

SUPPORTING STATEMENT
U.S. Department of Commerce
National Telecommunications and Information Administration
State Broadband Data and Development Grant Program
Broadband Mapping State Data Collection
OMB Control No. 0660-XXXX

A. JUSTIFICATION

This is an emergency review request for compliance to the requirements of the Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009.

1. Explain the circumstances that make the collection of information necessary.

NTIA is requesting emergency review and approval of this information collection so that: 1) grant recipients can expeditiously collect important data on broadband availability as part of the SBDD Grant Program and meet the program's requirement that initial data be provided by March 1, 2010; 2) NTIA may use such data in the development and maintenance of a national broadband inventory map that must be publicly available by February 17, 2011; and 3) national, state, and local regulators and policymakers may use the collected data in making time-sensitive policy and regulatory determinations, especially as relates to broadband and information technology grant programs such as NTIA's Broadband Technology Opportunities Program (BTOP) and the U.S. Department of Agriculture's Broadband Initiatives Program (BIP).

Despite the importance of broadband to the U.S. economy, and the importance of providing clear and accurate information about broadband services to the American consumer, the American public has very few avenues by which to obtain information about broadband availability. Furthermore, the ability of policy makers to accurately assess broadband deployment and subscribership on a regular basis is lacking. As stated in the report, "Networked Nation," issued by the National Telecommunications and Information Administration (NTIA):

[I]t is also clear that more work remains to be done both by the government and by the private sector to improve broadband data. . . . In this regard, the general nature of the present data necessarily makes it difficult to identify precisely the specific characteristics of broadband service available in particular areas.¹

Legislative Directives for Broadband Mapping: Section 6001(l) of the American Recovery and Reinvestment Act of 2009 (Recovery Act), Pub. L. No. 111-5 (2009), requires the Assistant Secretary of Commerce for Information and Communications (Assistant Secretary) to develop and maintain a comprehensive, interactive, and searchable nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic

¹ NTIA, *NETWORKED NATION: BROADBAND IN AMERICA 2007*, at 37 (available at <http://www.ntia.doc.gov/reports/2008/NetworkedNationBroadbandinAmerica2007.pdf>).

extent to which broadband service capability is deployed and available from a commercial or public provider throughout each state.² The statute further provides that the Assistant Secretary will make the national broadband map accessible by the public on a National Telecommunications and Information Administration (NTIA) web site no later than February 17, 2011.³ The Recovery Act authorizes NTIA to expend up to \$350 million pursuant to the Broadband Data Improvement Act (BDIA), Title I of Public Law No. 110-385, 122 Stat. 4096 (Oct. 10, 2008), and for the purposes of developing and maintaining a broadband inventory map.⁴ Implementation of BDIA is useful to fulfill Congress' intent to develop a national broadband map as expressed and funded under the Recovery Act.⁵

Value to Grant-making Efforts: NTIA has established BTOP to make available grants for deploying broadband infrastructure in unserved and underserved areas in the United States, enhancing broadband capacity at public computer centers, and promoting sustainable broadband adoption projects. Also, the U.S. Department of Agriculture's Rural Utilities Service (RUS) has established BIP, which will extend loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband communications services and infrastructure, both programs will advance the objectives of the Recovery Act to spur job creation and stimulate long-term economic growth and opportunity.

The national broadband map will improve market efficiency by providing important information to members of the public, including members of the business community, about broadband consumption options. This information will allow consumers to make better-informed decisions about the broadband services that they should purchase, therefore improving market efficiency in the broadband market, increasing service quality and delivery efficiency through competition,

² Recovery Act § 6001(l), 123 Stat. at 516. See Section IV for the definition of "state" and other relevant definitions.

³ *Id.*

⁴ Recovery Act at Div. A, 123 Stat. at 14.

