

## SUPPORTING STATEMENT

### **A. Justification:**

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

The Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, Stat 4096 § 103(c)(1) directs the Commission to collect information on the types of technology used to provide broadband to consumers, the price of such services, actual data transmission speeds, and the reasons for non-adoption of broadband service.

Additionally, the American Reinvestment and Recovery Act of 2009 (ARRA), Pub. L. No. 111-5, 123 Stat 115 (2009), instructs the commission to develop a National Broadband Plan, and through the Commerce Department, the Commission is required to develop a National Broadband Map.

In October 2009, the Commission requested emergency processing under 5 C.F.R. 1320.13 for this collection so that the information will be available for Commission use in the formulation of policy recommendations for the Broadband Plan and the Broadband Map.

Now the Commission is requesting OMB approval for an extension in order to obtain the full three year clearance. There is no change in the reporting and/or third party disclosure requirements. There is no change to the Commission's estimated burdens.

Additionally, the FCC in the *2008 Broadband Data Gathering Order* (23 FCC Rcd at 9699, para. 18, 73 FR 37869, 73 FR 37911), instructs the Commission to "design and implement a voluntary system that households may use to report availability and speed of broadband Internet access service at their premises."

The purpose of this collection is to enable residents of the United States to voluntarily report the unavailability of broadband service at the household street address level and to test the speed and quality of their broadband service. This collection will provide the Commission with unique data on household availability of broadband and on relative broadband speeds.

As noted on the OMB Form 83i, this information collection does affect individuals or households; thus there are impacts under the Privacy Act.

The FCC is concerned about the potential risks and effects of collecting, maintaining, and disseminating the personally identifiable information (PII) that is being collected as part of the Broadband Plan and the Broadband Map and their related impact studies and filing processes. The information that will be collected includes the street address and IP address of speed test and registry participants. Therefore, the FCC intends to do the following:

- (1) Create a system of records to cover the PII that is being collected as part of these information collection requirements;
- (2) Conduct a Privacy Impact Assessment (PIA) in accordance with OMB Memorandum M-03-22 to examine and evaluate the protections for handling the PII as part of this new information collection; and
- (3) Publish the system of records notice (SORN) in the Federal Register as required by 5 U.S.C. 552a(e).

Statutory authority for these collections of information are contained in Section 103(c)(1) of the Broadband Data Improvement Act of 2008, 47 USC 1303 § 103 (c)(1).

2. *Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The Commission will use information collected to help determine the extent of broadband build-out and availability. The street address level collection will provide the Commission with additional data to help create an accurate National Broadband Map. The speed test and quality of service data will provide the Commission with an additional informational resource to consider that will be relevant to the National Broadband Plan and other proceedings.

The Commission will administer the collection and also contract with one or more vendors on the technical development of the speed test. Specifically, the Commission plans to use the services of M-Lab and Ookla, Inc. to create the speed test platform. Additional speed test platforms may be added in the future.

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, e.g., permitting electronic submissions of responses, and the basis for the decision for*

*adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

The broadband unavailability and speed test collection will both involve the electronic collection of information. The unavailability registry will be hosted on an internet web form where residents of the United States can voluntarily provide their street address for inclusion in the electronic database. See the screen shots provided to OMB in their electronic ROCIS system.

The speed and quality of service test will also use technological techniques. Once residents of the United States voluntarily click on the speed test link on a Commission web page, they will be instructed to provide their street address and a speed test program will be automatically run to determine the quality characteristics of the broadband connection. This data will be reported back to the citizen and stored in a Commission database for further analysis. The street address and IP address of the test participants will also be stored at the FCC but not released to the public by the FCC.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

To our knowledge, no effort to collect similar information exists.

5. *If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 831), describe any methods used to minimize the burden.*

Not applicable. This collection affects individuals. However, a small business owner or employee may navigate to the Commission's website and voluntarily submit to the collection.

