

SUPPORTING STATEMENT
U.S. Department of Commerce
National Telecommunications and Information Administration
Broadband Technology Opportunities Program
Comprehensive Community Infrastructure, Public Computer Center, and Sustainable
Broadband Adoption Applications Requirements
OMB Control No. 0660-0031

A. JUSTIFICATION

This is a request for emergency review and clearance of a proposed revision of and name change for the “Proposed Funded Service Area Process-Public Notice Filing/Public Notice Response (PNF/PNR)” form. The review and clearance will enable National Telecommunications and Information Administration (NTIA) to post the form and collect information from broadband service providers regarding their service offerings in the proposed funded service areas so that the agency may assess the extent to which an area is considered “unserved” or “underserved” pursuant to the definitions provided in the Notice of Funds Availability (Second NOFA).¹ NTIA also plans to change the name of this form to “Announcement of Proposed Funded Service Areas.”²

The requested approval date is April 9, 2010.

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

The “American Recovery and Reinvestment Act of 2009” (Recovery Act) establishes and provides \$4.7 billion for the Broadband Technology Opportunities Program (BTOP) and directs that these funds be awarded by September 30, 2010. Of these funds, at least \$200 million will be made available for competitive grants to expand public computer center capacity; at least \$250 million will be made available for competitive grants for innovative programs to encourage sustainable adoption of broadband service;³ and up to \$350 million will be made available to fund the State Broadband Data and Development Grant Program (Broadband Mapping Program) authorized by the Broadband Data Improvement Act.⁴ The Broadband Mapping Program is

¹ 75 Fed. Reg. 3792 (Jan. 22, 2010).

² In the prior version of this information collection, the “Announcement of Proposed Funded Service Areas” was called “Proposed Funded Service Area Process-PNF/PNR.” Although the name has changed and the form has been altered somewhat, the basic function remains the same, to collect information from broadband service providers regarding their service offerings in the proposed funded service areas of Comprehensive Community Infrastructure projects. Also note that Broadband Infrastructure projects are now re-named Comprehensive Community Infrastructure projects.

³ See Pub. L. No. 111-5, 123 Stat. 115, 128 (2009).

⁴ Pub. L. No. 110-385, 122 Stat. 4096 (to be codified at 47 U.S.C. § 1301 *et seq.*).

designed to support the development and maintenance of a nationwide broadband map for use by policymakers and consumers.⁵

Section 6001 of the Recovery Act establishes five core purposes to be advanced by projects funded under BTOP:

- (1) To provide access to broadband service to consumers residing in unserved areas of the country;
- (2) To provide improved access to broadband service to underserved areas of the country;
- (3) To provide broadband access, education, and support to community anchor institutions (e.g., schools, libraries, medical facilities), or organizations and agencies serving vulnerable populations (e.g., low-income, unemployed, aged), or job-creating strategic facilities located in state or federally designated economic development areas;
- (4) To improve access to, and use of, broadband service by public safety agencies; and
- (5) To stimulate the demand for broadband, economic growth, and job creation.⁶

Grant recipients must substantially complete BTOP projects within two years, and projects must be fully completed within three years after the date of issuance of the grant award.

NTIA has designed the Announcement of Proposed Funded Service Areas (the service provider comment form) for broadband service providers to provide the agency with information regarding their service offerings in the proposed funded service areas of the proposed CCI projects. The service provider comment form includes clear instructions, to allow service providers to provide only the information relevant to the specific Census tracts or block groups in which they currently provide service.

The revision of the service provider comment form is based on the comments received in response to the first Notice of Funds Availability⁷ (First NOFA) issued for the first round of funding, a November 16, 2009 Request for Information (RFI), and the experience gained from administering the first round of BTOP funding. There was a consensus among existing broadband service providers that the mapping tool used in the public notice response process in Round One needed improvement. Service providers also suggested that they should be allowed to provide a single response that would cover multiple applications. Additionally, many of the commenters providing feedback to NTIA following the first round of funding advocated abandoning Census blocks in favor of other means of specifying proposed funded service areas. Commenting municipalities and cities unanimously expressed their dissatisfaction with the use of Census block data, citing it as a cumbersome method of reporting proposed funded service area designations. Multiple commenters suggested using Census tract data as a less burdensome

⁵ See State Broadband Data and Development Grant Program, Notice of Funds Availability and Solicitation of Applications, 74 Fed. Reg. 32545 (July 8, 2009).

