

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. 0660-0032

A. Justification

This information collection was previously approved under the Paperwork Reduction Act provisions for an emergency review request submission. This request is to extend the Office of Management and Budget approval for the standard three-year period.

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

The State Broadband Data and Development Grant Program (SBDD Program or Program) is a competitive, merit-based matching grant program that implements the joint goals of the American Recovery and Investment Act of 2009 (Recovery Act) and the Broadband Data Improvement Act (BDIA) by funding projects that collect and verify state specific data on the availability and capability of broadband services in the United States. Section 6001(1) of the Recovery Act requires the Assistant Secretary of Commerce for Information and Communications (Assistant Secretary) to develop and maintain a comprehensive, interactive and searchable nationwide inventory map that depicts the extent to which broadband service is deployed and available from a commercial or public provider in each state.¹ The statute further directs the Assistant Secretary to make the national broadband map publicly accessible on the National Telecommunications and Information Administration (NTIA) website no later than February 17, 2011.² The BDIA is intended to improve data on broadband service to assist in the extension of broadband technology across all regions of the country.³ Section 106 of the BDIA directs the Secretary of Commerce (Secretary) to establish the State Broadband Data Program and to award grants to eligible entities to identify and track the adoption and availability of broadband services within each state.⁴ The Recovery Act authorizes NTIA to expend up to \$350 million pursuant to the BDIA and for the purposes of developing and maintaining the broadband inventory map.⁵ In keeping with the Recovery Act's direction and with the requirements of the BDIA, NTIA has established this grant program to help fund awardees in their collection of broadband-related data and for planning programs at the state level.

Despite the importance of broadband to the U.S. economy, information about broadband availability is currently lacking. The data collected will provide critical information for grant-making, regulatory and policy-making efforts, improve the quality of state-level broadband information, and help ensure the accuracy of the national broadband map. The national broadband map will improve market efficiency by providing important information to consumers

¹ Pub. L. No. 111-5, 123 Stat. 115 (2009).

² *Id.*

³ Title 1, Pub. L. No. 110-385, 122 Stat. 4096 (2008).

⁴ *Id.* The Secretary delegated his authority to meet the obligations of Section 106 of the BDIA to the Assistant Secretary on April 9, 2009.

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

about broadband consumption options and enabling businesses and investors to make better strategic choices about network expansion. Therefore, the national broadband map will directly aid in the development of a faster, more extensive broadband infrastructure that reaches more Americans, particularly in unserved and underserved areas. Finally, the national map will inform ongoing public and private grant-making initiatives, enable administrators to make data-driven decisions on how best to deliver on statutory goals, and will help federal and state regulators make better decisions on major regulatory issues.

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.

On July 8, 2009, NTIA issued the Notice of Funds Availability (NOFA) and Solicitation of Applications setting forth the requirements for the State Broadband Data program.⁶ On August 12, 2009, NTIA issued a clarification of the information collection requirements in the NOFA (August Clarification).⁷ On September 10, 2009, NTIA issued an additional clarification announcing that NTIA will initially fund mapping and data collection efforts for two 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.⁸ Subsequent funding will be subject to and contingent upon the agency's review of program priorities and the availability of funds.

Applications for the SBDD program were received until August 14, 2009 and NTIA received applications representing all 50 states, 5 territories and the District of Columbia. Applications, submitted on standard OMB-approved forms, proposed data collection through five years and provided five-year budgets. Applicants provided comprehensive descriptions of their plans to obtain required data from all commercial or public providers in their respective states, including providers to Indian tribes (as defined in Section 4 of the Indian Self-Determination and Education Assistance Act), Native Hawaiian organizations, Community Anchor Institutions, and other agencies or instrumentalities of the states or municipalities. Applicants also described their plans to improve the accuracy of the collected data using multiple forms of verification including online and on-the-ground surveys, predictive modeling and crowd-sourced data reporting.

On October 5, 2009, NTIA announced that it awarded the grants under the State Broadband Data Program. To date, NTIA has awarded 54 grants under the program, totaling more than \$100 million.

