

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Response to this letter is due by January 31, 2012

January 6, 2012

To: Providers of Broadband Services in California

Subject: **Data Request in Compliance with the State Broadband Data and Development (SBDD) Grant Program and the Broadband Data Improvement Act (BDIA)**

Happy New Year, everyone. On behalf of the State of California, the CPUC, its staff, and the NTIA, we thank you for your ongoing participation in NTIA's BDIA broadband inventory and mapping program. Another six months has transpired, and the time has come to update your broadband availability data. This data request initiates the fifth round of broadband data collection, and we are making adjustments to make submission as easy as possible.

With the recent release of the FCC's new broadband universal service plan (Connect America Fund or CAF), it is apparent that the National Broadband Map (which uses the data we are collecting) is going to play a key role in subsidizing rural broadband service. The CAF will fund only areas not served by an unsubsidized provider.¹ Only by providing your data as described in this Data Request can you protect your investment from subsidized competition.

Data submitted under this Program are also used to further the state goals of supporting broadband deployment in unserved and underserved areas, and of increasing broadband subscribership throughout the state. Like the FCC's CAF, the CPUC's California Advanced Services Fund (CASF) only subsidizes broadband infrastructure deployment in unserved and underserved areas, as determined by the data you are providing.² **Broadband providers who have not submitted their availability data to us will not be able to challenge applications for CASF grants on the grounds that you already serve the area covered by the CASF grant application.**

We're asking you, once again, to go through the exercise of sending us your broadband availability data. In this 5th Round of data collection, the format for your submission remains the same as it was six months ago. As you did last time, you will use census boundaries established by the 2010 census. The list of 2010 census blocks and associated information are posted on our [State Broadband Mapping Program](#) website.

We believe that due to your efforts and the lessons that we've all learned over the past two years, the inventory and depiction of broadband services in the state are much more representative of actual availability. The quality of your data has gotten much better, and our processing of it has gotten much better as well. We thank you for your patience – as you know this entire process is not an easy one.

¹ Other factors are involved as well. For details about requirements to receive CAF funding, and the role of the NBM, see Report and Order and Further Notice of Proposed Rulemaking, FCC 11-61, (November 18, 2011). (FCC's plan to shift from subsidizing rural telephone service to subsidizing rural broadband service)

² To see the current visual depiction of your data, please view California's Interactive Broadband Map (<http://www.broadbandmap.ca.gov/>), and the National Broadband Map (www.broadbandmap.gov). Both maps inform the viewer of the providers and speeds at each selected location, and provide your web address for anyone wanting to contact the company. The NBM and California Broadband Map currently reflect data as of June 30, 2011. California's Map will be updated shortly to depict data as of December 31, 2011.

The information below is virtually identical to the text of our previous data request. We have, however, provided you with tools to help improve availability data even further. In the past months, we have sent you a map of your company's broadband availability in the state, based on your last submission. For those of you who are wireline carriers³, we have also provided a layer on your pdf map showing what we call the "Red Zone." This represents the census blocks where you have reported service availability, but we have not been able to confirm that fact with any of the verification methods we are using. Those methods include, for example, comparing your availability data with FCC Form 477 data showing the location of your customers, using data sets we purchase showing the location of web-based transactions, and for xDSL services, using purchased data sets of wire center locations. If none of these methods verify the availability of service in specific census blocks, we include them in the Red Zone. The Red Zone does not mean there is no service available, just that service is not confirmed by these methods.

Our staff has either talked with you, or attempted to reach you, to discuss these provider-specific maps we've sent you. The purpose of these calls was to review any anomalies in your data that are highlighted by the maps, to gain an understanding of why we have not been able to verify some of your submission (if there are Red Zones shown) with a view towards potential changes in your 5th round submissions.

