merely reflects a change in service availability that occurred after the provider’s biannual filing ‘as-of’ date”).

⁹² USTelecom *Fourth FNPRM* Comments at 8-9.

⁹³ CTIA *Fourth FNPRM* Comments at 6 (suggesting that the Commission “provide a non-exhaustive list of examples of non-infrastructure data that providers may elect to use, depending on the circumstances . . . [which] may include screenshots of providers’ websites showing current availability, or a certification by the provider that a location has an existing, active subscriber”); *see also* USTelecom *Fourth FNPRM* Comments at 8.

category code? Were we to allow for coverage restoration of fixed broadband when a provider has an active subscriber at a location, should we require any evidence to substantiate the presence of a subscriber, or, as suggested by commenters, is a simple certification sufficient? We also seek comment on whether there are any specific examples, beyond screenshots of provider websites or information about an active subscriber, that may be relevant for us to prescribe or detail. How should this flexibility or the submission of less-structured data be evaluated within the overall framework of the existing infrastructure data-based coverage restoration process, and should structured data be given more weight than unstructured data or miscellaneous information?

B. Fixed and Fixed Wireless Biannual Data Collection Submissions

37. *Reducing Burdens on Reporting “Grandfathered” Fixed Broadband Availability Data.* We seek comment on whether to eliminate the reporting of grandfathered⁹⁴ fixed broadband availability data. Specifically, we seek comment on the benefits of continuing to collect data on grandfathered fixed services versus the burdens on providers of having to report such data. We ask commenters to focus on whether the burdens of reporting outweigh any benefits gained from tracking and analyzing data on grandfathered services.

38. In the *Fourth FNPRM*, the Commission sought comment on proposals to amend the Commission’s rules to: (1) define, for BDC reporting purposes, a grandfathered service as any broadband internet access service that currently is provided to an existing end user at a BSL, but that a facilities-based provider has permanently ceased to advertise or market to new or potential subscribers and would not make available to a new or potential subscriber at the BSL;⁹⁵ (2) allow providers to indicate in their biannual BDC submissions that the service reported at a location is a grandfathered service only;⁹⁶ (3) allow providers to submit requests for confidential treatment of such grandfathered location data and, if such a request is not denied, the data would not be published as part of the location-specific availability information in the NBM;⁹⁷ and (4) provide that information on the availability of grandfathered services only would be disclosed by the Commission on an aggregated, redacted, or otherwise de-identified, differentiated, or masked basis.⁹⁸ The Commission proposed to afford grandfathered services data, upon request, the protections from disclosure already established for confidential subscription data gathered via FCC Form 477.⁹⁹

39. We have reviewed the record compiled to date and further expand our inquiry into the reporting of grandfathered fixed services by seeking comment on whether data on such services should be reported at all in the BDC. Currently, even though a service at a particular location might be grandfathered, the location still must be reported as served in a provider’s biannual BDC availability filing.¹⁰⁰ We seek comment on various aspects of not requiring providers to report data on grandfathered

⁹⁴ The BDC covers both new and novel services, as well as legacy services that providers are in the process of permanently discontinuing. In the latter case, a provider “may provide facilities-based broadband Internet access service to existing subscribers at particular locations but no longer market or sell that service to potential or new customers in the area and would not continue offering the service to a location once the existing subscriber disconnects that service at the location.” *Fourth FNPRM* at 7556-57, para. 47.

⁹⁵ *Id.* at 7558, para. 51.

⁹⁶ *Id.* at 7557, para. 49.

⁹⁷ *Id.* at 7557, para. 49.

⁹⁸ *Id.* at 7557, para. 49.

⁹⁹ *Id.* at 7557, para. 49 (citing to *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7760, para. 91 (2000)).

¹⁰⁰ See USTelecom *Fourth FNPRM* Comments at 3 (“We agree that there is a need for providers to continue to file this information with the Commission to maintain the symmetry between the availability and subscribership filings.”). We note that, even though providers currently report locations or areas served by grandfathered services,

(continued....)

services, including whether the Broadband DATA Act prohibits the Commission from refraining to collect data on the availability of grandfathered broadband internet access services.¹⁰¹ Can the overall framework of the Broadband DATA Act that requires all providers of broadband internet access service to report such service in the BDC be harmonized with a proposal to eliminate the reporting of grandfathered services?¹⁰² Are there other statutory, definitional, and implementation issues impacting whether the Commission can eliminate reporting on grandfathered services?

40. We also seek comment on whether grandfathered services meet the definition of a mass-market service in a way that is fundamental to the definition of broadband internet access service.¹⁰³ Given the limited provision, sale, and marketing of grandfathered services, are such services still a mass-market retail service and thus must be reported in the BDC?¹⁰⁴ If grandfathered services are deemed out-of-scope and thus are not reported, then in some cases locations with connections in service could appear unserved on the NBM. Could this create an inaccurate picture of current availability and therefore a risk that agencies fund broadband deployment to locations with an existing service?

41. CTIA argued in its comments to the *Fourth FNPRM* that while “providers should not be required to submit any grandfathered service availability data,”¹⁰⁵ it acknowledged and “appreciate[d] the Commission’s interest in continuing to collect these data to ‘analyze more in-depth, useful information on the nature of fixed broadband services.’”¹⁰⁶ We seek comment on the implementation of this approach. Should we allow providers not to report grandfathered fixed services based on their own determinations of whether a service is grandfathered? In that scenario, how can the Commission and the public determine whether the fixed provider’s determination was reasonable? For example, should provider notice to its customers that a service is grandfathered be dispositive of a provider’s decision not to report grandfathered services in the BDC?¹⁰⁷ Are there other ways we can let providers not report grandfathered

(Continued from previous page) _____

providers can request confidentiality for such reporting such that the locations or areas are not disclosed on the NBM. See 47 CFR § 1.7005.

¹⁰¹ 47 U.S.C. § 642(a)(1)(A), (b)(2).

¹⁰² See Pew Charitable Trust *Fourth FNPRM* Comments at 2 (“We recommend amending the Commission’s proposal for cordoning off data on ‘grandfathered service’ out of a concern for consumer privacy, as it appears in conflict with the mission of the National Broadband Map to display the currently available connections across the country. By definition, a ‘grandfathered service’ is currently available and represents an articulation of the respective network infrastructure that has been deployed.”).

¹⁰³ Broadband internet access service is defined as “a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.” 47 U.S.C. § 641(1); 47 CFR § 8.1(b).

¹⁰⁴ See Pew Charitable Trust *Fourth FNPRM* Comments at 2 (“In regard to reports of non-mass market service, we agree with the Commission’s finding that these reports serve functionally different purposes than the reports and publication of mass market service availability. However, rather than eliminating the data collection of these services, we encourage the Commission to simply separate the reporting of mass market and non-mass market services and reflect that difference in how those services are displayed on the NBM (or by isolating non-mass market reports into a separate report). The continued collection of this data may have value to public policymakers when weighing future middle mile investments and to researchers.”).

¹⁰⁵ CTIA *Fourth FNPRM* Comments at 13 (according to CTIA, “[s]uch data does not reflect current ‘availability,’ and the publication of such data in the BDC maps not only risks revealing confidential subscribership information, but also may mislead consumers as to service availability”).

¹⁰⁶ *Id.* at 13.

¹⁰⁷ 47 CFR § 63.71.

fixed services, yet still have a role in ensuring that the grandfathered designation is an accurate one? Any comments on the implementation of this proposal also should focus on the utility of continuing to collect data on grandfathered fixed broadband services.

42. *Eliminating Requirement to Submit Fixed Broadband Availability Data at Speeds Below 25/3 Mbps.* We seek comment on whether to eliminate the requirement that fixed service providers continue to submit broadband availability data for locations where they offer service at speeds below 25/3 Mbps.¹⁰⁸ Does the burden of the requirement on providers to report low-speed fixed services outweigh any benefits gained by including such fixed services on the NBM? We seek comment on how best to balance these burdens versus any benefits of continuing to require the submission of data on low-speed fixed broadband services.

43. As a component of their availability reporting required by the Broadband DATA Act, fixed broadband service providers must submit “information regarding download and upload speeds, at various thresholds.”¹⁰⁹ Accordingly, the Commission adopted a requirement that “[e]ach provider of fixed broadband internet access service shall report the maximum advertised download and upload speeds associated with its broadband internet access service available in an area.”¹¹⁰ For fixed services with maximum advertised speeds below 25/3 Mbps, the Commission required reporting at one of two tiers: (1) at least 10/1 Mbps and less than 25/3 Mbps; or (2) at least 0.2 Mbps in either direction and less than 10/1 Mbps.¹¹¹

44. We seek comment on whether circumstances have changed since the Commission’s decision in 2021 to require a two-tiered reporting system on fixed broadband services with maximum advertised speeds below 25/3 Mbps. In adopting a two-tiered reporting system for services with speeds below 25/3 Mbps, the Commission relied, in part, on the fact that services with speeds of at least 25/3 Mbps constituted advanced telecommunications capability while acknowledging that data on lower speed services were of less immediate value to policymaking.¹¹² The Commission in 2024 raised the minimum speed of services that constitute advanced telecommunications capability to 100/20 Mbps,¹¹³ thus potentially further reducing the programmatic value of services with speeds below 25/3 Mbps. We seek comment on whether eliminating the requirement to report the availability of these services may reduce burdens on providers without meaningful downsides and would be consistent with the Commission’s grant in the *Network and Services Modernization Order* of blanket section 214(a) discontinuance authority for carriers to grandfather data telecommunications services operating at speeds below 25/3 Mbps.¹¹⁴ We ask commenters to address whether any other circumstances have arisen since 2021 to change the dynamic for collecting broadband availability data on fixed services with speeds below 25/3 Mbps. We also seek comment on possible different speed levels below which we should not require providers to report broadband availability data. For example, if we should continue to collect broadband

¹⁰⁸ 47 CFR § 1.7004(c)(1)(i).

¹⁰⁹ 47 U.S.C. § 642(b)(2)(A)(ii).

¹¹⁰ 47 CFR § 1.7004(c)(1)(i).

¹¹¹ *Id.* § 1.7004(c)(1)(i).

¹¹² *Third Report and Order*, 36 FCC Rcd at 1136-37, para. 22-23.

¹¹³ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 22-270, 2024 Section 706 Report, 39 FCC Rcd 3247, 3259, para. 22 (2024) (“Based on our evaluation of available data, we can no longer conclude that broadband at speeds of 25/3 Mbps—the fixed benchmark established in 2015 and relied on in the last seven reports—supports ‘advanced’ functions.”).

¹¹⁴ *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, WC Docket Nos. 25-209, 25-208, Report and Order, FCC 26-19, at 12-13, para. 22 (2026).

availability data for fixed services below 25/3 Mbps, could we increase the reporting threshold to require only those fixed broadband services above 10/1 Mbps?

45. In addition to the potential advantages and disadvantages of no longer requiring providers to report on low-speed broadband services, we seek comment on whether the Broadband DATA Act would allow the Commission to refrain from collecting data on the availability of fixed broadband services at maximum advertised speeds less than 25/3 Mbps.¹¹⁵ Given the Broadband DATA Act's direction to require all providers of broadband internet access service to report such service in the BDC, can the statutory framework be harmonized with elimination of the requirement to report fixed broadband availability for services at speeds below 25/3 Mbps?

46. *Eliminating Fixed Maximum Buffer Size Reporting Requirements.* We seek comment on revising the Commission's rules to eliminate the requirement for fixed service providers to disclose maximum buffer size data in their BDC biannual submissions. We also seek comment on the burdens and benefits, if any, of continuing to collect these data.

47. The *Second Report and Order* established the maximum buffer requirements that service providers may use and must disclose when reporting fixed broadband service using a wireline technology as part of their BDC biannual submissions.¹¹⁶ Specifically, a service provider reporting fixed broadband availability data using a wireline technology must report the size of its maximum buffer—i.e., the distance from the network aggregation point—that the provider uses when determining whether it can offer service to a particular location based upon its network infrastructure, and these buffers must not exceed technology-specific values.¹¹⁷ The Commission also directed the Bureaus and Offices to update these values after notice and comment in the future to ensure accuracy and account for technology developments.¹¹⁸ Based upon our experience through eight BDC filing rounds, however, the buffer requirements have created substantial confusion for service providers; moreover, Commission staff are unable to validate compliance absent the submission of underlying infrastructure data.