⁶ See *id.* § 6001(a)-(b).

⁷ 74 Fed. Reg. 33104 (July 9, 2009).

alternative to Census block data, in part because broadband service providers are already required to report their subscriber and demographic information according to Census tracts in order to file FCC Form 477. NTIA agreed with the commenters and made the appropriate changes to lessen the burden on applicants and commenting service providers. These changes include:

- Elimination of the mapping tool used for the first round and allowing applicants to submit maps in a variety of common formats.
- Changing service area definitions from Census blocks to Census tracts and block groups.
- Allowing service providers to file a single consolidated response instead of one per application.

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.

NTIA plans to seek comments from broadband service providers providing services in the proposed funded service areas of the proposed CCI projects. For at least a 15-day period, NTIA will post an announcement on BroadbandUSA.gov identifying all of the Census block groups or tracts included within the proposed funded service area of any of the CCI applications submitted. The announcement will provide existing broadband service providers with an opportunity to voluntarily submit to NTIA information about the broadband services that they currently offer in their respective service territories by Census block group or tract. NTIA will provide a template for submissions from service providers.

The service providers will submit their comments through an online submission system. The service providers' comments should include the following information:

- (1) the name of the company providing information on its broadband service offerings;
- (2) a summary describing the information the provider has presented to NTIA;
- (3) the number of households and businesses that have access to broadband service in the provider's service territory by Census block group or tract;
- (4) the type of broadband services the provider offers in its service territory by Census block group or tract and the technology used to provide those services, including, for wireless carriers, the spectrum that is used;
- (5) the prices at which the broadband services are offered;
- (6) the speed of the broadband services that are offered;

(7) the number of subscribers that the provider currently has for each of the broadband services it offers in its service territory by Census block group or tract; and

(8) optionally, a list of the provider's Points of Presence (POPs) in or near Census block groups or tracts listed by the announcement.

NTIA has taken special steps to ensure the maximum utility, accuracy, integrity, and objectivity of the information to be collected in accordance with NTIA's published Information Quality Guidelines.⁸ Also, the information submitted by an existing broadband service provider relating to items (3) through (8) enumerated above will be treated as proprietary and confidential to the extent permitted under applicable law. The information described in items (1) and (2) above, which includes the identity of the company submitting information and a summary of its response, will be made publicly available. NTIA will post at <http://www.broadbandusa.gov> a list of the Census block groups or tracts in which existing broadband service providers have indicated that they provide broadband service.

NTIA will use the information submitted by existing broadband service providers as a means by which to assess whether a proposed funded service area is considered "unserved" or "underserved" as defined in the Second NOFA. Due to the lack of authoritative data on broadband availability and usage on the granular geographic scope used to define CCI service areas (*i.e.*, Census tracts and block groups), this data is essential to NTIA's ability to validate claims by applicants. The Recovery Act establishes providing broadband service to unserved and underserved areas as a key objective of BTOP. Being able to validate these designations is therefore critical to implementing the statute.

NTIA will present any information it disseminates in an objective manner and will provide appropriate information concerning the source of the data disseminated. Before disseminating the information collected, NTIA also will ensure compliance with any relevant and necessary pre-dissemination review processes.

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.

NTIA will post an announcement at <http://www.broadbandusa.gov> identifying each CCI application it has received. NTIA will also post at <http://www.broadbandusa.gov> a list of the Census block groups or tracts in which existing broadband service providers have indicated that they provide broadband service.

NTIA will use an online submission system for the service provider responses. Service providers will be required to sign up for an account, through an automated process, to submit

⁸ See Section 515 Standards: Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the National Telecommunications and Information Administration, www.ntia.doc.gov/ntiahome/occ/ntiaiqguidelines_09252002.htm (Sept. 25, 2002).

their file. Complete response forms and instructions will be available at <http://www.broadbandusa.gov>.

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.

The Recovery Act also appropriates \$2.5 billion for the Rural Utilities Service (RUS) of the U.S. Department of Agriculture (USDA) to extend loans, loan/grant combinations, and grants to projects where at least 75 percent of a USDA-funded area is in a rural area that lacks sufficient access to high-speed broadband service to facilitate rural economic development. The Recovery Act prohibits NTIA from funding a project in areas where RUS has also funded a project.

