

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 request is to revise/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, among other activities, 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 directed the Assistant Secretary to make the National Broadband Map publicly accessible on the National Telecommunications and Information Administration’s (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 directed the Secretary of Commerce (Secretary) to establish the State Broadband Data and Development Program and to award grants to eligible entities to identify and track the adoption and availability of broadband services within each state.⁴

Despite the importance of broadband to the U.S. economy, information about broadband availability was not widely available until this dataset was developed. The data collected will continue to provide critical information for grant-making, regulatory and policy-making efforts, and to improve the quality of state-level broadband information. Numerous public and private stakeholders currently use the data to inform funding, policy and commercial decisions. Consumers and businesses also use the data to identify where broadband is available, the advertised speeds and other information.

NTIA proposes to revise the currently approved reporting requirements to include with each submission of data several “best practices” documents including a document describing each

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.

recipient's methodology for collecting and verifying data for that round of data, a document that summarizes any major changes or corrections made to data or explain data that may appear incorrect from the previous submission and a short text file (also known as a "readme" file) that summarizes basic, technical information for the dataset. We do not have specific forms for this new requirement. Respondents only are required, as part of their grant award to do this work – it is inherent in the verification process that they do before they send the data to NTIA - but was not formally requested that they provide it at the beginning of the program. We now realize that it's much more efficient and takes less time for everyone if they provide it as part of the review data for each round. (A sample of each is included with this submission.)

At this time, NTIA is not proposing to revise the broadband availability or Community Anchor Institutions (CAIs) adoption data that each recipient collects, though it may consider changes in the future. These documents constitute information that recipients normally update during each semi-annual data collection and verification process, and generally already provide to NTIA. For this reason, they do not add to the burden placed on recipients.

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 2009 and 2010, under the Recovery Act and the BDIA, NTIA awarded grants to states, or their designees, to gather and verify state-specific broadband data, including the maximum advertised speed, technology type and spectrum (if applicable) for each broadband provider offering service in each census block, or, in census blocks greater than two square miles, each road segment.⁵ Additionally, grants included funding to collect the maximum advertised speed and technology type to which various classes of CAIs subscribe. Recipients are funded to conduct this activity until approximately December 31, 2014.

Award recipients 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, CAIs, and other agencies or instrumentalities of the states or municipalities. Applicants also described their plans to validate or improve the accuracy of the collected data using multiple forms of verification including, but not limited to, online and on-the-ground surveys, modeling, drive-testing and crowd-sourced data reporting.

How the data will be collected and by whom: Each state or its designee has received a grant and will continue to collect broadband availability and CAI adoption data. NTIA does not propose revising the type of data to be collected at this time. Data submitted by each recipient must meet program standards as provided in the *Technical Requirements* to the Notice of Funds Availability

⁵ See Notice of Funds Availability, 74 Fed. Reg. 32545, (July 8, 2009) and Notice of Funds Availability: Clarification of Period of Performance, 74 Fed. Reg. 46573, (Sept. 10, 2009)

(NOFA) and the August Clarification, although collection methods may vary between applicants due to the unique broadband landscape in each state.⁶

Frequency of data collection: Applicants must collect and submit data to NTIA at least semiannually. Recipients are funded to collect data through December 31, 2014.

Purpose of data collection and public dissemination: Before each state began collecting this data under NTIA's program, no comprehensive and granular dataset of broadband availability was available. After two years in publication, numerous public and private stakeholders currently use the data to inform funding, policy and commercial decisions. Consumers and businesses use the data to identify where broadband is available, the advertised speeds and other information. States use the data to populate state broadband maps, and NTIA uses the data to populate the National Broadband Map. NTIA also makes the data freely available for stakeholders to use, via Application Programming Interfaces (APIs) and in various file formats. NTIA does not propose to revise the type of broadband data now collected, only to formalize the inclusion of supplementary material by each recipient that describes the data and their process.

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.

Recipients provide data electronically via a NTIA website, and, in many cases, make use of electronic means to acquire or review broadband provider data.

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, no other federally-sponsored programs 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 collects information from one recipient in each state, territory and the District of Columbia. 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.

⁶ *Id.* See also Notice of Funds Availability: Clarification, 74 Fed. Reg. 40569 (Aug. 12, 2009).

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 maintain the National Broadband Map and the national datasets, which are currently used to make funding and policy decisions at national and state levels. The data is also used by many businesses and consumers, and there is no other replacement for this information.

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 February 7, 2013 (Vol.78, pg. 9035). No comments were received affecting the information collection. (An email was received that expressed funding continue for the program and how the broadband availability information has helped the state of New Hampshire.)

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.⁷ 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.⁸

⁷ Pub. L. No. 110-385, §§ 106(c)(3) and 106(h)(2), 122 Stat. 4101-02 (2008).

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) Identification of a provider's name and availability/speed at a census block or street segment level is publicly available information.

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 Federal Communications Commission (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 will not constitute public disclosure. In any disclosure to the FCC or other federal agencies, 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 forgoing, 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.

Number of Respondents and Subrespondents: 56 respondents and approximately **2,000 subrespondents**. Respondents include each of the 50 states, five territories and the District of Columbia, or their respective designees. Subrespondents include facilities-based provider of

⁸ 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 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.

Frequency of Response: Semi-annual.

Total Number of Responses and Subresponses Annually: Approximately **4,112** responses and subresponses.

56 respondents x 2 responses = 112.responses.

2,000 subrespondents x 2 responses = 4,000 subresponses.

Estimated Annual Hour Burden: Approximately **549,776 hours**

56 respondents x 2 responses x 3,123 hours/response = **349,776 total 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.

2,000 subrespondents x 2 responses/annum x 50 hours/response = **200,000 total 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. The estimated hour burden takes 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 has provided recipients with funds for the collection and verification of the requested broadband data.

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

NTIA spends approximately \$5 million per year on the State Broadband Initiative which includes monitoring of recipient awards for data collection and state capacity building, as well as maintenance and updates to the National Broadband Map. NTIA has already awarded recipients grants to collect and validate data, among other activities over a five year period, ending December 2014. Awards for data collection, verification and publication of state maps total approximately \$167 million over the five year period.

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

The currently approved reporting requirements are being revised which results in a program change increase of total burden hours (+336).

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

NTIA has published the National Broadband Map (www.broadbandmap.gov) also makes the data freely available for the public to use, via Application Programming Interfaces (APIs) and in various file formats.

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.