48. We seek comment on whether to eliminate the requirement that providers use certain maximum buffer sizes when generating their data and to disclose these values in their BDC biannual submissions. Rather than requiring this information as part of a routine BDC filing, we seek comment on whether to require this information instead as part of the provider's infrastructure data submitted in response to a verification or audit request or when the provider seeks to restore its coverage. We believe eliminating this requirement could remove burdens, increase accuracy and flexibility, and reduce confusion for all fixed wireline service providers. We seek comment on this approach.

49. We also seek comment on the burdens associated with having to report these data. Are there any benefits to continuing to collect this information? Would there be significant impacts on data quality and compliance if the requirement to report were eliminated? To the extent there could potentially be any negative effects on data quality and compliance, how might those be mitigated? To the extent there are any benefits to continuing to require the reporting of maximum buffers, we ask commenters to focus on whether the burdens of reporting such data outweigh any benefits gained by reporting the data. Alternatively, if we retain the maximum buffer requirements for fixed service providers, should we modify the current exceptions to maximum buffer reporting?¹¹⁹

¹¹⁵ 47 U.S.C. § 642(a)(1)(A), (b)(2).

¹¹⁶ *Second Report and Order*, 35 FCC Rcd at 7467-70, paras. 16-23.

¹¹⁷ 47 CFR § 1.7004(c).

¹¹⁸ *Second Report and Order*, 35 FCC Rcd at 7467-68, para. 17.

¹¹⁹ There are several exceptions to the maximum buffer reporting requirement: (1) if a provider has a current subscriber at a location beyond the bounds of the applicable maximum buffer; (2) if a provider previously had a broadband subscriber, using the same technology, at a location beyond the bounds of the maximum buffer; (3) if a

(continued....)

50. *Relaxing Maximum Consumer Antenna Height Requirement for Terrestrial Fixed Wireless.* We seek comment on revising the Commission’s rules to relax the seven-meter maximum antenna height requirement that fixed wireless providers must use when modeling their coverage. As adopted in the *Second Report and Order*, when a terrestrial fixed wireless service provider chooses to report fixed broadband availability data using Geographic Information Systems (GIS) coverage maps, it must model its data using a customer premise equipment (CPE) antenna height between four and seven meters.¹²⁰ At the time of the *Second Report and Order*, USTelecom stated that mandating the values to be used to create the coverage maps would result in artificial maps that do not reflect providers’ actual capability and suggested that actual installation practices of terrestrial fixed wireless providers would place an antenna anywhere from three to more than ten meters above ground to account for variables such as rooftop elevations, trees, or other natural features.¹²¹

51. We seek comment on whether the seven-meter maximum antenna height requirement should be relaxed and, if so, what would be a reasonable limit for modeling coverage for a standard terrestrial fixed wireless installation. Under section 1.7001(a)(19), a “standard broadband installation” is defined as one “with no charges or delays attributable to the extension of the network of the provider, and includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.” In previous instances, the Commission has mandated various heights for analysis purposes.¹²² Are there similarities from those examples to terrestrial fixed wireless installations that could inform the Commission on what would be a reasonable maximum antenna height (e.g., ten meters), or should we consider different maximum antenna heights for different environments such as urban, suburban, and rural based on national land cover dataset (NLCD) or different terrain topologies such as flat or hilly? Is there a danger that terrestrial fixed wireless coverage maps will overstate availability if we allow providers to model coverage assuming antenna heights greater than seven meters? Should a terrestrial fixed wireless provider claiming a greater-than-seven-meter standard install height be required to submit evidence that such an install is typical and can be done within ten business days (including time for permitting, tower construction, etc.) at no cost to the customer, no matter the length or type of service contract the consumer has? If so, what would constitute acceptable evidence that a CPE height is “standard?” Should any requirement for standard install evidence only apply to providers submitting coverage maps based on CPE antenna heights greater than seven meters? If so, how would the Commission identify providers submitting such coverage maps?

(Continued from previous page) _____

provider is receiving or has received universal service support to provide broadband service in a particular geographic area—or has other federal, state, or local obligations to make service available in the area—and the provider has begun to make service available in that area; and (4) in cases where a provider asserts that it could serve a location beyond the bounds of the applicable maximum buffer for a reason not already addressed under the exceptions, then the provider must submit a waiver request explaining where and how it provides service to such areas or locations. *See* 47 CFR § 1.7004(c)(1)(iii)(D); *Second Report and Order*, 35 FCC Rcd at 7470-71, para. 23.

¹²⁰ *Second Report and Order*, 35 FCC Rcd at 7472, para. 26.

¹²¹ Letter from B. Lynn Follansbee, VP Policy & Advocacy, USTelecom, to Marlene Dortch, Secretary, FCC, WC Docket 19-195, at 2 & n.3 (filed May 14, 2020).

¹²² For example, the Commission’s policies related to TV broadcast antenna reception presume nine meters (30 feet) above ground level. 47 CFR § 73.699; *see also Longley-Rice Methodology for Evaluating TV Coverage and Interference*, OET Bulletin 69, at 6, Table 4 (using a ten-meter receiver height when predicting service contours of TV stations). In addition, the Commission’s Over-the-Air Reception Devices (OTARD) rule for reception of fixed wireless signals routinely allow antenna structures 12 feet (~3.7 meters) above the roofline. *See Id.* § 1.4000; *see also* FCC, *Over-the-Air Reception Devices Rule*, <https://www.fcc.gov/media/over-air-reception-devices-rule> (last visited Apr. 24, 2026).

C. Ending Legacy Data Collections for Mobile Service

52. Consistent with the Broadband DATA Act's requirements to harmonize FCC Form 477 with the statutory framework,¹²³ in adopting the BDC, the Commission required service providers to continue submitting mobile voice and 3G mobile broadband availability data as part of their new BDC biannual submissions.¹²⁴ The Broadband DATA Act also specifies that the Commission must use the NBM "when making any new award of funding with respect to the deployment of broadband internet access service intended for use by residential and mobile customers."¹²⁵ The Commission provides new awards of funding through the Universal Service Fund (USF), which, *inter alia*, provides support to qualifying telecommunications carriers in high-cost areas of the country.¹²⁶ As such, the Commission must rely on BDC data for determining where universal service support should be allocated, and this has historically included consideration of mobile voice and 3G mobile broadband availability data for certain programs.¹²⁷

53. *Eliminating Requirement to Submit 3G Mobile Broadband Availability Data.* We seek comment on whether to revise our rules to eliminate the requirement that a service provider report 3G mobile broadband availability data as part of its biannual submission and the potential impacts of doing so, including on USF programs. The Broadband DATA Act requires the Commission to collect 4G LTE data of not less than 5/1 Mbps¹²⁸ in order to determine where mobile broadband "is and is not available."¹²⁹ The requirement that service providers submit 3G mobile broadband data of at least 200/50 kbps was adopted by the Commission in the *Second Report and Order* and is not statutorily mandated.¹³⁰ To free up spectrum and infrastructure to support next-generation technologies to improve network reliability and capacity, major U.S. mobile service providers completed the sunset of their 3G networks in 2022.¹³¹ Of the 52 distinct mobile service providers that filed in the BDC,¹³² only 10 filed 3G mobile

¹²³ See 47 U.S.C. § 642(b)(6)(A)(ii).

¹²⁴ See *Second Report and Order*, 35 FCC Rcd at 7476-83, paras. 38-51; *Third Report and Order*, 36 FCC Rcd at 1141-44, paras. 36-41; see also 47 CFR 1.7004(c)(3); Broadband Data Collection, Specifications for Data Downloads from the National Broadband Map at 1, 37-53 (Mar. 18, 2025), <https://us-fcc.box.com/v/bdc-data-downloads-output>.

¹²⁵ 47 U.S.C. § 642(c)(2)(B).

¹²⁶ See *id.* § 254(b)(3), (e); *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014); see also, e.g., *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 12099, 12132, para. 71 (2024) (*Alaska Connect Fund Order*) (acknowledging that the Alaska Connect Fund is a new award of funding that is required to rely on the BDC).

¹²⁷ See, e.g., 47 CFR § 54.308(e), 54.318(f)(6) (allowing possible Alaska Connect Fund commitments to be less than 4G LTE at 5/1 Mbps when a provider demonstrates it is not technically and financially feasible).

¹²⁸ 47 U.S.C. § 642(b)(2)(B).

¹²⁹ *Id.* § 642(c)(2)(A).

¹³⁰ *Second Report and Order*, 35 FCC Rcd at 7474, 7480-81, paras. 33, 47; 47 U.S.C. § 642(c)(2)(B) (requiring only the collection of 4G LTE mobile broadband availability data with minimum speeds of 5/1 Mbps).

¹³¹ For example, Verizon decommissioned its 3G network as of January 3, 2023. Verizon, 3G CDMA Network Retirement for Business, <https://www.verizon.com/business/support/services-and-apps/cdma-network-retire/> (last visited Feb. 12, 2026). T-Mobile shut down Sprint's 3G CDMA network as of March 31, 2022, and shut down T-Mobile's 3G UMTS network as of July 1, 2022. T-Mobile, T-Mobile Network Evolution, <https://www.t-mobile.com/support/coverage/t-mobile-network-evolution> (last visited Feb. 12, 2026). AT&T phased out its 3G network in February 2022. AT&T Business, 3G Frequently Asked Questions, <https://www.business.att.com/content/dam/attbusiness/briefs/3G-faq-messaging.pdf>. The NBM does not allow users

(continued....)

broadband availability data in June 2025,¹³³ and all of these filers effectively showed either the same extent of 3G coverage or a reduction of 3G coverage from their previous BDC biannual submission.¹³⁴ Because mobile service providers are required to submit 3G mobile broadband availability data as part of their biannual submission,¹³⁵ the NBM generally lists these 10 providers as reporting 3G and higher levels of service, such as 4G LTE at 5/1 Mbps or even 5G-NR of 35/3 Mbps in the same area.¹³⁶ Removing the requirement that service providers report 3G mobile broadband would reduce some burden on those mobile providers that still offer 3G service. However, the NBM still reports approximately 74,000 square kilometers of area that has only 3G coverage, most of which is in Alaska.¹³⁷

54. We seek comment on whether to revise our rules to eliminate the requirement that a service provider report 3G mobile broadband availability data as part of its biannual submission. What impacts, if any, would result from the loss of such data to ongoing programs (e.g., Alaska Connect Fund) and could such effects be mitigated?¹³⁸ Should we consider a carve-out for the state of Alaska to continue

(Continued from previous page) _____

to select 3G for the nationwide mobile providers because no 3G data are submitted by those providers. See FCC National Broadband Map, Provider Detail, Mobile Provider, <https://broadbandmap.fcc.gov/provider-detail/mobile>.

¹³² The number of mobile broadband providers is based on unique provider IDs that filed biannual submissions in the BDC for June 2025. See FCC National Broadband Map, Data Download, <https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2025&pubDataVer=jun2025> (navigate to “By State,” “Availability Data As Of” [select] Jun 30, 2025, then “Summary,” then “Provider Summary—Mobile Broadband,” and download and open zip file).

¹³³ See FCC National Broadband Map, Data Download, <https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2025&pubDataVer=jun2025> (navigate to “By State,” “Availability Data As Of” [select] Jun 30, 2025, then “Summary,” then “Provider Summary—Mobile Broadband,” and download and open zip file; select technology code 300).

¹³⁴ This is analysis of outdoor stationary coverage, comparing June 2025 BDC data with December 31, 2024 BDC data. In the Provider Summary—Mobile Broadband list, this is Column E. Compare FCC National Broadband Map, Data Download, <https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2025&pubDataVer=jun2025> (navigate to “By State,” “Availability Data As Of” [select] Jun 30, 2025, then “Summary,” then “Provider Summary—Mobile Broadband,” and download and open zip file; select technology code 300) with FCC National Broadband Map, Data Download, <https://broadbandmap.fcc.gov/data-download/nationwide-data?version=dec2024&pubDataVer=dec2024> (navigate to “By State,” “Availability Data As Of” [select] Dec. 31, 2024, then “Summary,” then “Provider Summary—Mobile Broadband,” and download and open zip file; select technology code 300).