RUS developed the Broadband Initiatives Program (BIP) to fund broadband infrastructure in qualifying areas. RUS and NTIA published the joint First NOFA for BIP and the first round of BTOP.⁹ However, the applications and most of the review processes for BIP and BTOP are being separated in the second round of funding, in part due to concerns about maintaining a secure chain of custody and a uniform information lifecycle for applicant data between the two departments. Consequently, RUS and NTIA issued separate NOFAs for the second round of funding.

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

NTIA believes the revised service provider comment form in the second round of funding will be less burdensome for all commenting service providers.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the collection of service provider comments is not conducted, NTIA would not be able to determine the current service offerings in the proposed funded service areas, making it difficult for NTIA to assess CCI applications. This makes it difficult for NTIA to meet its statutory requirement to award grants consistent with the purposes of the Recovery Act and the specific purposes listed therein for BTOP.¹⁰ For these reasons, if NTIA did not request this information from service providers, NTIA may fail to comply with the Recovery Act, taxpayer money would likely be wasted, and BTOP may not produce the benefits intended under the Recovery Act.

⁹ 74 Fed. Reg. 33104.

¹⁰ See Recovery Act § 6001(b), 123 Stat. at 512.

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

Not Applicable.

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.

A Federal Register Notice soliciting public comment will be published on April 6, 2010 (copy in ROCIS).

The First NOFA published in the Federal Register on July 9, 2009, for the first round of BTOP funding invited comments from the public on the applications and proposed review process. Many of the comments received in response to the First NOFA issued for the first round of funding and the RFI released on November 16, 2009, resulted in changes to the service provider comment form for the second round of funding. The specific changes made in response to these comments are addressed in Question 1 above.

NTIA engaged the services of Booz Allen Hamilton to support the development of the Round Two applications, the burden estimates, and the review process, as well as an analysis of feedback submitted in response to the First NOFA by applicants and stakeholder groups. A copy of this analysis is in ROCIS.

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

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.

NTIA will identify the elements in the service provider comment form that will be made publicly available at www.broadbandusa.gov per Section V.D.3.d. of the Second NOFA. NTIA will protect confidential and proprietary information from public disclosure to the fullest extent authorized by applicable law, including the “Freedom of Information Act,” as amended (5 U.S.C. § 552 *et seq.*), the “Trade Secrets Act,” as amended (18 U.S.C. § 1905 *et seq.*), and the

“Economic Espionage Act of 1996,” as amended (18 U.S.C. § 1831 *et seq.*). Nevertheless, in the Second NOFA associated with this information collection, NTIA will notify applicants that the Recovery Act requires substantial transparency.

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

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

NTIA developed revised burden estimates for the revised service provider comment form to be used for the second round of funding. The estimates were developed based on the historical data from the first round of BTOP funding and an analysis of the different sections of the revised service provider comment form. The revised burden estimates are:

Estimate of Time Per Response: 30 hours
Estimated Number of Respondents: 750
Estimated Number of Responses per Respondent: 1
Estimated Total Burden Hours: **22,500** (annually)

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

Not Applicable.

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

NTIA intends to make all grant awards by September 30, 2010. The costs to the federal government for this information collection also will include: (1) NTIA staffing; (2) Contract Services to support grants processing and monitoring; (3) Grants Office Services to make financial awards; and (4) other related expenses. The administrative budget ceiling in the Recovery Act for BTOP equals \$141 million.

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

The program changes involve revisions to the service provider comment form used for the first round of funding based on comments received in response to the First NOFA, the RFI, and the

experience gained from administering the first round of funding. These changes necessitated new estimates for number of responses and burden hours for the applications for Round Two.

Also, feedback from service providers indicated that the original hour burden estimates may have been too low. NTIA evaluated and revised the estimates, which it believes are more reasonable and will make it easier for service providers to set aside enough time to fill out and submit the service provider comment form during the comment window.

Decrease in responses – from 3,000 to 750

Increase in burden hours – from 4,500 to 22,500

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

As discussed in Question 2, some of the information from the applications will be published at <http://www.broadbandusa.gov> and, thus, available in a publicly searchable database.

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.

Not Applicable.

18. Explain each exception to the certification statement.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information will not employ statistical methods.