

**BEFORE THE
NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
WASHINGTON, DC**

Agency Information Collection Activities)
Proposed Information Collection)
Comment Request)
Broadband Availability Data)

**COMMENTS OF THE AMERICAN CABLE ASSOCIATION
ON THE PROPOSED INFORMATION COLLECTION**



The American Cable Association (“ACA”)¹ hereby comments on the National Telecommunications and Information Administration’s (“NTIA”) proposed information collection of broadband availability data.² NTIA intends to collect broadband availability data from “owners and operators of broadband networks” and others “at a more granular level than that available via the FCC Form 477 process,” but it “will not require that respondents modify appropriate data

¹ ACA represents approximately 750 smaller cable operators and other local providers of broadband Internet access, voice, and video programming services to residential and commercial customers. These providers pass approximately 18.2 million households of which 7 million are served. Many of these providers offer service in rural communities and more remote areas. ACA members help build the government’s broadband map by providing the Federal Communications Commission (“FCC”) with information about where they make their service available. ACA members fill out FCC Form 477 biennially, providing broadband deployment data on a census block basis. Moreover, some of them also have produced more granular data as part of the one-time Connect America Fund Phase II challenge process, which, despite focusing on limited areas, was a resource-intensive, albeit critical, undertaking both for providers and the FCC. See *Connect Am. Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 7211 (WCB 2013).

² Agency Information Collection Activities; Proposed Information Collection; Comment Request; Broadband Availability Data, 83 Fed. Reg. 53852 (Oct. 25, 2018) (“Notice”).

sets, with the exception that Personally Identifiable Information (PII) should be removed.”³

Specifically, NTIA seeks data that include “geographic information on service availability – such as address, address range, road centerline, land-parcel identification, or latitude/longitude—and corresponding broadband availability data.”⁴ NTIA asserts that respondents will spend an average time of eight hours on their response.⁵

At the outset, ACA notes that the Notice does not state whether the collection will be voluntary or mandatory. If the collection is voluntary and broadband providers are not required to respond, ACA does not find the burden of the collection to be unreasonable because each provider can decide whether the benefits of participating outweigh the costs. However, if NTIA intends the collection to be mandatory, ACA objects to the collection because the Consolidated Appropriations Act of 2018 (the “Act”)⁶ does not give NTIA such authority. In addition, ACA objects because a mandatory collection of broadband deployment data more granular than what is currently provided to the FCC that would need to meet the criteria set forth by NTIA and be certified for accuracy would be of limited practical utility without NTIA having data (meeting the same criteria) on the location of all housing units in the US. Moreover, such a collection could be significantly burdensome for many smaller cable operators, depending upon what is required by NTIA. In responding to the questions posed in the Notice, ACA sets forth its concerns.

1. Is the proposed collection of information necessary for the proper performance of the functions of the agency, and will the collection have practical utility?

While gathering additional data about broadband deployments fits within NTIA’s functions, to have real practical utility, any NTIA collection from broadband providers of

³ *Id.* at 53853.

⁴ *Id.*

⁵ *Id.*

⁶ Consolidated Appropriations Act of 2018, Pub. L. 115-141, Division B, Title I, 132 Stat. 348.

deployment data on a more granular level than census blocks should follow the more fundamental task of determining the location by address or geocode of all housing units in the US. Earlier this year, in response to NTIA's request for comments on implementing the Act by the collection of additional data,⁷ ACA explained that, “[w]hile the [Initial] Notice focuses to a large extent on the issue of how to collect accurate and granular deployment data from wireline providers, the much more fundamental problem with the current broadband mapping effort is that the government lacks the precise location of all households in the US. ACA knows of no existing database that has a complete listing of all US households by address or by latitude and longitude of the premises....Without complete information about the locations of US households, there is no way to determine all locations that are unserved, even though ACA members and other wireline broadband providers provide data about where they make service available.”⁸ ACA, therefore, urged NTIA to focus first on this task; however, the Notice does not appear to address the fundamental problem and instead asks broadband service providers to supply deployment data at a more granular level than census blocks. ACA submits that this additional information will have little practical utility if a database of all locations that meets the same criteria that NTIA seeks to use to collect information from broadband providers does not exist. Accordingly, ACA urges NTIA to refrain from imposing any information collection mandate on broadband providers and instead focus first on this deficiency.

2. Is the estimated average burden of eight hours for the collection and response accurate?

While the Notice provides that respondents will not need to modify their data, for the few providers that maintain deployment data at a more granular level than census blocks that meet

⁷ Improving the Quality and Accuracy of Broadband Availability Data, 83 Fed. Reg. 24747 (May 30, 2018) (“Initial Notice”).

⁸ Comments of the American Cable Association on the Public Notice, Improving the Quality and Accuracy of Broadband Deployment Data, Docket No. 180427421-8421-01, at 2-3 (July 16, 2018).

the criteria that NTIA specifically seeks, these providers are likely to need more than eight hours to comply. Such a data request would require the provider to identify and assemble the data set, remove PII, verify such data for accuracy, transmit the collection to NTIA, and then, where necessary, respond to NTIA inquiries about the data. ACA estimates that satisfying such a requirement, particularly the verification of the data for accuracy, would take magnitudes more time than NTIA's estimate of an average of eight hours per provider per response.