¹³⁵ 47 CFR § 1.7004(c)(3)(i).

¹³⁶ See, e.g., National Broadband Map, Location: Hyannis, Nebraska, Coordinates: 41.997156, -101.759108 (showing Viaero Wireless with 3G and 5G-NR at 35/3 Mbps); National Broadband Map, Location: Unalaska, Alaska, Coordinates: 53.889359, -166.537705 (showing GCI with 3G and 5G-NR at 35/3 Mbps); National Broadband Map, Location: San Juan, Puerto Rico, Coordinates: 18.470243, -66.121985 (showing Claro with 3G and 5G-NR at 35/3 Mbps). The NBM uses the H3 standardized, open-source geospatial indexing system developed by Uber Technologies, Inc. for indexing geographies into hexagonal grids. *Mobile Technical Requirements Order*, 37 FCC Rcd at 3086, Appx. A § 2.1. The size of the hexagons is determined by the resolution, 0 being the largest and 15 being the smallest. *Id.* At the resolution 9 (hex-9) level, for example, a hexagon is small: approximately 0.1 square kilometers on average. H3, Tables of Cell Statistics Across Resolutions, <https://h3geo.org/docs/core-library/restable/#average-area-in-km2> (last visited Apr. 8, 2026).

¹³⁷ The extent of 3G-only coverage was estimated by multiplying the average area of a hex-9 cell by the count of hex-9 cells where one or more mobile providers reported 3G service but no providers reported 4G or 5G service in a staff analysis of the June 2025 BDC mobile broadband availability data. Nearly 90% of the 3G-only hex-9s—where no 4G LTE or later generation of service is available in the hex-9—are in Alaska.

¹³⁸ The Alaska Connect Fund relies on BDC data and will begin providing support to providers as soon as January 1, 2027. *Alaska Connect Fund et al.*, WC Docket No. 23-328 et al., 40 FCC Rcd 7716, 7719, para. 6 (2025) (“The framework the Commission adopted for mobile support relies on the improved mobile coverage data obtained in the

(continued....)

requiring submission of these data, given that the Alaska Connect Fund is a new award of funding¹³⁹ and will still rely on 3G data?¹⁴⁰ Should we consider a carve-out for all areas where 3G is the most advanced service available — that is, require reporting of 3G if 4G LTE or 5G-NR mobile services are unavailable in the area?

55. We also seek comment on whether it may be necessary to modify or clarify the BDC rules for any USF program to collect such data from providers receiving support on an “as needed” basis strictly to administer these programs. For example, some particularly rural parts of the country may only have 3G service and removing coverage entirely from the map could underrepresent what mobile service may be available. Is information about 3G service essential for any new award of funding or, based on the requirements of the Broadband DATA Act, should these areas be effectively treated as unserved if they do not have 4G LTE service of at least 5/1 Mbps?¹⁴¹ We seek comment generally about eliminating the 3G filing requirement from the BDC. Would collecting 3G mobile broadband availability data through a “special collection” in the BDC system ensure the Commission has access to the data as needed for programmatic uses?

56. *Eliminating Requirement to Submit Mobile Voice Availability Data.* The BDC is intended to collect data on where broadband is and is not available. Thus, voice availability does not directly inform that collection. We have nonetheless been collecting mobile voice data to harmonize the collection of information from Form 477 because mobile voice availability may be important for public safety considerations and due to legacy requirements (e.g., being a prerequisite for awarding funding under universal service programs).¹⁴²

57. We seek comment on whether we should eliminate the requirement that a service provider offering mobile voice service report mobile voice availability data as part of its BDC biannual submission. Given that most mobile broadband service providers provide voice service, eliminating the requirement to separately file mobile voice service would remove a reporting burden from most mobile service providers. Additionally, because mobile voice data are not displayed on the public-facing version

(Continued from previous page) _____
Broadband Data Collection (BDC)”); *Alaska Connect Fund Order*, 39 FCC Rcd at 12132, para. 71 (acknowledging that ACF is a new award of funding that is required to rely on the BDC), 12133, para. 73 (stating that “[t]he mobile portion of the Alaska Connect Fund will begin after the Alaska Plan ends (i.e., January 1, 2027)”). Consistent with the BDC, the Alaska Connect Fund has a strong presumption against a technology commitment lower than 4G LTE at 5/1 Mbps for any milestone and a presumption against approving older technology in Alaska Plan areas that did not receive an upgrade. *Alaska Connect Fund Order*, 39 FCC Rcd at 12168, para. 157; *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., *Alaska Connect Fund Order on Reconsideration and Clarification*, Alaska Plan Waiver Order, and Order, 40 FCC Rcd 7716, 7723, para. 17 (2025) (“WTB will prioritize those commitment areas that did not receive an upgrade during the Alaska Plan in providers’ ACF performance plans, with a presumption against approving older technology in those areas at the interim milestone.”). Where the presumption is overcome and a lesser commitment is warranted under the Alaska Connect Fund, 3G at no less than 200/50 kbps is an option, consistent with the current broadband data collection. *See Wireless Telecommunications Bureau Seeks Comment on the Initial Eligible-Areas Map and Performance Plan Template for the Alaska Connect Fund*, WC Docket No. 23-328, Public Notice, DA 25-916, at 5-6 (WTB Sept. 30, 2025) (providing 3G at 200/50 kbps as a lesser commitment option, subject to WTB approval). If an Alaska Connect Fund provider has a 3G commitment in its performance plan, we would continue to have a need to collect 3G mobile broadband data for that provider.

¹³⁹ *See Alaska Connect Fund Order*, 39 FCC Rcd at 12132, para. 71.

¹⁴⁰ *See* 47 CFR § 54.308(e).

¹⁴¹ *See* 47 U.S.C. § 642(b)(2)(B); Broadband DATA Act, 134 Stat. at 232-33 (requiring resulting propagation maps to indicate where 4G LTE coverage is of not less than 5/1 Mbps).

¹⁴² *See*, 47 U.S.C. § 214(e) (requiring designation as an eligible telecommunications carrier to be eligible to receive universal service support).

of the NBM—though these data are available for download via the map—we do not believe that public safety groups currently rely on these BDC data, but we seek comment on this issue.

58. Where mobile voice availability data may be needed for universal service programs, we seek comment on whether collecting mobile voice data through a “special collection” in the BDC system would mitigate any downsides to eliminating the requirement to submit mobile voice data as part of a provider’s biannual submissions. For the Alaska Connect Fund, we note that section 54.308(e) of the Commission’s rules states that WTB, in coordination with OEA, has authority to compare BDC availability data as of December 31, 2026, with subsequent BDC availability data to ensure that mobile voice service and mobile broadband service levels are maintained and improved in all previously serviced areas.¹⁴³ We seek comment on whether the collection of mobile voice data through a special collection would satisfy any rules for the universal service programs. Additionally, or in the alternative, given that the Commission has recognized the unique challenges with regard to Alaska¹⁴⁴ and the particularly vast, unpopulated areas where public safety issues may arise in that state, we seek comment on whether we should instead continue to require the submission of these data in Alaska. We seek comment generally about eliminating the mobile voice filing requirement from the BDC.

D. Data Retention Practices

59. We seek comment on the benefits and costs of implementing a data retention requirement for providers and on alternative approaches, such as establishing voluntary best practices guidance for providers, and current data retention practices that may inform such alternative approaches. In the *Fourth FNPRM*, the Commission proposed establishing a three-year data retention period for supporting materials used in both BDC biannual collection filings and responses to challenges, audits, and verification inquiries.¹⁴⁵ The Commission suggested that a firm retention requirement may provide clarity to service providers and ensure the Commission has access to the necessary documentation for purposes of conducting reviews.¹⁴⁶ Commenters generally supported the proposal to adopt a firm data retention period.¹⁴⁷ However, there was no consensus among commenters regarding the length of this data retention period. Several commenters agreed that a three-year data retention period would be sufficient.¹⁴⁸ Others expressed concerns that a three-year retention period would place too heavy a burden on providers without providing additional value to the Commission or the public.¹⁴⁹ Commenters also asserted that a three-year retention period was excessive because the NBM is updated every six months.¹⁵⁰ Alternatively, one commenter recommended that the Commission adopt a five- or ten-year retention period.¹⁵¹

60. We seek further comment on the benefits and costs of implementing a data retention requirement for providers, specifically regarding the length of time the data should be retained. We also

¹⁴³ 47 CFR § 54.308(e).

¹⁴⁴ *USF/ICC Transformation Order*, 26 FCC Rcd at 17829, para. 507 (“We appreciate and recognize that Alaska faces uniquely challenging operating conditions, and agree that national solutions may require modification to serve the public interest in Alaska.”); *see also Alaska Connect Fund Order*, 39 FCC Rcd at 12100, para. 1.

¹⁴⁵ *Fourth FNPRM*, 39 FCC Rcd at 7667, para. 82.

¹⁴⁶ *Id.* at 7566, 7568, paras. 78, 84.

¹⁴⁷ *See, e.g., CTIA Fourth FNPRM Comments* at 17; *NANA Fourth FNPRM Comments* at 7-8; *Vantage Point Solutions Fourth FNPRM Reply* at 7-8; *USTelecom Fourth FNPRM Comments* at 5.

¹⁴⁸ *NANA Fourth FNPRM Comments* at 7-8; *VPS FNPRM Reply* at 7-8.

¹⁴⁹ *CTIA Fourth FNPRM Comments* at 17; *T-Mobile FNPRM Comments* at 14-15.

¹⁵⁰ *CTIA Fourth FNPRM Comments* at 17; *USTelecom Fourth FNPRM Comments* at 5.

¹⁵¹ *Pew Charitable Trusts Fourth FNPRM Comments* at 3.

seek comment on alternative approaches, such as establishing voluntary best practices guidance for providers. We believe that a voluntary system, rather than adoption of a strict retention requirement, could potentially reduce burdens on providers without materially impacting the ability of the Commission to seek underlying information through a verification or audit request, if necessary. If we were to adopt such guidance, what are suggested best practices for data retention guidelines that would ease burdens on providers? In developing data retention best practices guidelines for the BDC filers, we seek comment on how long providers currently retain the materials used in generating their BDC filings. Do providers currently employ separate retention practices for data used to generate responses to challenges, verifications, or audits? What effects would a three-year data retention period have on providers? How would these effects differ between a two-year and three-year retention period?

E. Fixed Challenge Process Improvements

61. *Allowing Service Providers to Presumptively Rebut Certain Types of Fixed Challenges with Infrastructure Data.* To streamline the fixed challenge process, we seek comment on the use of infrastructure data when service providers respond to challenges filed against their fixed broadband availability data, and particularly for bulk fixed challenges asserting that service is not available or speeds are not offered.¹⁵² Fixed providers currently have the option to respond to challenges with infrastructure data, but the BDC system does not currently have a formal mechanism in place for collecting structured data, including infrastructure data, in response to a fixed challenge. As an option to potentially enhance the use of infrastructure data in responding to a fixed challenge, we seek comment on whether to allow a fixed service provider to presumptively rebut a fixed challenge by submitting to Commission staff infrastructure data that demonstrate that the provider is likely able to provide the challenged service. Such an option could be in lieu of working with the challenger during the 60-day resolution period to resolve the challenge.¹⁵³ Would this option encourage the use of infrastructure data, improve staff understanding of service availability, or otherwise streamline the fixed challenge process?¹⁵⁴ Would there be any confidentiality concerns in submitting this infrastructure information to the Commission, or would submission to the Commission rather than the challenger lessen the confidentiality concerns?