⁵ The BDIA authorizes the Secretary to make grants to eligible entities for the following eligible uses: 1) to develop and provide a baseline assessment of broadband deployment in each state; 2) to identify and track the areas with low levels of deployment, the rate at which residential and business users adopt broadband service and other related information technology services, and possible suppliers of such services; 3) to identify barriers to the adoption of broadband service and information technology services; 4) to identify the available speeds for broadband connection; 5) to create and facilitate by county or designated region in a state, local technology planning teams; 6) to collaborate with broadband service providers and information technology companies to encourage deployment and use; 7) to establish computer ownership and Internet access programs in unserved and areas with lower than average penetration on a national basis; 8) to collect and analyze detailed market data concerning use and demand for broadband service; 9) to facilitate information exchange regarding use and demand for broadband services between public and private sector users; and 10) to create within each State a geographic inventory map of broadband service. BDIA § 106(e), 122 Stat. at 4100-4101. On July 8, 2009, NTIA issued the Notice of Funds Availability (NOFA) and Solicitation of Applications for the State Broadband Data and Development (SBDD) Grant Program setting forth the requirements for this competitive grant program. See 74 Fed. Reg. 32545 (July 8, 2009).

and encouraging innovation. Second, the national broadband map will enable businesses, investors and entrepreneurs to make better strategic and investment choices about network expansion, and investment in new business opportunities; business-people will more clearly be able to identify opportunities for expansion or new investment by looking at the map. The national broadband map will therefore directly aid in the development of a faster, more extensive broadband infrastructure that reaches more Americans than current market dynamics allow, particularly in unserved and underserved areas, including rural and hard-to-reach areas with lower population density than incumbent Internet Service Providers (ISPs) can profitably supply. Third, the national broadband map will inform the ongoing grant-making process of the NTIA's BTOP, the RUS's BIP, and other public and private grant initiatives, and help grant administrators and program participants make informed, data-driven decisions on how best to deliver on the statutory goals. Such improved decision-making will apply to infrastructure grants, where grant administrators will be able to better determine whether an area is unserved or underserved or where existing infrastructure can leverage future grant proposals, and to demand stimulus, where subscribership data from the Federal Communications Commission (FCC) can be "layered" over the availability data collected from the states to show where deployment has not resulted in subscribership. And fourth, in providing information about existing broadband infrastructure, availability and capability, the broadband related data will help federal and state regulators make better decisions about major regulatory issues including universal service, special access, mergers and acquisition oversight, antitrust and competition, public safety, and national security.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

In response to the original SBDD Grant Program NOFA, each applicant for Program funding has submitted an application, on standard OMB-approved forms, proposing data collection through five (5) years and providing five-year budgets. On August 12, 2009, NTIA issued a clarification of the information requirements in the NOFA (August Clarification).⁶ On September 10, 2009, NTIA issued an additional clarification (September Clarification) announcing that NTIA will initially fund mapping and data collection efforts for two (2) years to enable the agency to assess lessons learned, determine best practices, and investigate opportunities for improved data collection prior to obligating funding for subsequent years.⁷ Subsequent funding will be subject to and contingent upon the agency's review of program priorities and the availability of funds.

As part of the application, applicants have provided comprehensive descriptions of how they plan to obtain required data from all commercial or public providers in their respective states, including, but not limited to, commercial or public providers to Indian tribes (as defined in Section 4 of the Indian Self-Determination and Education Assistance Act), Native Hawaiian

⁶ See 74 Fed. Reg. 40569 (Aug. 12, 2009).

⁷ See 74 Fed. Reg. 46573 (Sept. 10, 2009).

organizations, Community Anchor Institutions⁸ or agencies or instrumentalities of the states, or municipalities or other subdivisions of the states and their respective agencies or instrumentalities. In addition, applicants have described how they intend to verify the accuracy of the collected data, using multiple forms of verification, and how they expect to ensure that the verification is either done by an independent party or otherwise mitigates conflicts of interests. Such verification techniques include online and on-the-ground surveys of the public and providers, online speed tests, drive testing of spectrum use, predictive modeling, engineering analyses, and crowdsourced data reporting. Awardees will collect and verify a substantially complete set of broadband mapping data by February 1, 2010.

