

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS
APPROVING IN PART AND DISSENTING IN PART**

Re: *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195;
Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10.

Good decisions require good data and policy decision about broadband deployment are certainly no exception. With billions of dollars of funding at stake it is imperative that we accurately identify who in the US does and, more importantly, who does not yet have broadband coverage. Only then can we effectively target our limited USF dollars to solving the problems of broadband deployment that are contributing to the growing state of internet inequality in the US.

I believe in the promise of broadband and the potential that it unlocks: from telehealth, to precision agriculture, to enhanced educational opportunities. Now more than ever a reliable, affordable, high-quality internet connection is necessary for success in the 21st century. Making the internet accessible to everyone is my highest priority as a Commissioner. We need to work to accomplish this goal as quickly as possible. And, as citizens, lawmakers, and stakeholders have made perfectly clear over the past few years, better data, and better maps, are integral to reversing the growing internet inequality taking hold in parts of America.

Currently, the FCC's Form 477 Data Collection is the primary way the FCC knows where broadband is and is not deployed. As I have said before,¹ this data collection is inadequate - it overstates broadband deployment for the following reasons:

First, according to the way the FCC interprets the data, an entire census block is considered "served" even if only a single home is served. This problem is rooted in how the FCC asks for information from service providers – they are required to send us a list of the census blocks they serve but we don't require them to specify whether they serve the whole block or merely a single location. Secondly, the current Form 477 reporting directions allow providers to report not only areas where they actually serve, but also areas where they "could serve." Lastly, mobile broadband service providers must report their minimum advertised speeds instead of the actual speeds they are providing and that consumers are likely to experience. While fast speeds may look great on a spreadsheet here in Washington, they mean nothing to residents of rural America if these speeds are not actually received, or if cost constraints compel residents to purchase slower speeds.

During the past few years, these problems with the FCC's data and maps have led to a bipartisan, bicameral Congressional consensus that the FCC's maps "stink."² A Cabinet member has called the maps "Fake News."³ The maps and the flawed underlying data have become repeat offenders. There is an urgent need for improved broadband maps and data so that the Commission can make better decisions about how to use scarce Universal Service Dollars to most effectively support broadband and fight the

¹ Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, GN Docket No. 18-238, 2019 Broadband Deployment Report. (Dissenting Statement of Commissioner Geoffrey Starks).

² See Eggerton, J, (2018, August 16). Sen. Tester: FCC's Broadband Maps 'Stink', <https://www.multichannel.com/news/sen-tester-fccs-broadband-maps-stink>.

³ Implementing the Agriculture Improvement Act of 2018: Hearing Before the S. Committee on Agriculture, Nutrition, and Forestry, 116th Cong. At 1:24:25 (statement of Sonny Perdue, Secretary, United States Department of Agriculture), <https://www.agriculture.senate.gov/hearings/implementing-the-agriculture-improvement-act-of-2018>.

deepening state of internet inequality that is taking hold in America. For the past two years the Commission has been working on how to modernize the form 477 data program.⁴

Unfortunately, following this two-year effort, the item before the Commission today is only a nudge in the right direction. It leaves many responsibilities delegated and many questions unanswered. Notably, no timeline or mechanism of accountability is provided to guarantee when improvements to the data the Commission collects or the maps it creates will be made. This is a critical problem and it calls for decisive action to quickly improve our data and maps. I am committed to making the necessary improvements to the way the Commission collects and uses broadband data, and the way it uses data generally. In my efforts to work toward increasing the rigor and responsible use of data at the Commission, here is what I look for:

- Are we asking the right questions? To best accomplish our goals, we need to be intentional and deliberate in the data we ask for to ensure that we have access to the full spectrum of information needed to make informed decisions and to measure our progress.
- Have we established precise technical standards for how this information is to be collected? Our end goal is not to amass mountains of data to file it away, but rather to use data to shape and inform our decisions. To do so the data the Commission collects must be standardized and interoperable.
- Are we validating and verifying the data we collect? As we learned from BarrierFree, more must be done to vet and validate data anomalies. For us to be confident in the outputs of our data analysis and the resulting decisions, we must be confident in the accuracy and validity of the data we receive. After all, how can we close the digital divide if we can't trust the broadband data we collect?
- Are we being as transparent as possible with the data we collect? Where possible both our raw data and resulting analyses should be made public to allow for scrutiny and external validation. Sharing data doesn't just promote transparency, it also allows for academics, industry, and the public to explore the data to propose new and novel ideas to addressing our most pressing challenges.
- Lastly, and perhaps most importantly, are we using data to drive and inform our decision making? Universal Service Fund dollars are limited and precious and the American people deserve to have their funds put to the best possible use through rigorous data driven decision making.

I evaluated the item before us with this framework in mind. I believe that the order and NPRM, by adopting shapefile reporting and by proposing to create a broadband location fabric, asks many of the right questions as it begins the process of establishing the Digital Opportunity Data Collection. However, while the item makes a few relatively minor fixes to the Commission's Form 477 data collection, it does not address the most glaring problems with it. Why, you might ask, do we still need to spend time working to fix the Commission's Form 477 data collection? Because the Rural Digital Opportunity Fund NPRM on today's agenda proposes using Form 477 data as the sole source of information to identify where to target \$16 billion in USF funding over the upcoming decade. For me, as long as Form 477 data continues to play an important role in the Commission's policy making, it is our responsibility to make it as accurate as possible.

Accordingly, I suggested changes to fix some of the most glaring problems with the Form 477 data collection. Unfortunately, the Chairman and I were not able to agree on a path forward that included my suggested changes. I also suggested adding several additional questions to the Further Notice about

⁴ Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, FCC 17 103 (rel. Aug 4, 2017).

the format and technical specifications for data that service providers will file. It's important to ask these questions so that when the data arrives, it will be interoperable and will not require extensive processing before we can use it. I'm glad that my suggestions were accepted, and I think the Further Notice is stronger with these questions included.

With regard to validating and verifying data, the Digital Opportunity data Collection Order looks to crowdsourcing as one measure to check the validity of data that service providers report and directs USAC to propose a plan to validate the data that it receives. These validation methods look to me like a good start. But, I urge the Commission to apply lessons from the BarrierFree data issue that resulted in a Form 477 Fixed service filing that overstated broadband deployment by 62 million households. The Commission should implement stringent validity checks across all of its data to ensure that it detects errors and does not make use of inaccurate data.

On transparency, the Digital Opportunity Data Collection Order adopts a presumption that information filed as part of the new collection is not confidential. And, it makes much of the information filed in the Form 477 data collection public. These are welcome developments that will introduce significant transparency in the Commission's handling of data it collects, and this transparency will benefit the public by making the FCC's data more accessible for researchers, academics, State governments, localities, and anyone with an interest in tracking the state of broadband deployment in the US.

Finally, on the question of using data to drive and inform our decision making, the Digital Opportunity Data Collection, with its shapefile reporting requirements and its proposed "Broadband Serviceable Location Tool" establishes what I hope will become a strong foundation for data driven policy making.

All told, while the item meets some of my framework, and appears to set up a promising framework for a Digital Opportunity Data Collection, I would have hoped that the Commissions would have been further along two years into this proceeding, and I would have also hoped for the glaring problems with the Commission's Form 477 data collection to have been addressed before 477 data was used for additional policy making. That said, it is a step in the right direction, and I look forward to reviewing the record and continuing to push for the improved use of data at the Commission, and by extension improved connectivity for all Americans. I thank the staff from many of the Commissions Bureaus and Offices that have contributed to this order.