62. We note that an option to submit infrastructure data preemptively could (1) potentially reduce the burden on providers in responding to fixed challenges, especially voluminous bulk fixed challenges; (2) allow for more data-driven, objective, and speedier outcomes in the fixed challenge process; (3) substantially reduce the burden on Commission staff in adjudicating bulk fixed challenges; and (4) improve the overall accuracy and quality of NBM data. Additionally, this could simply be an option that challenged providers choose in circumstances when they determine it to be less burdensome than attempting to dispute a fixed challenge with other forms of evidence. We request that commenters address any other benefits, as well as potential disadvantages or burdens associated with this option. For example, would bypassing the submission of data to the challenger have a negative impact on resolving challenges, especially bulk speed and availability challenges? Would this process cause any burdens on challengers or raise issues that could negatively impact the quality of BDC data?

63. We also seek comment on whether to establish a mechanism by which the submission of infrastructure data would be required in response to certain bulk fixed challenges, and on what specific standards would trigger this mechanism. For example, were we to adopt such a mechanism, should the mechanism be based on: (1) a *prima facie* case made by the challenger showing clear evidence of material misstatement (e.g., a repeated practice of not being able to offer service, speeds, or a standard installation;

¹⁵² See, e.g., BDC Provider Infrastructure Data Specifications.

¹⁵³ See 47 CFR § 1.7006(d)(3)(ii).

¹⁵⁴ Poka Lambro Telecommunications and Totelcom Communications *Fourth FNPRM* Comments at 5 (advocating for providers to submit technical data in their challenge replies and noting that the submission of “real engineering and capacity data . . . is crucial in situations where a fixed wireless provider may not reasonably be able to provide broadband services at speeds reported in the BDC to all claimed locations”).

credible allegations that no infrastructure is present); (2) whether the alleged misstatement likely affects a significant number of additional similarly situated locations; (3) the category of fixed challenge where infrastructure data would be relevant (e.g., provider does not offer the technology reported to be available at this location; the reported maximum advertised speeds are not available for purchase at this location from this provider and technology); (4) subscriber penetration in the relevant area being below 10%, or a similar percentage; or (5) any other factors or mixture of factors? Would this approach bring more certainty to the bulk challenge process by requiring the submission of infrastructure data in certain situations to rebut claims in a bulk challenge? Would it help standardize outcomes in the bulk challenge process? Are there downsides to requiring providers to submit infrastructure data when a bulk challenge review mechanism is triggered, including additional burdens and costs?

64. We also seek comment on whether there are scenarios in which a bulk fixed challenge should trigger a requirement for the provider to submit footprint-wide infrastructure data if material concerns of misrepresentation or overreporting are made (e.g., via automatic triggering of a verification request or otherwise). This could occur when a bulk fixed challenger raises credible concerns about substantial overreporting of service across a significant percentage of the provider's reported locations in a state (e.g., 5% of all locations). What are the triggers that would require the submission of robust infrastructure data in response to allegations of material overreporting of availability or speeds for fixed services?

65. Further, we seek comment on whether a bulk fixed challenge should be presumptively overturned when Commission staff models and analyzes a provider's infrastructure data and this modeling confirms the accuracy of the provider's fixed service as reported, absent circumstances or evidence that call into question the accuracy or reliability of the submitted infrastructure data. If we were to adopt this approach, should the provider receive protection from future challenges at locations where Commission modeling confirmed availability for a certain period of time? Our rules provide that, for mobile service challenges, "[i]n such cases where a mobile service provider successfully rebuts a challenge, the area confirmed to have coverage shall be ineligible for challenge until the next biannual broadband availability data filing six months after the later of either the end of the 60-day response period or the resolution of the challenge."¹⁵⁵ Would a similar period of "immunity" for fixed service providers reduce burdens on the providers and help to streamline the fixed challenge process while still ensuring accurate information? We seek comment on this approach and whether this would reduce burdens and add certainty to our existing processes.

66. *Streamlining Fixed Challenge Process Timelines.* We seek comment on ways to streamline the fixed challenge process through changes to the reply and resolution timelines for both consumer challenges and bulk challenges. After a fixed challenge is initially accepted by Commission staff, our rules require that a provider submit an initial response within a 60-day window indicating whether it agrees with the challenge (and thus wishes to concede) or instead disputes the challenge.¹⁵⁶ If the provider disputes the challenge, it must reach out to the challenger in an attempt to resolve the issue and then submit a final response within a second 60-day window indicating whether or not the parties were able to resolve the dispute (and, if so, what is the resolution).¹⁵⁷ Only after this up-to-120-day process is complete will Commission staff adjudicate the challenge, if it is not otherwise conceded or withdrawn.¹⁵⁸

67. The current length of the fixed challenge process has presented problems for states, providers, and other agencies in determining at which locations service exists, and thus what areas should

¹⁵⁵ 47 CFR § 1.7006(e)(7).

¹⁵⁶ *Id.* § 1.7006(d)(3).

¹⁵⁷ *Id.* § 1.7006(d)(3)(ii).

¹⁵⁸ *Id.* § 1.7006(d)(6).

be eligible for funding programs, because the outcomes of any challenges to reported broadband availability data cannot be finalized for months after release of a new NBM. The current two-step fixed challenge process has also caused confusion for service providers, with some failing to submit a final response within the second 60-day resolution period, thus resulting in a conceded challenge. We now seek comment on variations or alternatives that could benefit the fixed challenge process by shortening the overall duration or reducing its complexity.

68. *Timeline for Consumer Fixed Challenges.* We seek comment on modifying the individual fixed challenge process to allow for shorter or alternative timeframes for the speedier resolution of consumer challenges. Individual challenges typically involve only single challengers, single locations, and single issues, making it more likely that the response periods can be condensed and streamlined. We seek comment on condensing individual fixed challenges responses to a single 60-day window during which the provider must decide whether it wishes to concede or dispute the challenge and, if it wishes to dispute the challenge, require that the provider affirmatively reach out to the challenger in an attempt to resolve the dispute. By the end of this 60-day consolidated response window, the provider would then report on its decision to concede or dispute the challenge, its efforts to resolve matters with the challenger, and the outcome of any dispute resolution. This would not impose any new substantive obligations on providers but would collapse down the sequence and time period during which these decisions and actions must be taken from the current 120-day period to potentially a 60-day period. We seek comment on this approach and other approaches that might involve different timelines for individual challenges. For example, should we establish a combined timeline and condense it to below 60 days? If we were to adopt a combined timeline, should we instead choose a different duration, such as 90 days? Or should we keep the current consecutive two-step reply and resolution timelines, but shorten both down to 15 or 30 days, or else shorten one window, but not the other? We seek comment on these options or any other approach that would streamline or improve the individual fixed challenge process.

69. We also seek comment on the potential benefits and drawbacks of shortening or otherwise streamlining the fixed challenge process. For example, would streamlining, simplifying, and shortening the timeframes for the fixed challenge process—and thus shortening the length of time it takes for fixed challenge results to be reflected on the NBM—be a benefit that offsets the reduced time period for attempting to resolve an individual challenge? Would shortening and streamlining the process reduce confusion and complexity for challengers and providers in the fixed challenge process? Conversely, should there be the option for targeted relief from shortened timelines for particularly complicated individual fixed challenges or when there are a large number of challenges submitted at the same time against a particular provider?

70. *Timelines for Bulk Fixed Challenges.* We seek comment on the advantages and disadvantages of shortening or otherwise streamlining the bulk fixed challenge process. Given the potential scope and complexity of a bulk challenge, we seek comment on whether shorter timeframes than those currently in place would be prudent. Should we maintain a multi-step resolution process for bulk challenges? Or, similar to our above proposal for individual fixed challenges, should we reduce the process to just one combined step? Regardless of the number of steps a provider must take to resolve a challenge, what should be the appropriate timeframes for each step? For example, for particularly complicated or voluminous bulk challenges, would reducing the 60-day time period that a provider has to attempt to resolve the dispute with the challenger increase the burden on providers? Would streamlining and shortening the time between bulk challenge submission and resolution result in more certainty about the accuracy of the NBM? We seek comment on whether the benefits of decreasing the timeframes for resolving bulk challenges outweigh the burdens on the parties and the Commission to resolve bulk fixed challenges more quickly. Should there be the option for targeted relief from shortened timelines for particularly complicated bulk fixed challenges or when there are a large number of challenges submitted at the same time against a particular provider? Would shorter timelines possibly result in fewer resolutions by the parties and more bulk challenges going to Commission staff to adjudicate?

71. Should we use different timeframes for individual versus bulk fixed challenges? If so, and if we adopt shorter timeframes for replying to and resolving bulk fixed challenges, are there situations

or circumstances in which timeframes for bulk challenges should still be longer than those for individual challenges? Would adoption of different timeframes or different processes for responding to individual versus bulk fixed challenges cause confusion for either party?

F. Mobile Challenge Process Improvements

72. We seek comment on whether to revise our rules to automatically remove challenged areas that are conceded or upheld from the NBM. In the *Third Report and Order*, the Commission adopted a challenge process in which providers must rebut or concede a challenge within a 60-day period of being notified of a challenge.¹⁵⁹ Providers are required to submit either infrastructure data or on-the-ground speed test data that Commission staff examine to assess a provider's coverage in the challenged area and resolve the challenge.¹⁶⁰ The Commission recognized that permitting providers 60 days to respond to a challenge would make the challenge process less burdensome for providers while ensuring a speedy resolution to challenges.¹⁶¹

73. Mobile challenges are created through the assessment of on-the-ground speed test data and, in most cases, mobile service providers respond to challenges using similar on-the-ground speed test data—and both sets of data are submitted into the BDC system in a structured format.¹⁶² The BDC system analyzes these speed test results based upon hexagonal areas, and Commission staff uses the results of these analyses to determine whether or not a challenge should be upheld or overturned.¹⁶³

74. As discussed above, we modify section 1.7009(d) to remove the obligation of providers to update their BDC data based on adverse verification and audit results and adopt section 1.7009(e) to eliminate any confusion about what happens after an adverse Commission audit or verification finding with regard to a provider's reported broadband availability data for both fixed and mobile data.¹⁶⁴ We seek comment on whether we should make a similar change with respect to all mobile challenges that are conceded or upheld (i.e., the provider did not provide enough data to overturn the challenge).¹⁶⁵ The BDC system is designed to automatically remove a hex from a provider's coverage area if a mobile broadband challenge is conceded or upheld. We note that any hexes that are removed as a result of a challenge from the most recent vintage of the NBM will also be removed from subsequent published maps until such time as the provider's coverage is restored via the coverage restoration process. In the event we adopt changes to sections 1.7006(e)(7)(iii), 1.7006(f)(8), and 1.7009 to reflect automatic removal of these areas, we seek comment on whether there are other rules that we could delete as no longer necessary or we could otherwise streamline. We also seek comment on whether there are other changes to the mobile challenge process that would increase efficiencies and reduce burdens.

G. Improvements to the Collection of Mobile Crowdsourced Data

75. We seek comment on improvements to the mobile crowdsourcing process. In the *Second Report and Order*, the Commission adopted a crowdsourcing process to allow individuals and entities to submit specific information about the deployment and availability of broadband internet access service, on an ongoing basis, to verify and supplement provider information.¹⁶⁶ The Commission reiterated its

¹⁵⁹ *Third Report and Order* at 1168, 1173, paras. 107, 121.

¹⁶⁰ *Id.* at 1168, 1173, paras. 108, 121.

¹⁶¹ *Id.* at 1168, para. 107.

¹⁶² 47 CFR § 1.7006(e), (f).

¹⁶³ *Mobile Technical Requirements Order*, 37 FCC Rcd 3007, 3047, para. 65.

¹⁶⁴ *See supra* Section III.C.

¹⁶⁵ *See* 47 CFR §§ 1.7006(e)(7)(iii), 1.7006(f)(8); *see also* 1.7009(d).