If you have not had a discussion with CPUC staff about the availability map we've sent you, please connect with us on the phone in the next week. You may send an email to broadbandmapping@cpuc.ca.gov to set up time for a call, or you may call one of our analysts at the following numbers during regular business hours:

Tito Vandermeiden	(415) 703 – 5468
Becky Turner	(415) 703 – 2604
Owen Rochte	(415) 703 – 5469
Melanie Portacio	(415) 703 – 5432
Andrew Auyeung	(415) 703 – 2524

Additional Technical Details

Pursuant to the NTIA's State Broadband Data and Development Grant Program Notice of Funds Availability, Docket No. 0660-ZA (July 8, 2009) (NOFA), the CPUC must collect data regarding the availability of broadband services, the technology used to provide them, the speeds at which broadband services are offered, and the location of certain broadband infrastructure. The CPUC is required to provide the data we collect to the NTIA twice yearly for the term of the Grant Program.

Entities that provide facilities-based broadband service on either a commercial or noncommercial basis within California are subject to this Request.

Three terms are important to pay attention to in determining whether your services should be reported. First, the NOFA defines broadband as follows:

...two-way data transmission to and from the Internet with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least 200 kbps upstream

³ We are working on methods to portray a Red Zone for mobile providers, but for now, we are using this tool only for fixed services.

to end users, or providing sufficient capacity in a middle mile project to support the provision of broadband service to end users...

Second, the NOFA defines broadband service as being “**available**” when it can be installed, **in response to new requests for service, within a 10 day interval**. So, services which require facilities to be engineered and installed, such as those using DS3 access facilities, or require fiber to be built out to a customer’s location, are **unlikely to be able to be provisioned within 10 days of an order**. Providers **should not indicate such broadband services are “available”** in their third round submissions.

Third, **only facilities-based** service is eligible for reporting at this time. So, if you are a pure reseller, please send an email to broadbandmapping@cpuc.ca.gov and tell us that, but send no data. We’re working on a method of including resellers in the provider contact information which we will be giving to consumers, and probably will include them at some point in the future.

Accordingly, if you are facilities-based providers of broadband services that are provisioned in a 10 day service interval, you should be submitting data in response to this Request. The due date for your data is **Tuesday, January 31, 2012**. Data are to be submitted in the formats posted on the [State Broadband Mapping Program](#) website. Please visit our web page and download the record formats, shapefiles and templates appropriate for your submission. For example, different formats are provided for wireline and wireless services. In addition, a choice of submission formats and templates is available tailored to whether a broadband provider has access to Geographic Information Systems (GIS) or does not.

Even if there has been no change in your situation since you last submitted data, we urge you to go through the process again, as we’ve seen improvements in data quality over time. If there has been no change in both the area where broadband services are available, and in your maximum advertised speeds you may send an e-mail to broadbandmapping@cpuc.ca.gov and let us know so that we will carry your prior submission forward. If there have been changes since your last submittal, please submit a **complete** set of data reflecting the service you now make available -- not just the changes.

Provider Map/Interactive Map for public use

Providers’ contact information, including website and phone number, is included on our interactive broadband availability map, in order that people in areas you serve can easily contact you for more information or to order service. **If you do not wish to have contact information available to those who may wish to purchase service from you, please let us know in writing.**

Confidentiality of submitted data: Data submitted to the CPUC in response to this request will be protected under the confidentiality requirements set forth in Section 106 (h)(2) of the BDIA. This section states that, “[n]otwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the entity.” Further, the NOFA states that “[a]s a measure to protect the confidential or proprietary nature of the information received from broadband service providers and other organizations during the data collection phase, awardees may execute nondisclosure agreements (consistent with applicable law) that require awardees to treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except where mutually agreed upon by the information provider and the awardee, provided, however, that any such nondisclosure restriction a) will not restrict the providing of all data collected

under this Program to NTIA, nor b) restrict NTIA's use of such data as contemplated under this Notice (including sharing such data with the FCC or other federal agencies). The Clarification makes clear that the NTIA expects awardees to enter into such agreements upon the request of the service provider. The CPUC believes that these provisions will protect the confidentiality of information that broadband providers submit pursuant to this request and intends to enter into a nondisclosure agreement with any provider that wishes to do so.

Please submit the requested data no later than January 31, 2012 in accordance with the instructions on the [State Broadband Mapping Program](#) website.

If you have questions about this request, please submit them to broadbandmapping@cpuc.ca.gov.

Sincerely,



Michael Morris
California Public Utilities Commission