

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (Commission) seeks the Office of Management and Budget (OMB) approval of targeted changes to the currently approved FCC Form 477 (Form 477) data collection, which are necessary to implement final rules promulgated in a 2019 Report and Order.

Existing Information Collection Requirements:

The Commission initially established a reporting program using Form 477 to collect basic information about (1) the deployment of broadband services, and (2) the development of local telephone service competition. Over time, the Form 477 data collection has evolved into the primary data source for many Commission actions, including reporting to Congress and the public about the availability of broadband services, informing transaction reviews, and supporting our universal service policies.¹

The following types of entities must file Form 477: (1) facilities-based providers of fixed broadband services, (2) incumbent and competitive local exchange carriers (LECs), (3) interconnected VoIP service providers, and (4) facilities-based providers of mobile voice and broadband services. Respondents are required to file on a semi-annual basis, with submissions due on March 1 and September 1.

Form 477 collects information about broadband connections to end-user locations, wired and wireless local telephone services, and interconnected Voice over Internet Protocol (VoIP) services in the 50 states, the District of Columbia, and the Territories and possessions.² Data obtained from this form provides an understanding of the extent of broadband deployment, facilitates the Commission's development of appropriate broadband policies, and enables the Commission to carry out its obligation under section 706 of the Telecommunications Act of 1996, as amended, to "determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."³ In addition, the information collected in Form 477 enhances the Commission's analysis and understanding of the extent of local telephone competition, which in turn supports the Commission's efforts to open all telecommunications markets to competition and to promote innovation and investment by all participants, including new entrants, as required by the Telecommunications Act of 1996.⁴

¹ See *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9895, para. 16 (2013); *Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, Report and Order, 19 FCC Rcd 22340, 22341, paras. 1-2 (2004) (*2004 Broadband Data Gathering Order*); *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol Subscribership*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691, 9692, paras. 1-2 (2008).

² See 47 U.S.C. § 153(58).

³ See 47 U.S.C. § 1302.

⁴ See 47 U.S.C. §§ 251, 252, 271.

New and/or Modified Information Collection Requirements:

On August 1, 2019, the Commission adopted a *Report and Order*, FCC 19-79, in WC Docket Nos. 19-195 and 11-10 (attached).⁵ The *Order* makes targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and incorporate new technologies.

The *Order* adopts the 5G-NR (New Radio) technology standards developed by the 3rd Generation Partnership Project (3GPP) with Release 15 and requires providers to submit 5G deployment data that meet the specifications of Release 15 (or any successor release that may be adopted by the Commission's Bureaus).⁶ These changes are necessary because the deployment data collected on Form 477 are no longer sufficient for targeting universal service funds.⁷ The actions to improve the Form 477 data collection will also increase the usefulness of the information to the Commission, Congress, the industry, and the public.

The *Order* reduces the burden on broadband providers by removing the requirement that facilities-based providers submit separate coverage maps depicting their broadband network coverage areas for each transmission technology and each frequency band.⁸ It also modifies the requirement that mobile broadband providers report coverage information for each technology deployed in their networks by reducing the number of categories from nine to four.⁹ The *Order* also eliminates the requirement that facilities-based providers submit a list of census tracts in which the provider advertises its mobile wireless broadband service and in which the service is available to actual and potential subscribers.¹⁰ Finally, the *Order* removes the requirement that fixed providers offering business/enterprise/government services to report the maximum downstream and upstream contractual or guaranteed data throughput rate (committed information rate) available in each reported census block.¹¹

Statutory authority for collecting information from carriers and other entities is set out in sections 4(i), 201, 218-220, 251-252, 271, 303(r), 332, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i), 201, 218-220, 251-252, 271, 303(r), 332, and 403, and in section 706 of the Telecommunications Act of 1996, as amended, codified in section 1302 of the Broadband Data Improvement Act, 47 U.S.C. § 1302.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The Commission currently uses the broadband deployment data obtained in the Form 477 collection to prepare reports that help inform consumers and policy makers at the federal and state level of the deployment and adoption of broadband services. The Commission releases to the public the broadband deployment and mobile voice deployment data that it

⁵ *Establishing the Digital Opportunity Data Collection and Modernizing the FCC Form 477 Data Program*, FCC 19-79, Report and Order (2019) (*Order*).

⁶ *Order* at para. 44.

⁷ See Letter from Michael R. Romano, Senior Vice President, NTCA, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90, 11-10, at 1 (filed Apr. 30, 2019) (NTCA Apr. 30, 2019 *Ex Parte* Letter) ("false positives" from FCC Form 477 reporting can lead to the "denial or withdrawal of federal USF support in areas where support is in fact needed to reach unserved locations, dooming those locations to a lack of service for years to come.").

⁸ *Order* at para. 41.