¹⁶⁶ *Second Report and Order*, 35 FCC Rcd at 7487, para. 64; *see* 47 U.S.C. § 644(b) (requiring the Commission to “develop a process through which entities or individuals in the United States may submit specific information about

(continued....)

finding from the *First Report and Order* that “third-party crowdsourced data for mobile service can serve as an important supplement to the information . . . collect[ed] from service providers by independently measuring mobile broadband speed and availability.”¹⁶⁷ The Commission adopted requirements for the information to be included in crowdsourced data filings, specifying that filers must provide their full contact information.¹⁶⁸ The Commission also adopted a certification requirement for crowdsourced data filers akin to that required for providers making their biannual submissions, as well as parties submitting data in the challenge process.¹⁶⁹

76. In the *Mobile Technical Requirements Order*, OET, OEA, (collectively, Offices) and WTB established requirements for the submission of crowdsourced data by consumers and other entities to the online portal “using the same parameters and metrics providers would use when submitting on-the-ground data in response to a Commission verification request” with simplifications.¹⁷⁰ Specifically, speed tests submitted as mobile crowdsourced data must include the same parameters and radiofrequency metrics, except that crowdsourced data may include any combination of download or upload speed test metrics, rather than both, as is required for data submitted through the mobile challenge process.¹⁷¹ In the *Mobile Technical Requirements Public Notice*, WTB and the Offices noted that “data submitted by consumers and other entities that do not follow any specific metrics or methodologies may be less likely to yield effective analysis and review . . . of providers’ mobile broadband availability.”¹⁷²

77. We seek comment on whether we should relax certain mobile crowdsourced data requirements. In the *Mobile Technical Requirements Order*, WTB and the Offices sought to provide those collecting crowdsourced data with “increased flexibility to facilitate making the process more user-friendly.”¹⁷³ WTB and the Offices also stated their intention to “modify the process for collecting mobile crowdsourced data over time, as experience dictates may be necessary and appropriate to improve our procedures and assure that the maps we make are as reliable and accurate as possible.”¹⁷⁴ The Commission’s experience in the eight filing rounds already completed suggests that taking further measures to increase flexibility and otherwise make the process more user-friendly for filers may now be appropriate. We seek comment on ways to foster a more robust crowdsourced data filing process for mobile data. For example, while we have sought to discourage frivolous or malicious crowdsourced data

(Continued from previous page) _____

the deployment and availability of broadband internet access service in the United States on an ongoing basis so that the information may be used to verify and supplement information provided by providers of broadband internet access service for inclusion in the maps created under section 642(c)(1)”).

¹⁶⁷ *Second Report and Order*, 35 FCC Rcd at 7486-87, para. 62 (citing *First Report and Order*, 34 FCC Rcd at 7553-54, para. 123).

¹⁶⁸ 47 CFR § 1.7006(b)(1)(i)-(iv); see also *Second Report and Order*, 35 FCC Rcd at 7489, para. 69 (“[W]e require that crowdsourced data filings contain the contact information of the filer (e.g., name, address, phone number, and e-mail), the location that is the subject of the filing (including the street address and/or GPS coordinates of the location), the name of the provider, and any relevant details about the deployment and availability of broadband Internet access service at the location.”).

¹⁶⁹ 47 CFR § 1.7006(b)(1)(v); see also *Second Report and Order*, 35 FCC Rcd at 7489, para. 70 (“[C]rowdsourced data filers must certify that, to the best of the filer’s actual knowledge, information, and belief, all statements in the filing are true and correct.”). See also 47 CFR §§ 1.7004(d), 1.7006(e)(1)(v).

¹⁷⁰ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3069-70, para. 118.

¹⁷¹ 47 CFR § 1.7006(b)(2); *Mobile Technical Requirements Order*, 37 FCC Rcd at 3072-73, para. 124.

¹⁷² *Comment Sought on Technical Requirements for the Mobile Challenge, Verification, and Crowdsourcing Processes Required under the Broadband DATA Act*, WC Docket No. 19-195, Public Notice, 36 FCC Rcd 11196, 11219, para. 55 (WTB/OEA/OET 2021).

¹⁷³ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3072, para. 124.

¹⁷⁴ *Id.* at 3072, para. 123.

filings, we have also long recognized the potential impact of privacy concerns on mobile crowdsourced data filings.¹⁷⁵ We seek comment on whether to continue to require that all submissions disclose full contact information for the user submitting the data and include the corresponding certification. Are there other (equally effective) means to protect the integrity of our collection process? Should we consider, as CCA suggests, “[a]llowing trusted third-party crowdsourced data” filings?¹⁷⁶

78. Additionally, we seek comment on whether we should revise the Commission’s rules governing the specific parameters and metrics to be used in the submission of crowdsourced data. While encouraging the submission of data using the FCC Speed Test App,¹⁷⁷ WTB and the Offices have sought to support public participation in the crowdsourcing process by providing consumers and other entities measures of flexibility, such as permitting the use of devices running either the iOS or Android operating systems for the collection and submission of speed test data¹⁷⁸ and accepting data from vetted third-party speed test apps.¹⁷⁹ CCA argues, however, that the Commission could permit “expanded non-FCC commercial broadband apps or datasets for crowdsourced speed test data.”¹⁸⁰ In the *Mobile Technical Requirements Order*, WTB and the Offices required the inclusion of certain metrics that they explained were integral to allow for the evaluation of on-the-ground mobile broadband availability and performance (e.g., device type, manufacturer, model, mobile network provider identity, timestamp, location, download speed and/or upload speed, and, if available, signal strength).¹⁸¹ Crowdsourced data filers are currently required to provide extensive on-the-ground test data that includes specified metrics for each test (e.g., “[s]ignal strength, signal quality, unique identifier, and radiofrequency metrics of each serving cell, where available” or “[f]or an in-vehicle test, the speed the vehicle was traveling when the test was taken, where available”).¹⁸² We seek comment on whether we should continue to require the submission of these, and other, specific, detailed radiofrequency metrics that are not commonly part of commercial speed test

¹⁷⁵ See 47 CFR § 1.7006(b)(5) (“All information submitted as part of the crowdsourcing process shall be made public via the Commission’s website, with the exception of personally identifiable information and any data required to be confidential under § 0.457 of this chapter.”)

¹⁷⁶ CCA Comments, GN Docket No. 25-133, at 7 (CCA *In re: Delete, Delete, Delete* Comments).

¹⁷⁷ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3070-71, para. 120 (finding the FCC Speed Test app to meet the requirements established in the *Second Report and Order*, and to be “a reliable and efficient tool for users to submit crowdsourced mobile coverage data to the Commission”).

¹⁷⁸ *Id.* at 3071-72, para. 121.

¹⁷⁹ *Id.* at 3072, para. 122.

¹⁸⁰ CCA *In re: Delete, Delete, Delete* Comments at 5.

¹⁸¹ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3016-17, 3072-73, paras. 18, 124; see also 47 CFR §§ 1.7006(b)(2), 1.7006(c)(1)(ii) (“On-the-ground test data must include the following metrics for each test: (A) Testing app name and version; (B) Timestamp and duration of each test metric; (C) Geographic coordinates (*i.e.*, latitude/longitude) measured at the start and end of each test metric measured with typical [Global Positioning System (GPS)] Standard Positioning Service accuracy or better, along with location accuracy; (D) Consumer-grade device type(s), brand/model, and operating system used for the test; (E) Name and identity of the service provider being tested; (F) Location of test server (*e.g.*, hostname or IP address); (G) Signal strength, signal quality, unique identifier, and radiofrequency metrics of each serving cell, where available; (H) Download speed; (I) Upload speed; (J) Round-trip latency; (K) Whether the test was taken in an in-vehicle mobile or outdoor, pedestrian stationary environment; (L) For an in-vehicle test, the speed the vehicle was traveling when the test was taken, where available; (M) An indication of whether the test failed to establish a connection with a mobile network at the time and place it was initiated; (N) The network technology (*e.g.*, 4G LTE (Long Term Evolution), 5G-NR (New Radio)) and spectrum bands used for the test; and (O) All other metrics required per the most recent specification for mobile test data adopted by Office of Economics and Analytics and the Wireless Telecommunications Bureau in accordance with 5 U.S.C. 553.”).

¹⁸² 47 CFR §§ 1.7006(b)(2), 1.7006(c)(1)(ii)(G), (L).

application data exports for crowdsourced data filings.¹⁸³ Would relaxation of the requirement to include these elements make the submitted data less reliable?

79. Crowdsourced data filers are likewise required to adhere to specific testing parameters.¹⁸⁴ WTB and the Offices adopted additional parameters that would further ensure the reliability of the crowdsourced data.¹⁸⁵ We seek comment on whether it is necessary to continue requiring all of these parameters. For example, the “ramp up time” identified in the Commission’s rules may not be supported by certain commercial apps.¹⁸⁶ Is it necessary that tests be conducted between the hours of 6:00 a.m. and 10:00 p.m. local time, as currently required?¹⁸⁷ Are these parameters so demonstrably beneficial to the evaluation of the data that no longer requiring them would be detrimental?

80. The FCC Speed Test App additionally allows users to quickly run a speed test, without first entering the contact information required of speed tests submitted into the BDC as crowdsourced or challenge data, and staff is exploring whether and how to integrate these “QuickCheck” speed test results into our broader crowdsourced data collection efforts.¹⁸⁸ We seek comment on whether data generated through QuickCheck that meet the same quality, accuracy, and reliability requirements as other crowdsourced data should be considered when evaluating crowdsourced datasets. At present, QuickCheck speed test results are not used for any analytical or reporting purposes and incorporating them would significantly expand the volume and geographic diversity of the crowdsourced dataset. We welcome comments on the usefulness of incorporating QuickCheck data, potential benefits or limitations, and any considerations the Commission should take into account when determining how these data can support our analysis and reporting.

81. In the *Mobile Technical Requirements Order*, WTB and the Offices recognized “that changes in technology and other considerations” might necessitate the periodic reevaluation of initial determinations “in order to satisfy the Act’s provisions for submitting crowdsourced data.”¹⁸⁹ With the objective of preserving the Commission’s ability to effectively review and analyze providers’ mobile broadband availability, we seek comment generally on whether and how to further relax mobile crowdsourced data requirements to encourage the submission of valuable additional data.

H. Mobile Verification and Audit Process Improvements

82. In the *Third Report and Order*, the Commission adopted requirements implementing the mobile verification process to verify the accuracy and reliability of mobile broadband availability data.¹⁹⁰

¹⁸³ See, e.g., *Id.* §§ 1.7006(b)(2), 1.7006(c)(1)(ii)(N) (“The network technology (e.g., 4G LTE (Long Term Evolution), 5G-NR (New Radio)) and spectrum bands used for the test.”)

¹⁸⁴ *Id.* §§ 1.7006(b)(2), 1.7006(c)(1)(i).

¹⁸⁵ 47 CFR §§ 1.7006(b)(2), 1.7006(c)(1)(i) (“On-the-ground test data must meet the following testing parameters: (A) A minimum test length of 5 seconds and a maximum test length of 30 seconds. These test length parameters apply individually to download speed, upload speed, and round-trip latency measurements, and do not include ramp up time. The minimum test duration requirement will be relaxed once a download or upload test measurement has transferred at least 1,000 megabytes of data; (B) Reporting test measurement results that have been averaged over the duration of the test (i.e., total bits received divided by total test time); (C) Conducted outdoors between the hours of 6:00 a.m. and 10:00 p.m. local time . . .”).

¹⁸⁶ *Id.* §§ 1.7006(b)(2), 1.7006(c)(1)(i)(A).

¹⁸⁷ *Id.* §§ 1.7006(b)(2), 1.7006(c)(1)(i)(C).

¹⁸⁸ FCC, About the FCC Speed Test App, “QuickCheck Speed Tests let you test the speed of your wireless network connection without submitting a challenge or sharing your contact information with the FCC,” <https://www.fcc.gov/BroadbandData/speed-test-app> (last updated Aug. 20, 2024).

¹⁸⁹ *Mobile Technical Requirements Order*, 37 FCC Rcd at 3072, para. 123.

¹⁹⁰ *Third Report and Order*, 36 FCC Rcd at 1146, paras. 47-48.

Under the Commission’s rules, mobile providers can choose to submit either infrastructure information or on-the-ground test data in response to a verification inquiry, but staff may require the submission of additional information when necessary to complete a verification inquiry.¹⁹¹ The Broadband DATA Act also directs the Commission to conduct regular audits of data submitted in the BDC,¹⁹² and staff has requested infrastructure information from service providers when auditing mobile broadband availability data.¹⁹³ Given that it has been more than five years since the adoption of the verification and audit processes, we seek comment on how to streamline our processes to reduce regulatory burdens and improve administration while still ensuring that the verification process is efficiently verifying the accuracy of mobile providers’ availability data.