How the Data will be Collected and by Whom: Data collection methods may vary between applicants, though the data collected must meet program standards as provided in the *Technical Requirements* to the NOFA and the August Clarification. Data collection may involve the applicants distributing surveys to broadband service providers soliciting the required data, telephone or online surveys of households throughout the states, on-the-ground verification of infrastructure or broadband coverage, and the purchase of commercial data sets providing critical data sources, web-enabled data searches, and statistical modeling. Depending on the form of data collection, providers may themselves be required to conduct such internal processes as necessary to identify, collect, process, and transmit such data to the applicants. The applicants will, in turn, process and check all data for accuracy using a method proposed in the grant application. Ultimately, data collection methods will be at the discretion of the applicant, as long as such applicant adequately demonstrates the ability to obtain data as provided in the *Technical Requirements* and the August Clarification.

Frequency of Data Collection: The broadband landscape is rapidly changing, and both the state broadband maps and national broadband map must be able to reflect these changes. Applicants may propose to collect data as frequently as they desire, provided that data will be collected, at least semiannually. Because the initial data collection is due on February 1, 2010, the next update will be due on September 1, 2010, but will collect data as of both December 31, 2009, and June 30, 2010. For all subsequent data updates, data should be updated at least on March 1 of each year (by submitting data as of December 31 of the previous year) and at least September 1 of each year (by submitting data as of June 30 of that year), so as to coincide with the FCC's Form 477 data collections. Awardees will be expected to update data for at least two (2) years from the date of award.

Purpose of Data Collection and Public Dissemination: The data collection will include data on broadband availability, technology, speed, infrastructure, and, in the case of wireless broadband, the spectrum used across service areas. Pursuant to the August Clarification applicants may provide data at either the address level or, alternatively at the census block level for census blocks of less than or equal to 2 square miles or at the street segment level for census blocks greater than 2 square miles. Among other things, the collected data will serve to help populate the national broadband map, provide basis for data verification and cross-checking in order to

⁸ "Community Anchor Institutions" are defined as "schools, libraries, medical and healthcare providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and entities."

improve the accuracy of map data, provide critical information for grant-making, regulatory and other policy-making efforts, improve the quality of state-level broadband data, and facilitate the development and maintenance of statewide broadband maps.

The national broadband map will be developed and maintained using the aforementioned data. It will be searchable by address and will publicly display the: geographic areas in which broadband service is available; technologies used to provide broadband service in such areas; spectrum used for the provision of wireless broadband service in such areas; speeds at which broadband service is available in such areas; and broadband service availability at public schools, libraries, hospitals, colleges and universities, and all public buildings owned or leased by agencies or instrumentalities of the states or municipalities or other subdivisions of the states and their respective agencies or instrumentalities.

The national broadband map will serve as a critical tool for consumers, researchers, and policymakers to assess the impact of broadband connectivity relative to economic development, healthcare, education, energy use, and other vital development indicators.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Section 6001(l) of the Recovery Act provides that the Assistant Secretary make the national broadband map accessible by the public on an NTIA web site no later than February 17, 2011. NTIA will, therefore, receive all information from awardees via electronic means for efficient posting on the NTIA web site.

4. Describe efforts to identify duplication.

Applicants' proposals are unique to this program, and the information to be collected is not generally available from other sources. To NTIA's knowledge there are no other federally sponsored programs directly funding the collection of the broadband-related data to be collected under this effort.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize the burden.

The SBDD Grant Program will collect information from the governments of the 56 states, territories, and the District of Columbia, not small businesses. States and territories conducting data collections under this Program may collect information from small businesses, and are asked to consider methods of automated or direct-from-provider data input. NTIA encourages methods that minimize respondent burden to the extent it does not compromise Program goals.

6. Describe the consequences to the Federal program or policy activities if the collection is

not conducted or is conducted less frequently.

Without this information, NTIA could not create a national broadband map as required by the Recovery Act. Further, without such information, NTIA and RUS may lack information critical to the evaluation of applications for the BTOP/BIP grant programs. For these reasons, if NTIA did not request this information, NTIA would fail to comply with the Recovery Act, taxpayer money could be potentially wasted, and BTOP/BIP might not produce the benefits intended under the Recovery Act. Furthermore, without the national broadband map, the United States will have no comprehensive, nationwide inventory of broadband availability. This places the United States at a disadvantage relative to other countries with more robust measurement tools. Since these tools are used to create international rankings, their absence in the United States could harm the nation's international standing.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

This information collection is consistent with OMB guidelines.