⁹ *Order* at para. 46.

¹⁰ *Order* at para. 66.

¹¹ *Order* at para. 69.

collects, which enables consumers, federal and state government agencies, analysts, and others to determine broadband service availability by provider, technology, and speed.

The Commission also uses the information obtained in the Form 477 collection to examine broadband deployment and adoption in conjunction with its congressionally-mandated section 706 broadband progress reports. In addition, the Commission uses the data to support its analyses in a variety of rulemaking proceedings under the Communications Act, including those related to fulfilling its universal service mandate.

3. Respondents use a web-based interface to submit Form 477 data electronically over the Internet. The web-based interface employs HyperText Transfer Protocol over Secure Socket Layer (HTTPS) to secure the submitted information during transmission. The interface includes the following pages:

- A Login page where users enter an FCC Registration Number (FRN) and password to gain access to the site;
- A Main Menu page where filers can create a new filing and access existing filings;
- A Submission Menu page that provides access to various sections of the form and allows users to submit or revise a filing;
- Pages for each section of the form; and
- A Submission Confirmation page that provides a link to a Filing Summary, a document summarizing the data included in a filing that users can print or download.

Various instructional documents and other resources are available to filers on the Commission's Form 477 Resources page at www.fcc.gov/form477, including:

- An explanation of who must file Form 477;
- Instructions;
- A glossary of Form 477 terms;
- Interface user guide;
- Frequently asked questions;
- File upload templates;
- Formatting information documents;
- Links to various geographical resources; and
- Links to various data and reports.

4. Without this collection, the information requested in Form 477 would not be otherwise available; in the Commission's experience, no nationwide studies of broadband deployment or local telephone competition are based on a more complete source of data.

5. In formulating the changes to the Form 477 collection, the Commission was cognizant of the need to ensure that the benefits resulting from use of the data outweigh the reporting burdens imposed on filers. We believe our actions to streamline the filing process and eliminate certain filing requirements (such as removing the requirement that providers submit separate coverage maps depicting their broadband network coverage areas for each transmission technology and each frequency band) will benefit small entities, as well as all respondents of all sizes, by reducing the administrative costs they incur to file Form 477.

6. Information collected in Form 477 on the deployment of broadband services is essential to the Commission in determining the effectiveness of its policies, informing analyses in a variety of Commission rulemaking proceedings, and understanding broadband deployment in conjunction with congressionally required section 706 reports. The information supports the Commission's evaluation of broadband policies and industry developments as they affect all Americans, including those residing in rural areas. Further, the public release of the deployment data enables consumers, government agencies, analysts, and others to determine broadband service availability by provider, technology, and speed. The Form 477 data would not be available through another source if this data was not collected through use of this form.

7. The modifications to the currently approved information collection are consistent with OMB's guidelines as stated in 5 CFR §1320.5(d)(2). Respondents are not required to file the information collection with the Commission more often than semi-annually. No other special circumstances apply to this information collection.

8. The Commission will place a 60-day notice in the Federal Register pursuant to 5 CFR § 1320.8(d) on November 14, 2019 (84 FR 61905). No comments were received from the public on the information collection requirements.

9. The Commission has not provided any payment or gift to respondents.

10. To improve the current Form 477 collection, we will no longer treat as confidential service providers' minimum advertised or expected speed data for mobile broadband services. Thus, provider specific coverage data will be publicly released for all subsequent Form 477 filings. This action is necessary to ensure that consumers can easily use the information that is disclosed to the public, including minimum advertised or expected speed data, because such information is only beneficial if consumers know where service is available. Because the Commission already makes provider-specific coverage data publicly available on its website by publishing each provider's shapefiles, filers will no longer be permitted to request confidential treatment for such information upon filing.¹²

11. None of the modified information collection requirements contained in this submission address any private matters or questions of a sensitive nature.

12. The following represents the estimated hour burden of the collection of information:

(1) Number of Respondents: Approximately 2,515 respondents.

Based on the Commission's past experience with the Form 477 information collection, including the filings made or revised as of November 13, 2018, we estimate there will be approximately 2,515 respondents. Respondents include facilities-based providers of fixed broadband services, incumbent and competitive local exchange carriers (LECs), interconnected VoIP service providers, and facilities-based providers of mobile voice and broadband services. Respondents with both incumbent LEC and non-incumbent LEC operations must submit separate reports.

