

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



**Response to this letter is due by January 31, 2013**

December 20, 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 seventh 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 few months we have made a number of improvements to the California State Interactive Broadband Map ([www.broadbandmap.ca.gov](http://www.broadbandmap.ca.gov)). With these changes, it becomes even more critical that broadband providers strive to submit the most accurate data possible.

Most notable among the changes that have been implemented, or that will be released prior to the end of the year, include the following.

- 1) We've added tools to assist potential applicants for, and challengers to, the CPUC's California Advanced Services Fund (CASF). CASF grants totaling \$200 million are for broadband infrastructure deployment, and grant-eligible areas are based on our map data. The FCC will also use our map data as the basis of its Connect America Fund (CAF), which will distribute billions of dollars in broadband subsidies.

One of the things we're required to do by the NTIA as part of our ARRA mapping grant is to perform validation on the data we receive from providers. We do that by using other data bases to see if we can confirm availability with them. For example, for fixed technologies, we use the most recent Form 477 data to see where customers are reported, and the speed tier combinations they subscribe to. If there are customers reported to the FCC in a particular census tract, we consider all census blocks within that tract validated, either as to availability and/or max speed. With regard to speed, we look for at least one customer at the provided max advertised speed. If there are none, we say that, based on the tools we have, we haven't been able to validate the speed submitted to us. We refer to areas where we haven't been able to validate availability as "Red Zones," and areas where we haven't been able to validate speed as "Purple Zones."

A similar process is undertaken with other databases. For example, we have a commercial data base that contains the location and ISP for over a million web-based purchases. If we see an on-line transaction from a particular location and ISP, we consider the ISP's service validated in that census block.

For mobile services, we are using the results of the CPUC's mobile speed test project, also funded by our ARRA mapping grant, as one validation data set. For this project, we use a mobile app we have developed to perform these tests. See our [State Broadband Mapping website](#) for additional details on our validation methodology. Test results show the actual quality of mobile service our testers were able to receive at 1200 points in the state. We have used statistical models to predict data throughput speeds between these 1200 points, and are now using the output of those models to validate AT&T, Verizon, T-Mobile and Sprint's submitted data.

And so on. If even one of these data bases yields validation of speed and/or service availability, we consider the ISP's submitted info validated. Only if none of the data bases yield validation do we deem the block un-validated, color those areas as either Red or Purple Zones.

- 2) We've added the capability for map users not only to be able to view each provider's availability map individually, but to visualize each provider's Red and Purple Zones as well. This information will help the CPUC and the public judge whether additional validation work needs to be done in the context of a grant application being filed for areas shown as "served" in providers' submissions, but which our initial validation process could not substantiate the presence or speed of service.

As noted in my letters to you for previous submission rounds, and in the discussion above, 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 7<sup>th</sup> 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.

**Please feel free to send any questions regarding this Data Request or your submissions to [broadbandmapping@cpuc.ca.gov](mailto: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](mailto: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 **Thursday, January 31, 2013, 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](mailto: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, 2013 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](mailto:broadbandmapping@cpuc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Michael Morris". The signature is written in a cursive, flowing style.

Michael Morris  
California Public Utilities Commission