For all other providers, including many smaller cable operators, the time required to respond to an NTIA request for deployment data that meet specific criteria and could be certified as being accurate would be unduly burdensome, taking much more time than would be required of those that have data that meet NTIA's collection criteria. Let us explain further.

Smaller cable operators produce broadband deployment data on a census block basis for filing Form 477 today through one of three methods: by using a paper network map, a "homes passed" database, or a digital network map. Some smaller operators (and even some larger ones that acquire smaller operators) rely on paper copies of network maps to produce deployment data on a census block basis for filing Form 477 today. They do this by manually overlaying their paper maps with census block maps. However, paper maps have limitations. For instance, they can be outdated, requiring the cable operator to rely on the knowledge of the system's network engineer. In addition, they may not have been updated because the operator has only a few employees, each of whom know from experience whether the operator can provide service to a location when they get a phone call from a potential customer.

Other smaller operators rely on a "homes passed" database, which is a list of addresses used by customer service representatives of an operator to determine whether consumers can receive service at their residences. The list typically includes addresses of current and former customers. It may be supplemented over time with addresses from other sources, such as marketing mailing lists and addresses obtained when the operator extends its network to a new

development. While operators aim to have up-to-date, comprehensive lists, most operators report that their databases are far from perfect. Most often, these lists are underinclusive.⁹ To create a census block list for filing Form 477, the “homes passed” database is matched, usually by a third-party vendor for smaller operators, either directly with census block information without geocoding the information or first to geocoded information that then can be associated with census blocks.¹⁰ In other words, even if a smaller cable operator works on its “homes passed” database, that does not mean the addresses are geocoded.¹¹ In addition, the “homes passed” database rarely includes homes that are not yet passed but where service is available. These locations are usually evaluated for service by network engineers on a case-by-case basis and then factored into the list of served census blocks.

Digital network maps also can be used to produce census block information by electronically overlaying the network map with the census block map. Few smaller cable operators, however, have a digital network map because of the substantial time and costs required to generate it.¹² Moreover, even where an operator may have a digital network map, it may have never geocoded its “homes passed” service address information because it would

⁹ Although “homes passed” databases are imperfect, providers view them as good enough to handle the vast majority of consumer inquiries about their service availability. ACA members report that the cost of determining whether service can be provided to addresses not in the database is substantially less than the cost of having to develop and maintain a perfect database.

¹⁰ Before this process can take place, the “homes passed” database must be scrubbed to improve the likelihood that the addresses contained therein will match the street names and house number range in the census block database or be able to be geocoded. The address information that is good enough for a customer service representative to determine whether a consumer can be served is often not precise enough for a census block match or geocoding.

¹¹ After an initial list of census blocks is produced from the “homes passed” database, the list must be reviewed and amended with supplemental data to ensure its accuracy. For instance, addresses that could not be associated with any census block or geocoded must be reviewed to determine whether the census block list includes the blocks in which these rejected addresses are found. An address can be rejected because a road has a different name from the one used by the Census Bureau or other sources. This problem tends to be greatest in rural areas, where government agencies and individuals often use different names for the same address – if there is any address at all.

¹² From discussions with mapping vendors, ACA believes fewer than 20 of its smaller cable operator members have digital network maps.

serve no business purpose. Therefore, such an operator could not easily respond to an NTIA request for deployment data that meet criteria set forth by NTIA that are different from how it keeps its own deployment data and certifies such data as being accurate.

In sum, most smaller cable operators would be unable to supply broadband service availability data on a more granular basis than census blocks that meet criteria set by NTIA that they could certify as being accurate without expending more time than NTIA has estimated. Even for those smaller operators that have such detailed information, many would need both to spend the time to respond and incur the additional cost of having their third-party vendor remove any PII.

3. Are there ways to enhance the quality, utility, and clarity of the information to be collected?

As ACA discussed above, if NTIA is going to accomplish the task of identifying “regions of the country with insufficient broadband capacity, particularly in rural areas,” it will first need to construct a database of all housing units in the US.¹³ Without this information, broadband providers can identify at a more granular level where they have service available, but NTIA will not know all of the housing units where service is not available. Again, ACA urges NTIA to undertake this task first, including by working with states, local governments, and other sources of housing unit data.

Further, NTIA can enhance the quality of its product by coordinating its collection with the FCC’s Form 477 collection. The FCC is examining whether to collect more granular data and may reach a decision relatively soon.¹⁴ To obtain improved data while minimizing collection burdens, any NTIA collection should be consistent with the collection required by the FCC.

¹³ Notice at 53853.

¹⁴ See *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017).

4. Are there ways to minimize the burden of the collection of information on respondents?

Most smaller cable operators do not use sophisticated information technologies to file Form 477. Instead, they gather the data manually by overlaying existing maps with census block maps, fill out the form, and then they upload it. Therefore, NTIA should exempt smaller cable operators from participating in the new collection. Should NTIA require the submission of information by smaller cable providers, it should enable the simple uploading of data and even permit filing hard copies by mail. Further, it should not require these operators to provide deployment data that meet criteria set by NTIA and in a specific format, but accept deployment data more granular than census blocks that meet whatever criteria and format that is least burdensome for the smaller cable operator.

Respectfully submitted,

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