¹² See FCC, *Mobile Deployment Form 477 Data*, <https://www.fcc.gov/general/mobile-broadband-deployment-data-provider-form-477> (last visited Oct. 25, 2019). We amend § 1.7001(d) of the rules to clarify the procedures for public disclosure and requests for confidential treatment of certain categories of information reported on FCC Form 477. First, new paragraph (d)(1) lists types of data that will not be made routinely available for public inspection (i.e., emergency operations contact information and other information typically treated as confidential under rule § 0.457). Second, the Commission will disclose provider-specific subscription information as a general matter, but providers may request confidential treatment by checking a box on the form (new paragraph (d)(2)(i) of rule § 1.7001). Third, the Commission will disclose—and will not entertain requests for confidential treatment of—data regarding providers' mobile broadband deployment and advertised or expected speeds (new paragraph (d)(2)(ii)).

(2) Frequency of Response: Responses will continue to be made on a semi-annual basis.

(3) Total Number of Responses Annually: Approximately **5,030 responses**.

The Commission estimates that each respondent will have submitted two semi-annual responses.

Approximately 2,515 respondents x 2 responses/year = approximately 5,030 total responses.

(4) Estimated Annual Hour Burden: Approximately **1,750,440 hours** (for *all* respondents).

We derived this estimate by totaling the estimated annual hour burdens for each category of respondent listed in the answer to 12(1) (*i.e.*, facilities-based providers of broadband connections, incumbent and competitive local exchange carriers (LECs), interconnected VoIP service providers, and facilities-based providers of mobile wireless service). We calculated the annual hour burden for each category by estimating the number of hours required to complete the parts of Form 477 that are applicable to the filers in each category and multiplying it by the estimated number of respondents in each category, based on past Form 477 submissions. We also account for respondents that fall into several categories and will need to complete multiple parts, but not necessarily all, of Form 477.

Based on this calculation, the Commission estimates that the average hour burden, per semi-annual response, for the *average* respondent is approximately **348 hours**.

The estimated annual hour burden for *all* respondents is therefore:

Approximately 2,515 respondents x 2 responses/year x approximately 348 hours/response = approximately **1,750,440 total annual burden hours (average)**.

This estimate assumes that the hour burden per response will be higher for the first two responses and will decrease to a fixed amount by the third response, as respondents become more familiar with the new filing requirements. The burden estimate of 348 hours is the average of the expected burden hours for the first 10 filings over the course of five years. We assume that the average hour burden for the average respondent for the first response will be 565 hours. We expect this number will decrease to 366 hours for the second response and 319 for the third response and each response thereafter.

(5) Estimated Total Annualized “In-House” Cost to Respondents for the hour burdens for collection of information: Approximately **\$89,027,378.40** (approximately \$35,399 per respondent on average).

The Commission estimates that respondents will use a staff equivalent GS 11, Step 5, plus 30% overhead, to comply with the requirement throughout the authorized period. Based on this formula, we estimate the cost to respondents is approximately **\$50.86 per hour** (\$39.12 salary per hour plus \$11.74 overhead per hour). We calculate the annualized cost to respondents for the hour burdens of the collection by multiplying the estimated total annual burden for all respondents as a group (*see* the answer to 12(4)) by \$50.86 per hour.

Estimated **1,750,440** burden hours/year x \$50.86/hour = **\$89,027,378.40**.

13. The annual reporting and recordkeeping cost burdens are estimated as follows:

(1) Total capital and start-up cost component (annualized over its expected useful life): \$0.

Providing the requested information will not require the purchase of additional equipment and/or software.

- (2) Total operation and maintenance and purchase of services component: \$0.

Providing the requested information will not result in additional operating or maintenance expenses or in the purchasing or contracting out of information collection services.

- (3) Total annualized cost requested: \$0.

14. Costs to the Commission: approximately \$298,000 per year.

The program will be administered by economists, GIS experts, analysts, and support specialists, with the assistance of senior managers and attorneys. Based on its extensive experience managing this particular data collection, the Commission estimates that the program will cost \$298,000 per year. The Commission does not envision other costs, *e.g.*, personnel or other resources from other government agencies or from the private sector.

15. The public burden for the information collection requirements contained herein will decrease by approximately 196,170 burden hours per year by the changes made in the non-substantive change request submission.

16. The broadband deployment data to be collected on Form 477 as a result of the modifications discussed in the answers to 1 and 10 will be made publically available on the FCC's website at <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477>. The broadband deployment data are typically published 5 to 6 months after the submission deadline.

NTIA currently publishes similar data on the National Broadband Map website at www.broadbandmap.gov. The Commission will coordinate with NTIA to continue the publication of the National Broadband Map using the data to be collected through the modifications to Form 477.

17. We are requesting continued OMB approval to not display the OMB expiration date. Displaying the OMB expiration date each time this information collection is submitted to OMB for approval would require updating that expiration date on the Form 477. The Commission will use an edition date on the form instead of the OMB expiration date. The Commission publishes the OMB Control Number, OMB expiration date and the title of this information collection in 47 CFR § 0.408 of the Commission's rules.

18. There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods:

The Commission does not anticipate that the collection of information will employ statistical methods.