

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Response to this letter is due by July 31, 2012

June 20, 2012

To: Fixed Wireless 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)**

If your company is one that has provided us broadband availability data in the past, 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. If your company has not yet participated, this sixth round of data collection provides a perfect opportunity to start submitting data.

This data request initiates the sixth round of broadband data collection, and we are again making adjustments both to make your submission as easy as possible for you, and to improve the accuracy of the data as well. These data are now used by the CPUC as the basis of determining areas that are eligible for California Advanced Services Fund grants. However, in the future, the data will be used for many additional broadband programs being developed by the FCC, such as its Connect America Fund (CAF), and other universal service programs, as well as the CPUC.

It is important to the state, its residents, and companies applying for broadband infrastructure deployment grants, that broadband availability not be overstated, in order that underserved and unserved areas will be eligible to be served by those receiving subsidies. It is equally important that your actual areas of availability be reflected on our interactive map so that you do not face subsidized competition in areas you are actually serving without subsidies.

Changes to the California Online Interactive Broadband Map

Over the past six months we have made a number of improvements to the California State Interactive Broadband Map. These include, for example, the ability to zoom to census tract, census block group, census block, tribal area, or political district (Assembly, State Senate, and Congressional) to view broadband coverage for those areas. There is also a wide selection of layers which users can overlay to see wireline, fixed wireless, mobile wireless, and satellite service availability by speed tier.

We plan to roll out additional layers and functionality later this summer to increase the map's usefulness further, given the larger and larger role it and our broadband data will be playing in carrying out the National Broadband Plan. Among the additional layers will be broadband availability from individual providers, as well as a layer for each provider indicating those locations where we have not been able to confirm service through any of the several methods we use for validation.

As noted,, the data you provide has an impact on decisions of where to subsidize additional broadband infrastructure – at both the federal and state level. At the state level, the CPUC recently changed the definition of "served" to be 6 megabits per second or greater for downstream and 1.5 megabits per second or greater for upstream. This change has increased the number of areas now considered "under-served," i.e. less than the new threshold, and this makes those areas eligible for grant funding under the California Advanced Services Fund rules. The California Online Interactive Broadband Map includes layers showing served, under-served, and un-served areas. **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.**

Round 6 Data Request Changes

In this 6th Round of data collection, we have modified the format for your submission. In addition to the GIS data set and/or the 'Fixed Wireless Workbook template', we are asking that providers also submit a copy of their latest FCC Form 477 submission, which shows customer counts by speed tier combination in each census tract served, as required by the FCC. We use Form 477 data, in addition to a number of other data sources, to validate broadband coverage. But, there can be a year delay from the time Form 477 is submitted to the FCC by providers to the time the FCC distributes those data to state PUCs. Accordingly, newly constructed areas, or areas that where broadband speeds have been increased, are not properly validated by Form 477 data the CPUC receives from the FCC. If you will, however, send us your most current Form 477, we will be able to validate recent expansions of service.

Other data sources we use for validation include locations of web-based transactions, FCC speed test reports, dead zone reports, and for xDSL services, wire center locations. If none of these methods verifies 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. Areas where we are unable to validate service at the speed tiers being advertised carry less weight than those that we are able to validate.

In the next release of our Interactive Map, users will be able to view each provider's coverage layer as well as a second layer showing un-validated i.e. Red Zone areas.

We have also modified the data format for the wireless Base Station/Tower location information. We use this information as one way of validating coverage area for fixed wireless providers.

To better assist you in this process, we will be hosting a conference call to go through the data templates and other documents and answer any questions you might have.

The call is scheduled for Monday, June 25 from 2:00-3:00 Pacific.

The conference bridge for this call is:

1-866-453-6703, Passcode 218594#.

We thank you for your patience – as we know this entire process is not an easy one.

Please feel free to send any questions regarding this Data Request or your submissions to broadbandmapping@cpuc.ca.gov

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** 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, July 31, 2012, but due to the large amount of data processing required, I strongly encourage you to submit your data before then**. Data are to be submitted in the formats posted on the [State Broadband Mapping Program](#) website. Please visit our web page and download the data 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 July 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,

A handwritten signature in blue ink that reads "Michael Morris". The signature is written in a cursive style with a large initial "M".

Michael Morris
California Public Utilities Commission