83. In practice, when a provider submits infrastructure data in response to a verification request or audit, the Commission staff’s initial engineering analysis often raises questions that require clarification or further information from the provider, and these discussions can result in weeks of delay in resolving the data request.¹⁹⁴ In some cases, staff has initiated a follow-up verification on portions of the initial verification area where there remained uncertainty about the accuracy of the mobile broadband availability data, which can further delay finalizing the outcomes of a verification or audit.¹⁹⁵ Providers that choose to submit on-the-ground speed test data have generally encountered fewer data issues, as these providers typically use the FCC Speed Test App, which is designed to record and export data in a format that can be easily submitted into the BDC system. When electing to conduct speed tests, providers have still encountered other issues however, e.g., including roadway accessibility, ensuring tests are conducted within a sample-selected area, and occasional device or app issues that prevent valid measurements from being recorded.

84. We seek comment generally on how to improve these processes without detracting from the Commission’s ability to ensure the accuracy and quality of broadband data submitted in the BDC. Should we modify the mobile verification process to require on-the-ground speed test data in response to a verification inquiry, as such data may be more reflective of on-the-ground service,¹⁹⁶ and may be easier for providers to generate and for staff to analyze? If we were to require speed test data in response to a

¹⁹¹ 47 CFR § 1.7006(c) (setting forth mobile verification process for mobile providers). *See also* Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes, February 20, 2024 (<https://www.fcc.gov/sites/default/files/bdc-mobile-speed-test-data-specifications.pdf>).

¹⁹² 47 U.S.C. § 644(a).

¹⁹³ *See* Provider Infrastructure Data in the Challenge, Verification, and Audit Processes (explaining that “[m]obile broadband service providers that are the subject of an inquiry as part of the Commission’s audit process must submit infrastructure information”).

¹⁹⁴ As set forth in the *Mobile Technical Requirements Order*, staff relies on a flexible approach to its analysis of infrastructure data. *Mobile Technical Requirements Order*, 37 FCC Rcd at 3064, para. 104. Under this approach, staff engineers generally use propagation modeling to estimate the area where coverage is highly likely to exist based upon the submitted infrastructure data. In circumstances where this area substantially overlaps the provider’s reported coverage within the verification or audit area, this is generally sufficient to resolve the inquiry. Where more than a *de minimis* amount of the provider’s reported coverage falls outside of the area modeled by staff engineers, however, staff may conduct a follow-up request seeking additional information or may determine that some portion of the verification or audit area cannot be verified.

¹⁹⁵ We note, however, that in cases where staff has conducted a follow-up request to an earlier verification or audit, the earlier engineering analysis has generally allowed for any follow-up to be significantly tailored and require, e.g., fewer on-the-ground speed tests than would have been required under the original request.

¹⁹⁶ Staff has previously noted the benefits of on-the-ground speed test data. *Mobile Technical Requirements Order*, 37 FCC Rcd at 3050, para. 72 (“We continue to view data that reflect actual on-the-ground tests, as opposed to infrastructure data, generally to more accurately reflect user experience and therefore be of more probative value in most—but not all—circumstances.”).

mobile verification request, should we allow an exception in situations where a provider can demonstrate that it cannot reasonably provide speed test data within the requested timeframe? What would be the burdens of requiring speed test data, and would this improve or harm our ability to assess the ground truth of mobile broadband service availability?¹⁹⁷ Does the Commission’s recent approval of a third party speed test app make the process of collecting on-the-ground speed tests easier or less burdensome on providers?¹⁹⁸ Are there ways that we can improve the process by which staff analyzes infrastructure data to reduce the burden on providers and staff to work through any ambiguities? Is it less costly or burdensome on providers to assemble, submit, and then engage in discussions with staff about infrastructure data than to conduct on-the-ground speed test measurements? Are there benefits to requiring on-the-ground speed test data, such as reduced time to review and close out a verification, that may offset costs to providers? Similar to the verification process, we also seek comment on whether we should consider analogous requirements when conducting an audit of a provider’s mobile broadband availability data.

I. Treating Certain Sensitive Data as Confidential

85. We seek comment on whether to revise our rules to expressly provide that certain categories of sensitive data submitted in the BDC should be treated as confidential without the need for a provider to request confidentiality. Categories of BDC data to be afforded such treatment could include: (1) subscription data; (2) the geographic coordinates of mobile or fixed wireless base stations; (3) mobile or fixed wireless link budget parameter rationales; and (4) any infrastructure data submitted in response to a verification request, audit, challenge, or coverage restoration request. We seek comment on whether any other data should be accorded confidential treatment (and the rationales for such treatment). Are there certain types of these data we should not treat as confidential unless we receive an affirmative request for confidentiality? We also seek comment on balancing the burdens of continuing to request confidentiality for these data for every biannual submission versus the benefits of having the Commission treat these data as confidential without the need for a request.

86. Pursuant to the Broadband DATA Act,¹⁹⁹ the Commission established the initial requirements for the confidential treatment of data submitted in the BDC.²⁰⁰ In the *First Report and Order*, which was adopted prior to the enactment of the Broadband DATA Act, the Commission decided that “[t]o better allow for crowdsourcing, mapping, and other uses of fixed broadband deployment data, all [fixed] service provider information filed as part of the [Broadband] Data Collection will be presumed to be non-confidential unless the Commission specifically directs that it be withheld.”²⁰¹ The Commission similarly determined that mobile broadband service provider coverage data would

¹⁹⁷ Providers previously raised concerns about adoption of a requirement to submit on-the-ground speed test data. *Third Report and Order*, 36 FCC Rcd at 1149, para. 58 (“Service providers argue that the Commission should refrain from mandating on-the-ground testing...”).

¹⁹⁸ *Broadband Data Task Force and Office of Engineering and Technology Approve CellWatch Mobile Speed Test Application For Use in the Broadband Data Collection Mobile Challenge Process*, ET Docket Nos. 24-2, 22-152, WC Docket No. 19-195, Public Notice, DA 25-1097 (OEA, OET 2025).

¹⁹⁹ The Broadband DATA Act requires that the rules adopted by the Commission establish “processes and procedures through which the Commission, and, as necessary, other entities or individuals submitting non-public or competitively sensitive information . . . , can protect the security, privacy, and confidentiality of [such] information,” including: (1) information contained in the Fabric, (2) the dataset supporting the Fabric, and (3) availability data submitted pursuant to 47 U.S.C. § 642(b)(2). 47 U.S.C. § 642(a)(1)(B)(ii).

²⁰⁰ 47 CFR § 1.7005(a) (noting that “[t]he Commission shall protect the security, privacy, and confidentiality of non-public or competitively sensitive information submitted by entities or individuals, including information contained in the Fabric, the dataset supporting the Fabric, and availability data submitted pursuant to § 1.7004”).

²⁰¹ *First Report and Order*, 34 FCC Rcd at 7517, para. 27.

presumptively be treated as non-confidential.²⁰² However, the Commission determined that certain data would be withheld from routine public inspection—namely, “all data required to be kept confidential pursuant to § 0.457 . . . and all personally identifiable information submitted in connection with [BDC availability data and data in the Fabric].”²⁰³ The Commission established an avenue for providers to seek confidential treatment of “provider-specific subscription information in [BDC] filings” and “any other data contained in their [BDC] filings” by submitting a request at the time of the BDC filing that the data be treated as confidential, along with the reasons for withholding the information from the public as required by section 0.459 of the Commission’s rules.²⁰⁴ The Commission noted that it would make decisions on requests for confidential treatment on a case-by-case basis.²⁰⁵ The Commission also determined that provider-specific deployment data would always be made public and would not be subject to confidential treatment.²⁰⁶

87. In practice, Commission staff receive requests for confidential treatment of certain data in every biannual round of BDC filings that the Commission has previously stated are presumptively confidential.²⁰⁷ We seek comment on whether we should amend our rules to formally accord such data confidential treatment and clarify that providers are not required to file confidentiality requests to cover these data. We note the benefits of such an approach would be to remove confusion on whether providers must submit superfluous requests with their BDC filings and to reduce the burdens on Commission staff to review and resolve such requests. Are there other benefits to this approach? Conversely, are there any drawbacks to this approach? Is there anything unique about these data such that we should maintain merely a presumption of confidentiality for them?

88. If commenters believe that providers should still be required to submit requests for confidentiality for presumptively confidential data filed in the BDC, are there ways that we can still reduce the burdens on providers from having to submit with all their BDC filings formal requests that comply with section 0.459 of our rules and on Commission staff from having to formally resolve all such

²⁰² *Id.* at 7521-22, paras. 36-40.

²⁰³ 47 CFR § 1.7005(a)(1); *Second Report and Order*, 35 FCC Red at 7495-96, para. 85 (“Accordingly, we will withhold from routine public inspection all data required to be kept confidential pursuant to section 0.457 of our rules and all personally identifiable information, including names, email addresses, and telephone numbers submitted in connection with availability data and the data in the Fabric.”). The Commission stated that it would “entertain requests for disclosure if the public interest in disclosure outweighs the interests listed in section 0.457 of our rules.” *Second Report and Order*, 35 FCC Red at 7496, para. 85.

²⁰⁴ 47 CFR § 1.7005(b) (“Providers may request that provider-specific subscription information in [Broadband] Data Act filings be treated as confidential and be withheld from public inspection by so indicating on the filing at the time that they submit such data.”); *id.* § 1.7005(c) (“Providers seeking confidential treatment of any other data contained in their Broadband Data Collection filings must submit a request that the data be treated as confidential with the submission of their filing, along with their reasons for withholding the information from the public, pursuant to § 0.459 of this chapter.”).

²⁰⁵ *Id.* CFR § 1.7005(d).

²⁰⁶ *Id.* § 1.7005(e).

²⁰⁷ In addition to subscription data and any other data containing personally identifiable information, Commission staff considers certain other categories of data presumptively confidential, including the geographic coordinates of fixed wireless base stations, fixed wireless and mobile link budget parameter rationales, and infrastructure data submitted in response to a verification request. *See Third Report and Order*, 36 FCC Red at 1140, para. 33 (“We recognize that the geographic coordinates of base stations may be sensitive information that providers may wish to keep confidential for business or national security reasons. We therefore will treat such information as presumptively confidential pursuant to Section 0.457(d) of the Commission’s rules.”); *id.* at 1149, para. 55 (“We are sensitive to . . . confidentiality and security concerns and will therefore treat all of the mobile infrastructure information submitted by providers at the request of Commission staff, including the location of cell sites, as presumptively confidential.”).

requests? Are there any other mechanisms to streamline the treatment of confidential information submitted in the BDC?

V. PROCEDURAL MATTERS

89. *Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.²⁰⁸ 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.

90. *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).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.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 hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

²⁰⁸ 47 CFR § 1.1200 *et seq.*

91. *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.

92. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),²⁰⁹ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”²¹⁰ Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Sixth Report and Order* on small entities. The FRFA is set forth in Appendix B.

93. The Commission has also prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of the rule and policy changes contained in the *Further Notice*. The IRFA is set forth in Appendix C. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Further Notice* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

94. *Paperwork Reduction Act.* The *Sixth Report and Order* rulemaking required under the Broadband DATA Act is exempt from review by Office of Management and Budget (OMB) and from the requirements of the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.²¹¹ As a result, the *Sixth Report and Order* will not be submitted to OMB for review under section 3507(d) of the PRA. The *Further Notice* may contain new and modified information collection requirements subject to the PRA, Public Law 104-13. OMB, the general public, and other federal agencies are invited to comment on new or modified information collection requirements contained in the *Further Notice*.

95. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this *Sixth Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

96. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

97. *Contact Person.* For further information about this proceeding, contact Jamile Kadre, Broadband Data Task Force, Federal Communications Commission, Jamil.Kadre@fcc.gov.

