

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Response to this letter is due by July 31, 2012

June 19, 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)**

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 sixth round of broadband data collection, and we are making adjustments to make submission as easy as possible.

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 the ability to look up a specific address and find out what providers advertise service for that census block. Users also have 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. Finally, there is a wide selection of layers which users can overlay see wireline, fixed wireless, mobile wireless, and satellite service availability by speed tier. We plan to roll out additional layers and functionality in the near future, so keep checking back to our interactive map periodically.

Finally, we recently completed our first round of mobile broadband field testing throughout the state. The results of those tests will be made public, and we plan to also make the results viewable as provider-specific layers on the interactive map.

As noted in my letter to you for Round 5, 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.**

In this 6th 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.

The information below is virtually identical to the text of our previous data request. Before we publish the data, however, we go through a process of validation that includes FCC Form 477 subscriber data, 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.

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 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 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,



Michael Morris
California Public Utilities Commission