8. Provide information of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Because this is an emergency submission, NTIA has not specifically solicited public comment on the Application pursuant to the Paperwork Reduction Act.

The public has, however, had an opportunity to provide general comments on the application process. On March 10, 2009, NTIA, the FCC, and the RUS cosponsored a public meeting to initiate public outreach about the current availability of broadband service in the United States and ways in which the availability of broadband service could be expanded.⁹ The March 10th meeting was followed by the release of a Request for Information (RFI) and 6 days of additional public meetings and field hearings during March.¹⁰ The RFI requested the submission of information on a broad range of topics including topics related to broadband mapping, the Recovery Act, and the BDIA. The meetings and hearings included nearly 120 panelists with representatives from consumer and public interest groups, state and local governments, tribal

⁹ See Notice: American Recovery and Reinvestment Act of 2009 Broadband Initiatives, 74 Fed. Reg. 8914 (Feb. 27, 2009).

¹⁰ See Notice: American Recovery and Reinvestment Act of 2009 Broadband Initiatives, 74 Fed. Reg. 10716 (March 12, 2009). Agendas, transcripts and presentations from each meeting are available on NTIA's website at <http://www.ntia.doc.gov/broadbandgrants/meetings.html>.

governments, minority and vulnerable populations, industry, academia and other institutions.

Furthermore, in response to the RFI and the public meetings, NTIA received over 1,000 comments from institutions and individuals on the broadband initiatives funded by the Recovery Act.¹¹ With regard to the issues surrounding the SBDD Grant Program and the national broadband map, NTIA received more than 200 comments, many of which played a role in formulating the structure of this Program.

Lastly, NTIA has directly reached out to and spoken with representatives of all applicants under this Program and used their input to structure the Program and make adjustments to the data collection requirements. Therefore, NTIA believes that the Program has been designed to collect the most valuable data without imposing an undue burden on applicants or other parties.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or awardees.

NTIA will not provide gifts or payments to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The BDIA requires that to be eligible to receive a grant under the SBDD Grant Program entities must agree 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 as otherwise mutually agreed to by the broadband service provider and the entity.¹² As a condition of grant funding, awardees may not agree to a more restrictive definition of Confidential Information than the definition adopted by the SBDD Grant Program.¹³

As a measure to protect the confidential or proprietary nature of the information received from

¹¹ All public comments are on file with NTIA and may be viewed on NTIA's website at <http://www.ntia.doc.gov/broadbandgrants/comments>.

¹² BDIA §§106(c)(3) and 106(h)(2), 122 Stat. at 4101-2. This requirement applies only to information submitted by the FCC or a broadband provider to carry out the provisions of the BDIA and shall not otherwise limit or affect the rules governing public disclosure of information collected by any federal or state entity under any other federal or state law or regulation.

¹³ Under the NOFA, Confidential Information was defined as any information, including trade secrets, or commercial or financial information, submitted under this Program that: 1) identifies the type and technical specification of infrastructure owned, leased, or used by a specific broadband service provider; 2) identifies the average revenue per user (ARPU) for a specific broadband service provider; or 3) explicitly identifies a broadband service provider in relation to its specific service area or at a specific service location. Pursuant to the August Clarification, the definition of "Confidential Information" in section III of the NOFA, was determined to no longer include the identification of a service provider's specific Service Area. A service provider's "footprint" is likewise no longer included in the definition of "Confidential Information." In practical terms, this means that while identification of a provider's name and its availability/speed at a particular address is still considered confidential, identification of a provider's name and availability/speed at a census block or street segment level is not considered confidential and will be displayed on the national broadband map.

broadband service providers and other organizations during the data collection phase, awardees may execute nondisclosure agreements (consistent with applicable law) that require the 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 the SBDD Grant Program to NTIA, nor b) restrict NTIA's use of such data as contemplated under the NOFA (including sharing such data with the FCC or other federal agencies).