VI. ORDERING CLAUSES

98. Accordingly, IT IS ORDERED, pursuant to sections 1-5, 7, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 157, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646, this *Sixth Report and Order and Fifth Further Notice of Proposed Rulemaking* IS ADOPTED.²¹²

²⁰⁹ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

²⁰⁹ *Id.* § 601 *et seq.*

²¹⁰ 47 U.S.C. § 605(b).

²¹¹ *Id.* § 646(b).

²¹² Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 24, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 51735 (Oct. 4, 1993).

99. IT IS FURTHER ORDERED that part 1 of the Commission's rules IS AMENDED as set forth in Appendix A.

100. IT IS FURTHER ORDERED that the *Sixth Report and Order and Fifth Further Notice of Proposed Rulemaking* SHALL BE effective 30 days after publication in the Federal Register.

101. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the *Fifth Further Notice of Proposed Rulemaking* on or before 30 days following publication in the Federal Register, and reply comments on or before 60 days following publication in the Federal Register.

102. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Program Management, SHALL SEND a copy of this *Sixth Report and Order and Fifth Further Notice of Proposed Rulemaking* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

103. IT IS FURTHER ORDERED that the Commission's Office of the Secretary SHALL SEND a copy of this *Sixth Report and Order and Fifth Further Notice of Proposed Rulemaking*, including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
FINAL RULES

For the reasons set forth in the preamble, the Federal Communications Commission amends part 1 of Title 47 of the Code of Federal Regulations as follows:

PART 1 – PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

2. Amend § 1.7001(d) by revising paragraph (d)(4) to read as follows:

§ 1.7001 Scope and content of filed reports.

* * * * *

(d) * * *

* * * * *

(4) The Commission shall make all decisions regarding non-disclosure of provider-specific information, except that the Chiefs of the Space Bureau, Wireless Telecommunications Bureau, Wireline Competition Bureau, or Office of Economics and Analytics may release provider-specific information to:

* * * * *

3. Revise § 1.7003 to read as follows:

§ 1.7003 Authority to update FCC Form 477.

The Space Bureau, Wireless Telecommunications Bureau, Wireline Competition Bureau, and Office of Economics and Analytics may update the specific content of data to be submitted on FCC Form 477 as necessary to reflect changes over time in transmission technologies, spectrum usage, Geographical Information Systems (GIS) and other data storage and processing functionalities, and other related matters; and may implement any technical improvements or other clarifications to the filing mechanism and forms.

4. Amend § 1.7005 by removing paragraphs (e)(1), (e)(2), and (e)(3), and revising paragraph (e), as follows:

§ 1.7005 Scope and content of filed reports.

* * * * *

(e) The Commission shall release provider-specific broadband availability data in Broadband Data Collection filings to the public, and providers may not request confidential treatment of such information.

5. Amend § 1.7006 by removing and reserving paragraphs (d)(1)(vii) and (9), and adding new paragraph (g) as follows:

§ 1.7006 Data verification.

* * * * *

(d) * * *

(1) * * *

(vii) [Reserved]

* * * * *

(9) [Reserved]

* * * * *

(g) *Fabric challenge process.* State, local, and Tribal governmental entities, consumers, and other entities or individuals may submit data in an online portal to challenge the accuracy of the Fabric. Challengers must provide in their submissions:

- (1) Name and contact information (*e.g.*, address, phone number, email);
- (2) The street address or geographic coordinates (latitude/longitude) of the location(s) at which the Fabric is being challenged;
- (3) Category of dispute, selected from pre-established options on the portal;
- (4) Details and evidence about the disputed Fabric location;
- (5) A certification from an individual or an authorized officer or signatory of a challenger that the person examined the information contained in the challenge and that, to the best of the person's actual knowledge, information, and belief, all statements of fact contained in the challenge are true and correct.

6. Amend § 1.7009(d)(2) by revising paragraph (d) and adding paragraph (e) to read as follows:

§ 1.7009 Enforcement.

* * * * *

(d) Providers must file corrected data when they discover inaccuracy, omission, or significant reporting error in the original data that they submitted, whether through self-discovery, the crowdsourcing process, the challenge process, or otherwise (which does not include audits and verifications, which are specifically addressed in § 1.7009(e)).

- (1) Providers must file corrections within 30 days of their discovery of incorrect or incomplete data;
- (2) The corrected filings must be accompanied by the same types of certifications that accompany the original filings as set forth in § 1.7004(d);
- (e) For adverse audit or verification findings, the Commission shall modify or remove some or all of the provider's location or area data from the National Broadband Map after the provider is notified of an adverse audit or verification finding concerning such location or area data.

7. Revise § 1.7010 to read as follows:

§ 1.7010 Authority to update the Broadband Data Collection.

The Space Bureau, Wireless Telecommunications Bureau, Wireline Competition Bureau, and Office of Economics and Analytics may update the specific format of data to be submitted pursuant to the Broadband Data Collection to reflect changes over time in Geographical Information Systems (GIS) and other data storage and processing functionalities and may implement any technical improvements or other clarifications to the filing mechanism and forms.

APPENDIX B**Final Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Establishing the Digital Opportunity Data Collection, et al., Fourth Further Notice of Proposed Rulemaking (Fourth FNPRM)*, released in July 2024.² The Commission sought written public comment on the proposals in the *Fourth FNPRM*, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Rules

2. In the *Sixth Report and Order (Order)*, the Commission takes steps to improve the accuracy of its Broadband Data Collection (BDC) by streamlining processes while alleviating regulatory burdens on service providers and challenge process participants. The *Order* also includes edits to restructure or update references in the BDC rules. These revisions will reduce burdens on providers by harmonizing key definitions across filings, removing unnecessary notification processes, and streamlining responses to audits, which should result in cost savings for service providers, including small entities.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

3. No comments were filed addressing the impact of the proposed rules on small entities.

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

4. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,⁴ the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments.⁵ The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

5. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules.⁶ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁷ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small

¹ 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

² *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Fourth Report and Order, Declaratory Ruling, and Fourth Further Notice of Proposed Rulemaking, 39 FCC Rcd 7539, 7617-44, Appx. D (2024).

³ 5 U.S.C. § 604.

⁴ Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

⁵ 5 U.S.C. § 604 (a)(3).

⁶ *Id.* § 604.

⁷ *Id.* § 601(6).

Business Act.⁸ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁹ The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.¹⁰

6. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.¹¹ In general, a small business is an independent business having fewer than 500 employees.¹² These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.¹³ Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.¹⁴ While we do not have data regarding the number of non-profits that meet that criteria, over 99% of nonprofits have fewer than 500 employees.¹⁵ Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.¹⁶ Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.¹⁷

7. The rules adopted in the *Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)¹⁸ codes and corresponding SBA size standard.¹⁹ Where available, we also provide

⁸ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁹ 15 U.S.C. § 632.

¹⁰ 13 CFR § 121.903.

¹¹ 5 U.S.C. § 601(3)-(6).

¹² See SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

¹³ *Id.*

¹⁴ 5 U.S.C. § 601(4).

¹⁵ See SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), <https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/>.

¹⁶ 5 U.S.C. § 601(5).

¹⁷ See U.S. Census Bureau, 2022 Census of Governments –Organization, <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>, tables 1-11.

¹⁸ The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. See www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

¹⁹ The size standards in this chart are set forth in 13 CFR 121.201, by six-digit North American Industrial Classification System (NAICS) code.

additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms²⁰	Total Small Firms²¹	% Small Firms
Wired Telecommunications Carriers ²²	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite) ²³	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications	517410	\$44 million	332	195	58.73%
All Other Telecommunications ²⁴	517810	\$40 million	1,673	1,007	60.19%
Electric Power Generators, Transmitters and Distributors	2211 ²⁵	250-1000	2,626	2,103 ²⁶	80.08%

²⁰ U.S. Census Bureau, “Selected Sectors: Employment Size of Firms for the U.S.: 2022.” Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPFI, 2025, “Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022.” Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVF, 2025.

²¹ *Id.*

²² Affected Entities in this industry include Wired Broadband Internet Access Service Providers, Cable Companies and Systems (Rate Regulation), Cable System Operators (Telecom Act Standard), Competitive Local Exchange Carriers (CLECs), Incumbent Local Exchange Carriers (Incumbent LECs), Interexchange Carriers (IXCs), Local Exchange Carriers (LECs), Operator Service Providers (OSPs), Other Toll Carriers.

²³ Affected Entities in this industry include Wireless Broadband Internet Access Service Providers and Wireless Carriers and Service Providers, 1670–1675 MHz Services, 3650-3700 MHz Band, 700 MHz Guard Band Licensees, Advanced Wireless Services - AWS Services, Air-Ground Radiotelephone Services, Broadband Personal Communications Service, Broadband Radio Service and Educational Broadband Service, Fixed Microwave Services, Lower 700 MHz Band Licenses, Specialized Mobile Radio Licenses, Upper 700 MHz Band Licenses, Wireless Communications Services, Wireless Telephony.

²⁴ Affected Entities in this industry include Internet Service Providers (Non-Broadband).

²⁵ NAICS Industry Group Code for all businesses in the Electronic Power Generators, Transmitters & Distributors industry group – (Hydroelectric Power Generation, Fossil Fuel Electric Power Generation, Nuclear Electric Power Generation, Solar Electric Power Generation, Wind Electric Power Generation, Geothermal Electric Power Generation, Biomass Electric Power Generation, Other Electric Power Generation, and Electric Bulk Power Transmission and Control). Individual data are available for each of these industries based on their six-digit NAICS code.

²⁶ This represents the number of small firms with less than 250 employees in the Electronic Power Generators, Transmitters & Distributors 2211 NAICS Code Industry Group.

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data ²⁷ (Data as of December 2023)	SBA Size Standard (1500 Employees)		
	Affected Entity	Total # FCC Form 499A Filers	Small Firms
Wired Telecommunications Carriers ²⁸	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite) ²⁹	585	498	85.13

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

8. The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.³⁰

9. The rules adopted in the *Order* will reduce burdens on small and other service providers by harmonizing key definitions across filings, removing unnecessary notification processes, and streamlining responses to audits, which may result in cost savings for filers, including small entities. Specifically, we modify our rules so that Form 477 uses the definition of “broadband connection” found in section 1.7001(a)(1) of the Commission’s rules so that it refers to connections of a “broadband internet access service” as defined in section 8.1(b) of the Commission’s rules. We believe that this change clarifies reporting requirements and reduces confusion among small and other providers without materially affecting the Form 477 data collection or the BDC. Additionally, the *Order* declined to adopt a proposal to require providers to report the availability of fixed voice services, which would impose new burdens on certain fixed voice service providers without sufficient justification for this additional reporting. The *Order* also declined to require additional certifications and supporting data from satellite providers.

10. The *Order* also adopts changes to section 1.7009(d) of the Commission’s rules to remove the obligation of providers to update their BDC data based on adverse verification results, and adds section 1.7009(e) to require Commission staff to modify or remove the provider’s BDC data from the National Broadband Map (NBM) after the provider is notified of an adverse audit or verification finding. These changes will eliminate the burden on providers to meet a 30-day correction window, particularly small business providers who may have limited staff and resources comply with such an obligation. We do not anticipate additional costs associated with complying with the rules adopted in the *Order* because they do not create new or additional reporting, recordkeeping, or other compliance requirements for small service providers.

²⁷ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), <https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf>.

²⁸ Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

²⁹ Affected Entities in this industry include all reporting wireless carriers and service providers.

³⁰ 5 U.S.C. § 604(a)(5).

F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

11. The RFA requires an agency to provide “a description of the steps the agency has taken to minimize the significant economic impact on small entities...including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”³¹

12. In the *Order*, we take steps to streamline processes that serve as important checks on the accuracy of BDC data and consider alternatives to alleviate unnecessary regulatory burdens on small and other service providers and challenge process participants. We also make certain ministerial edits to restructure or update references in the BDC rules. For example, we adopt the Commission’s proposal from the *Fourth FNPRM* to modify our rules so that Form 477 uses the same definition of “broadband” as the BDC.³² This alternative clarifies reporting requirements and reduces confusion among providers without materially affecting the Form 477 data collection or the BDC. Additionally, the *Order* declines to adopt a proposal to require providers to report the availability of fixed voice services because such a requirement would impose additional reporting obligations on certain fixed voice service providers that are not supported by the record.