How the data will be collected and by whom: Data collection must meet program standards as provided in the *Technical Requirements* to the NOFA and the August Clarification, although collection methods may vary between applicants. Data collection may involve the distribution of surveys to broadband service providers, telephone or online surveys of households, on-the-

⁶ 74 Fed. Reg. 32,545 (July 8, 2009).

⁷ 74 Fed. Reg. 40,569 (Aug. 12, 2009) (August Clarification).

⁸ 74 Fed. Reg. 46,573 (Sept. 10, 2009).

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 need to conduct internal processes to identify, collect, and transmit data to the applicants, who will then process and check all data for accuracy using methods described in their grant applications.

Frequency of data collection: Applicants must collect data at least semiannually. Applicants may propose to collect data more frequently to ensure that state broadband maps and the national broadband map reflect the rapidly changing broadband landscape. Awardees will be expected to update data for at least two 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 spectrum across service areas. Pursuant to the August Clarification,⁹ 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 two square miles or at the street segment level for census blocks greater than two square miles. The collected data, amongst other uses, will help populate the national broadband map, provide a basis for data verification to ensure and improve map accuracy, 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 utilizing the aforementioned collected data. The map will be searchable by address and will publicly display the following: geographic areas in which broadband service is available; technologies used to provide broadband service in such areas; spectrum used in providing 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. 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(1) of the Recover Act directs the Assistant Secretary to make the national broadband map publicly accessible on an NTIA website by February 17, 2011.¹⁰ Therefore, NTIA will receive all information from awardees via electronic means for efficient posting on the NTIA website.

4. Describe efforts to identify duplication.

⁹ 74 Fed. Reg. 40,569 (Aug. 12, 2009)

¹⁰ Pub. L. No. 111-5, 123 Stat. 115 (2009).

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

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

The Program will collect information from the governments of the 50 states, 5 territories and the District of Columbia, not small businesses. States and territories conducting data collections 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 such methods do 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 the collected information, NTIA would fail to comply with the Recovery Act and the BDIA. If NTIA does not request this information, it would be unable to create the national broadband map, and taxpayer money could potentially be wasted. Further, without the national broadband map, the United States would not have a comprehensive, nationwide inventory of broadband availability, placing the U.S. at a disadvantage relative to other countries with more robust measurement tools and potentially harming 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 for 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 agency action 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, clarity of instructions and recordkeeping, disclosure or reporting format (if any), and on the data elements to be recorded, disclosed or reported.

The Federal Register Notice soliciting public comment on the proposed information collection was published on December 3, 2009 (Vol. 74, pg. 63385-86). NTIA received four comments in response to the notice.

Summary of Comments

The State of Florida Department of Management Services (Florida), Florida's designated entity for the grant program, offered comments stating its belief that a programmatic inventory of broadband infrastructure is crucial to the formulation of broadband strategies at both the state and local level and will facilitate strategic investment. Florida estimated that its total burden hours will be less than the agency predicted and agreed with the suggested initial methodologies to collect broadband inventory in a standardized and consistent manner. Florida also suggested that NTIA facilitate information sharing across all participants to develop best practices for information collection going forward.

The New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC), the New York grantee for the SBDD program, submitted comments that affirmed the practical utility of the proposed information collection, and stated that the estimated burden hours will be reasonable and that NTIA's overall strategy for the national broadband mapping program was sound. CSCIC noted that the structure of the program establishes an important level of interaction between states and their broadband providers. CSCIC also noted that the only way to adequately map broadband service is to collect data from all providers, rather than rely on predictive modeling, and that it is important for States to validate provider data by using secondary sources and sampling methods.

NTIA also received comments from Connected Nation, which has been either designated as the single eligible entity or has been awarded a competitive contract by designees in twelve states and one U.S. territory. Connected Nation stated that, based on its prior experiences, broadband provider infrastructure data is necessary for creating an accurate national broadband inventory map and that state-based public-private partnerships are the best approach to the grant program. Connected Nation also emphasized that source data verification is critical and suggested a number of mechanisms to ensure accuracy, including extensive field tests, random quality control checks, a transparent system for external verification of broadband availability, and statistical surveys. Connected Nation suggested that a further evaluation of the methods, quality, utility and clarity of the collected data take place after the first round of data collection is completed. Connected Nation urged that SBDD grant program deadlines accommodate delays in grant announcements and releases of funding. Lastly, Connected Nation recommended that the SBDD grant program be extended beyond broadband mapping to also fund demand-side programs to increase broadband adoption and computer use.

