

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Response to this letter is due by January 31, 2011

December 13, 2010

To: Providers of Broadband Services in California

Subject: **Data Request in Compliance with the State Broadband Data and Development (SBBB) 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 participation in this program, and your submissions for the first and second rounds of data collection. Data submitted under this Program are very valuable to further the state and federal goals of supporting broadband deployment in unserved and underserved areas, and of increasing broadband subscribership throughout the state. This data request initiates the third round of broadband data collection.

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 certain 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 with the next data round in fall, 2011.

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 **Monday, January 31, 2011**. 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.

It is in a broadband provider's best interest to respond promptly and fully, as the broadband inventory maps derived from these data may result in government-subsidized broadband deployment in unserved and underserved areas. Providers that do not respond may face subsidized competition in areas that they already serve.

The CPUC sent individualized maps to providers displaying their Round 2 data submittal. These maps should be used to verify a provider's broadband availability area and guide their Round 3 data submittal. Providers can also view [the statewide broadband availability maps](#) on the CPUC website.

If there has been no change in your situation since you last submitted data, either in the area where broadband services are available, or in your maximum advertised speeds, please send an e-mail to broadbandmapping@cpuc.ca.gov and let us know. We will carry your prior submission forward.

Important Changes from Round 2 Submission

- Data must be current as of December 31, 2010. (Round 2 was as of June 30, 2010).
- 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

Currently, the CPUC is creating its own interactive broadband map intended for use by the public. **Providers contact information, including website and phone number, will be included on our interactive broadband availability map.** 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, 2011 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, stylized "M" and "M" at the beginning and end.

Michael Morris
California Public Utilities Commission