13. We also decline to adopt a proposal to require the additional certifications and supporting data from satellite providers about which the Commission sought comment in the *Fourth FNPRM*.³³ On balance, we find that any potential benefit in routinely collecting such information in satellite providers’ biannual submissions is outweighed by the burden created in requiring a duplicative submission of the data in FCC Form 312 and Schedule S.

14. In addition, we considered the proposals set forth in the *Fourth FNPRM* to eliminate the requirement to notify service providers of Fabric challenges and the requirement that service providers be afforded an opportunity to respond to such challenges during the Fabric development cycle.³⁴ Further, we clarify that the Commission’s interpretation of the language from the Infrastructure Investment Jobs Act (IIJA) permitting provider responses and setting a deadline for the Commission to resolve challenges only applies to availability challenges and not to Fabric challenges. While some commenters argue notice is necessary to provide clarity about the challenges and an opportunity to learn the outcomes of their Fabric challenges, we conclude that the adoption of these proposals to eliminate notice requirements and responses to challenges will clarify any ambiguity in the Commission’s rules and streamline the process for resolving Fabric challenges and incorporating challenge results into the next version of the Fabric. On the other hand, implementing a more robust notification system and permitting additional time for service providers to respond to in-progress Fabric challenges would inherently add more complexity to the existing process by which the Commission updates the Fabric on a biannual basis and would substantially increase the amount of time it takes to resolve Fabric challenges and may impact Fabric data generation timelines.

15. We also adopt the proposal from the *Fourth FNPRM* to modify the Commission’s rules to better distinguish between fixed and Fabric challenges by moving the rules pertinent to Fabric challenges into their own subsection.³⁵ Having separate sections explaining the distinct challenge

³¹ 5 U.S.C. § 604(a)(6).

³² See *Fourth FNPRM*, 39 FCC Rcd at 7580, paras. 117-18.

³³ *Id.* at 7563, paras. 65-76.

³⁴ See *id.* at 7570-72, paras. 90-94.

³⁵ *Id.* at 7581, paras. 120-21.

processes would improve and clarify the Commission's rules.

16. Further, we adopt changes to section 1.7009(d) of the Commission's rules to remove the obligation of providers to update their BDC data based on adverse verification results, and add section 1.7009(e) to require Commission staff to modify or remove the provider's BDC data from the NBM after the provider is notified of an adverse audit or verification finding.³⁶ These changes will streamline the outcome of verifications and audits, improve the accuracy for the NBM, align with how the BDC system is designed to process the amendment or removal of locations or areas after adverse verification or audit findings,³⁷ and eliminate the burdens on small and other providers to meet a 30-day correction window.

G. Report to Congress

17. The Commission will send a copy of the *Sixth Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.³⁸ In addition, the Commission will send a copy of the *Sixth Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy and will publish a copy of the *Sixth Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.³⁹

³⁶ See *Fourth FNPRM*, 39 FCC Rcd at 7577, paras. 108-09.

³⁷ Currently, the BDC system has the ability to amend or remove those areas or locations lost due to an adverse verification or audit finding from a provider's availability data when processing the NBM data.

³⁸ 5 U.S.C. § 801(a)(1)(A).

³⁹ *Id.* § 604(b).

APPENDIX C

INITIAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Fifth Further Notice of Proposed Rulemaking (Further Notice)* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Further Notice*. The Commission will send a copy of the *Further Notice*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.² In addition, the *Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. Among other requirements, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act)⁴ requires the Commission to collect granular location level broadband availability data from service providers on a biannual basis in the Broadband Data Collection (BDC); use such data to publish the National Broadband Map (NBM); allow for consumers and entities to challenge data on the map; and verify and conduct regular audits of submitted data. As required by the statute, the Commission has adopted rules codifying the framework for the BDC program. Some of these processes, definitions, and rules need to be streamlined, harmonized, or eliminated in order to create efficiencies that promote the accuracy of the data collected, while reducing regulatory burdens on service providers and other entities.

3. The *Further Notice* seeks comment on options for further revising or eliminating some of the Commission's rules pertaining to the biannual submission of BDC data. These options would include: 1) relaxing the requirement to submit fixed broadband data for "grandfathered" services; 2) eliminating the rules requiring the submission of fixed broadband availability data at speeds below 25/3 Mbps, 3G mobile broadband availability data, and mobile voice availability data; and 3) eliminating maximum buffer size requirements for providers of fixed wireline service and maximum antenna height limitation for providers of fixed wireless service. The *Further Notice* also seeks comment on options for streamlining the crowdsourcing and challenge processes, including: 1) relaxing requirements for mobile crowdsourced data; 2) developing processes for how to evaluate infrastructure data submitted in response to a fixed challenge; and 3) reducing and simplifying the timeline and processes for fixed challenges. The *Further Notice* would lastly seek comment on an array of options to streamline the process to restore coverage that has been previously removed due to a challenge, verification, or audit; on whether to expressly treat certain data as confidential; and on current data retention best practices.

B. Legal Basis

4. The proposed action is authorized pursuant to sections 1-5, 7, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 157, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646,

¹ 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

² *Id.* § 603(a).

³ *Id.*

⁴ 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).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

5. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁶ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁷ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁸ The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.⁹

6. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.¹⁰ In general, a small business is an independent business having fewer than 500 employees.¹¹ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.¹² Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant in their field.¹³ While we do not have data regarding the number of non-profits that meet that criteria, over 99% of nonprofits have fewer than 500 employees.¹⁴ Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.¹⁵ Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.¹⁶

⁵ 5 U.S.C. § 603(b)(3).

⁶ *Id.* § 601(6).

⁷ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁸ 15 U.S.C. § 632.

⁹ 13 CFR § 121.903.

¹⁰ 5 U.S.C. § 601(3)-(6).

¹¹ See SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

¹² *Id.*

¹³ 5 U.S.C. § 601(4).

¹⁴ See SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), <https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/>.

¹⁵ 5 U.S.C. § 601(5).

¹⁶ See U.S. Census Bureau, 2022 Census of Governments –Organization, <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>, tables 1-11.

7. The rules proposed in the *Further Notice* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)¹⁷ codes and corresponding SBA size standard.¹⁸ Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms¹⁹	Total Small Firms²⁰	% Small Firms
Wired Telecommunications Carriers ²¹	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite) ²²	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications	517410	\$44 million	332	195	58.73%
All Other Telecommunications ²³	517810	\$40 million	1,673	1,007	60.19%

¹⁷ The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. See www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

¹⁸ The size standards in this chart are set forth in 13 CFR § 121.201, by six digit North American Industrial Classification System (NAICS) code.

¹⁹ U.S. Census Bureau, “Selected Sectors: Employment Size of Firms for the U.S.: 2022.” Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPfirm, 2025, and “Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022.” Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVfirm, 2025.

²⁰ *Id.*

²¹ Affected Entities in this industry include Wired Broadband Internet Access Service Providers.

²² Affected Entities in this industry include Wireless Broadband Internet Access Service Providers and Wireless Carriers and Service Providers.

²³ Affected Entities in this industry include Internet Service Providers (Non-Broadband).

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data ²⁴ (Data as of December 2023)	SBA Size Standard (1500 Employees)		
	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Wired Telecommunications Carriers ²⁵	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite) ²⁶	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

8. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.²⁷

9. Many of the proposals discussed in the *Further Notice* should reduce or eliminate reporting, recordkeeping, or other compliance requirements for small and other service providers. As such, we do not anticipate additional compliance costs for small providers and we do not anticipate that these proposals on which we seek comment would require small entities to hire professionals to comply. We expect the information we receive in comments will help the Commission identify and evaluate relevant compliance matters for small entities, including compliance costs and other burdens that may result from potential rule changes discussed in the *Further Notice*.

10. The *Further Notice* seeks comment on ways to revise or eliminate some of the Commission's rules pertaining to the BDC. Specifically, the *Further Notice* seeks comment on proposals to revise the coverage restoration process, the data required to overturn an earlier determination that a provider's data are inaccurate, and the evidentiary threshold upon which the Commission should evaluate these decisions. The *Further Notice* also seeks comment on its approach to reporting for grandfathered services, including whether the Broadband DATA Act allows the Commission to refrain from collecting grandfathered fixed broadband availability data, and, if so, whether to eliminate reporting of this data, thereby reducing compliance burdens on small and other providers. Noting that the Commission raised the minimum speed of services that constitute advanced telecommunications capability to 100/20 Mbps, the *Further Notice* asks whether the Commission should eliminate reporting requirements for locations where fixed service providers offer speeds below 25/3 Mbps. Additionally, the *Further Notice* seeks comment on whether to require providers who use certain maximum buffer sizes when generating their data to disclose these data only as part of the provider's response to a verification or audit request, or when the provider seeks to restore its coverage, instead of as part of BDC biannual submissions as

²⁴ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), <https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf>.

²⁵ Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

²⁶ Affected Entities in this industry include all reporting wireless carriers and service providers.

²⁷ 5 U.S.C. § 603(b)(4).

currently required. The *Further Notice* also seeks comment on whether to relax the 7-meter maximum antenna height requirement.

11. The *Further Notice* seeks comment on whether and how to end legacy data collection for mobile services, such as 3G mobile broadband and mobile voice availability. Additionally, the *Further Notice* seeks comment on data retention requirements and alternative approaches such as voluntary best practices, and related costs and benefits of these proposals. The *Further Notice* also seeks comment on ways to streamline the fixed and mobile challenge processes, which may reduce burdens on providers to respond to these challenges and shorten the duration or allow for alternative timelines for the challenge, and on ways to improve collection of mobile crowdsourced data, such as relaxing requirements for contact information and specific measurements that would provide reliable data. Furthermore, the *Further Notice* seeks comment on mobile verification and audit process improvements, which may reduce burdens on providers by automatically removing from the BFM all challenged areas that are conceded or upheld. Finally, the *Further Notice* seeks comment on whether to treat data in BDC filings as confidential without an additional request from a service provider.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

12. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.²⁸ The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”²⁹

13. As an initial matter, several of the proposals in the *Further Notice* are expected to have a positive impact on small businesses—for example, reducing the filing requirements for a variety of older technology and services, such as “grandfathered services,” fixed broadband under 25/3 Mbps, 3G mobile broadband, and mobile voice. Commenters propose that service providers should not be required to submit availability data associated with grandfathered services, and we seek comment on this proposal or alternative ways in which the Commission should collect these data. We also consider and seek comment on relaxing certain technical rules pertaining to the maximum buffer sizes that fixed wireline providers must report and the antenna height for a standard installation that fixed wireless providers must use when modeling fixed broadband availability for the biannual submissions, and alternatives that may impact small and other providers. In addition, we consider and seek comment on the fixed and mobile challenge processes. Specifically, we seek comment on commenters’ proposals to lower certain evidentiary burdens required by the Commission when evaluating challenges and restoring coverage to locations.

14. To assist the Commission’s evaluation of the economic impact on small entities as a result of actions that may result from proposals and issues raised for consideration in the *Further Notice*, and to better explore options and alternatives, the Commission is seeking comment from the public on how best to ways to enhance the efficiency of the BDC while ensuring that the Commission continues to receive accurate, granular data by eliminating certain requirements and streamlining the BDC. More specifically, the Commission seeks comment on how to simplify and reduce unnecessary regulatory burdens and better serve the public.

²⁸ 5 U.S.C. § 603(c).

²⁹ *Id.* § 603(c)(1)-(4).

15. More generally, the proposals and questions set forth in the *Further Notice* were designed to enable the Commission to understand the benefits, impact, and potential burdens associated with the different approaches that the Commission can pursue to achieve its objective of enhancing the efficiency of the BDC while ensuring that the Commission continues to receive accurate, granular data by eliminating certain requirements and streamlining the BDC. Before reaching its final conclusions and taking action in this proceeding, the Commission expects to review the comments filed in response to the *Further Notice* and more fully consider the economic impact on small entities and how any impact can be minimized. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals detailed in the *Further Notice* and outline any additional alternatives that would accomplish the objectives of this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

16. None.