6. *Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.*

The Commission's other data collection efforts are insufficient, standing alone, to determine the extent and nature of broadband build-out and quality. Pursuant to the Broadband Data Improvement Act of 2008, the Commission is authorized and required to collect this information.

7. *Explain any special circumstances that would cause an information collected in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).*

There are no special circumstances that would cause an information collection in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. § 1320.5(d), soliciting comments on the information prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Describe 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.*

A copy of the *2008 Broadband Data Gathering Order* (23 FCC Rcd at 9699, para. 18, 73 FR 37869, 73 FR 37911), is included in this submission, which instructs the Commission to “design and implement a voluntary system that households may use to report availability and speed of broadband Internet access service at their premises.”

In summary, the comments received urge the Commission to move forward expeditiously with this project and are supportive of the idea. However, one commenter suggests that self-reported information by consumers is often unreliable. The Commission understands this unreliability and will have methods of verifying that data submitted is accurate and an understanding that some of the data collected may be unreliable.

The Commission published a 60 day notice in the Federal Register under 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. The notice was published on November 27, 2009 (74 FR 62309). No comments were received as a result of the notice.

In the course of its work on the National Broadband Plan, the Commission has held public workshops on issues important to the Plan. From these workshops, as well as comments submitted in response, the Commission solicited views on the availability of data, frequency of collection, and on the data elements to be recorded.

9. *Explain any decision to provide any payment or gift to respondents, other than enumeration of contractors or grantees.*

Not applicable.

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

The Commission will retain street and IP address information obtained from participants in the speed test. The Commission will not release individual personally identifiable information (PII) to the public. As noted in Question 1,

the FCC is committed to protecting the PII that is being collected, stored, maintained, and used as part of the Broadband Plan and the Broadband Map and the related impact studies and filing processes. The FCC has created a system of records and will perform a Privacy Impact Analysis for the PII in this collection.

The information collected through the voluntary Registry and speed tests, with the exception of any PII, may be shared with public-private partnerships and with the Telecommunications Program of the United States Department of Agriculture (USDA) Rural Development Agency. This sharing regime is described in the Commission's Broadband Data Order of 2008 (FCC 08-89)

11. *Provide additional justification for any questions of a sensitive nature.*

This information collection does not address any private matters of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of responses, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of the estimated hour burden, and explain the reasons for the variance.*

For Paperwork Reduction Act purposes the total time burden for conducting the speed test and entering street address for the broadband unavailability registry is estimated at 124 hours (**7,300 respondents x .017 hours per response = 124 total annual burden hours**).

13. *Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any hour burden shown in items 12 and 14.*

This information collection is a free and voluntary service provided by the Commission, which will impose no cost burden on respondents.

14. *Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff).*

The Commission will administer the collection and also contract with one or more vendors on the technical development of the speed test. Specifically, the Commission plans to use the services of Ookla, Inc., to create the speed test platform. The cost of the contract is will be approximately \$15,000. The Commission does anticipate some additional costs, such as the development

of the website to host the speed test, which will be created by current Commission employees or contractors using funds received for the Broadband Mapping effort.

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

There is no change in burden.

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

The Commission does not have any current plans to publish the results of this collection to the public. However, the information collected through the voluntary Registry and speed tests, with the exception of any personally identifiable information, may be shared with public-private partnerships and with the Telecommunications Program of the United States Department of Agriculture (USDA) Rural Development Agency. This sharing regime is described in the Commission's *Broadband Data Order of 2008* (FCC 08-89).

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that a display would be inappropriate.*

The Commission is not seeking approval to not display the OMB expiration date for OMB approval of the information collection. The Commission publishes a list of all OMB-approved information collections including the OMB control numbers, OMB expiration dates and titles in 47 C.F.R. 0.408.

18. *Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9(d) and the related provisions of § 1320.8(b)(3).*

There are no exceptions to item 19 of OMB 83i.

**B. Collections of Information Employing Statistical Methods:**

This collection of information does not employ statistical methods.