To the extent required by law, NTIA agreed that it will not publicly disclose any Confidential Information, as defined herein, provided by an applicant or awardee under the SBDD Grant Program. Providing Confidential Information to the FCC, or other federal agencies as necessary, will not constitute public disclosure. In any disclosure to the FCC or other federal agencies, NTIA has agreed to require that such agency make no further disclosure of the Confidential Information except as required by applicable law or judicial or administrative action or proceeding. Notwithstanding the foregoing, Confidential Information, as provided as part of a project funded under this Program, will not be made publicly available, pursuant to the limitations set forth in the BDIA, except as required by applicable law or judicial or administrative action or proceeding, including the Freedom of Information Act requirements.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information does not contain any questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

- A. Number of Respondents and Subrespondents: 56 respondents and approximately 2,000 subrespondents. Respondents include each state, territory and the District of Columbia, or their respective designees. Subrespondents include facilities-based providers of broadband connections, incumbent and competitive local exchange carriers (LECs), facilities-based mobile telephony service providers, and wireless internet service providers (WISPs). Each respondent is required to make submissions pursuant to the *Technical Appendix* to the NOFA.
- B. Frequency of Response: Responses will be made on a semi-annual basis.
- C. Total Number of Responses and Subresponses Annually: Approximately **4,112** responses and subresponses.
 - 1) Total number of responses annually: 112 responses

Each respondent will have two responses annually, to be submitted on a semi-annual basis:

56 respondents x 2 responses/annum = **112 responses**

- 2) Total number of subresponses annually: Approximately 4,000 subresponses
Each provider will correspondingly have two responses annually, to be submitted on a semi-annual basis: 2,000 subrespondents x 2 responses/annum = **4,000 subresponses**

D. Estimated annual hour burden: Approximately **704,000 hours**

- 1) Estimated annual hour burden for respondents: Approximately 56 respondents x 2 responses/annum x approximately 4,500 hours/response = approximately **504,000** total annual respondent burden hours. This estimate was derived by summing estimated annual hour burdens for states or their designees based upon an average of the estimated burden hours submitted by applicants in their respective applications and NTIA's determinations of reasonableness for particular projects.
- 2) Estimated annual hour burden for subrespondents: Approximately 2,000 subrespondents x 2 responses/annum x approximately 50 hours/response = approximately **200,000** total annual subrespondent burden hours. This estimate was derived by summing estimated annual hour burdens for the several categories of subrespondents enumerated in the answer to 12(1), *supra* (i.e., facilities-based providers of broadband connections, LECs, and facilities-based providers of mobile telephony service) based upon the per provider estimates submitted by respondents. As noted in the answer to 12(1), *supra*, respondents are required to make a separate report for each state in which they provide services subject to this information collection. Taking into account these sources of variability among respondents, NTIA estimates that the hour burden, per semi-annual response, for the average respondent is 50 hours.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

NTIA will provide awardees with funds for the collection of the requested broadband data.

14. Provide estimates of annualized cost to the Federal government.

NTIA expects to obligate approximately \$100 million in grant funds for the collection of broadband-related data and the development of state-level broadband maps over the course of the initial two (2) year period. Approximately \$65 million of this amount is expected to be expended in the first year of the Program. In addition NTIA will expend approximately \$20

million dollars in the administration of the program, the analysis of the data and the development of the national broadband map. The costs to the Federal government for this information collection will include the cost for NTIA staff to review applications, select awardees, provide technical and programmatic assistance to state data collection efforts, and to receive, process and analyze collected data.¹⁴

15. Explain the reasons for any program changes or adjustments.

There are no program changes or adjustments because this is a new collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The Recovery Act requires that NTIA make an interactive and searchable national broadband map developed as a result of this information collection accessible by the public on a NTIA World Wide Web site by February 17, 2011.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

NTIA is not seeking approval to refrain from displaying the expiration date.

18. Explain each exception to the certification statement.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable.

¹⁴ This amount includes funds that will be used to retain consultants to perform some of the listed tasks.