Comments were also submitted by Qwest Communications International Inc. (Qwest). While acknowledging the need to obtain comprehensive data to generate an accurate broadband map, Qwest expressed security concerns in regard to disclosing data pertaining to its Layer 3 peering locations, end-user codes, and community anchor institutions. Qwest also suggested additional measures to ensure the accuracy and clarity of collected data and noted that network coverage limitations for satellite and wireless broadband should continue to be factored into determining broadband availability in a particular area.

Based on these actions and responses, NTIA believes that the Program has been designed to collect the most valuable data without imposing any 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.

Not Applicable.

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

The BDIA requires that eligible 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.¹¹ As a condition of grant funding, awardees may not agree to a more restrictive definition of Confidential Information than the definition adopted by the State Broadband Data Program.¹²

Under the NOFA, Confidential Information was originally defined as any 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 that 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 of availability or a specific address. Pursuant to the August Clarification, the definition of Confidential Information changed in several ways: (1) the definition of Confidential Information no longer includes the identification of a service provider's specific service area; (2) A service provider's "footprint" is likewise no longer be included in the definition of "Confidential Information." (3) While identification of a provider's name and its availability/speed at a particular address will still be considered confidential, identification of a provider's name and availability/speed at a census block or street segment level will not be considered confidential and will be displayed on the national broadband map.

To protect the confidential or proprietary nature of information received from providers or 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 awardee. However, nondisclosure restrictions cannot restrict the providing of all data collected under the State Broadband Data Program to NTIA nor restrict NTIA's use of the data as contemplated under the NOFA, including sharing such data with the FCC or other federal agencies. NTIA agrees, to the extent required by law, not to 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,

¹¹ Pub. L. No. 110-385, §§ 106(c)(3) and 106(h)(2), 122 Stat. 4101-02 (2008).

¹² or a service provider's "footprint". 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.

NTIA agrees 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.

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

Information to be collected under this Program 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 of the 50 states, 5 territories and the District of Columbia, or their respective designees. Subrespondents include facilities-based provider 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*: 56 respondents x 2 responses/annum = 112 responses.
 - 2. *Total number of subresponses annually*: 2,000 subrespondents x 2 responses/annum = 4,000 subresponses.
- D. Estimated Annual Hour Burden: Approximately **549,440 hours**
 - 1. *Estimated annual hour burden for respondents*: 56 respondents x 2 responses/annum x approximately 3,120 hours/response = approximately **349,440 total annual respondent burden hours**. This estimate was derived based on an average of the estimated burden hours submitted by applicants in their respective applications and NTIA's determination of reasonableness for particular projects.
 - 2. *Estimated annual hour burden for subrespondents*: 2,000 subrespondents x 2 responses/annum x approximately 50 hours/response = approximately **200,000 total annual subrespondent burden hours**. This estimate was derived based on estimated annual burden hours for the several categories of

subrespondents enumerated above, based on the per provider estimates submitted by respondents. As noted above, 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 \$79 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 year period. In addition, NTIA will expend approximately \$22 million in the administration of the Program, analysis of the data, and development of the national broadband map. The costs to the Federal Government will include the cost for Federal staff to review applications, select awardees, provide technical and programmatic assistance for state data collection efforts, receive, process and analyze collected data, and develop the national broadband map.

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

Following a closer re-evaluation of map components and other documentation from state broadband providers, the program office determined that the previous estimated burden hours were excessive. As a result, an adjustment decrease was created (from 704,000 to 549,440).

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

Pursuant to the Recovery Act, NTIA will develop and maintain an interactive and searchable national broadband map based on this information collection that will be publicly accessible on the NTIA website 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.

Not Applicable.

18. Explain each exception to the certification statement.

No exceptions are requested.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

Not Applicable.