

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
Establishing the Digital Opportunity Data Collection)	WC Docket No. 19-195
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	

To: The Commission

**COMMENTS OF
THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION**

The National Rural Electric Cooperative Association (“NRECA”) hereby submits these Comments in response to the Report and Order and Second Further Notice of Proposed Rulemaking requesting comment on the establishment of the Digital Opportunity Data Collection and modernizing the FCC Form 477 Data Program.¹

INTRODUCTION

NRECA is the national service organization for more than 900 not-for-profit rural electric cooperatives that provide electric energy to approximately 42 million people in 48 states or approximately 12 percent of electric customers, including 327 of the nation's 353 "persistent poverty counties" (93%). Of the 42 million Americans served by cooperatives, an estimated 4 million live in persistent poverty counties. Rural electric cooperatives serve 88% of the counties of the United States. Rural electric cooperatives were formed to provide safe, reliable electric service to their member-owners at the lowest reasonable cost. Rural electric cooperatives are

¹ *Establishing the Digital Opportunity Data Collection; Modernizing the Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Report and Order and Second Further Notice of Proposed Rulemaking (adopted Aug. 1, 2019) (*Data Collection Order and Second FNPRM*).

dedicated to improving the communities in which they serve; management and staff of rural electric cooperatives are active in rural economic development efforts. Electric cooperatives are private, not-for-profit entities that are owned and governed by the members to whom they deliver electricity. Electric cooperatives are democratically governed and operate according to the seven Cooperative Principles.²

NRECA and its members are intensely interested in the deployment of advanced telecommunications capabilities within the rural communities and areas in which electric cooperatives provide electric service.³ In many of our members' communities, incumbent service providers do not offer fixed broadband service that meets the current fixed broadband benchmark of 25 Mbps download and 3 Mbps upload. NRECA estimates at least 6.3 million households in electric co-op service areas lack high-speed internet access. These rural families and businesses are fighting an uphill battle in the digital economy. New research shows that a lack of rural broadband to those unserved co-op households leads to \$68 billion in lost economic value over 20 years.⁴ This reality has prompted many electric cooperatives to undertake the investments and commit the resources to deploy fixed broadband services within these communities. Over 100 NRECA members provide fixed broadband service today, deploying fiber-based, fixed wireless or combined fiber and fixed wireless technologies. Forty-two (42) rural electric cooperatives participated in the Connect America Phase II auction. Twenty-two (22) members formed a consortium and were deemed qualified to bid in the auction, along with twenty (20) other rural

² The seven Cooperative Principles are: Voluntary and Open Membership, Democratic Member Control, Members' Economic Participation, Autonomy and Independence, Education, Training and Information, Cooperation Among Cooperatives, and Concern for Community.

³ NRECA and its members are focused principally on fixed broadband service.

⁴ See "Unlocking the Value of Broadband for Electric Cooperative Consumer-Members," NRECA Business & Technology Report, September 2018, available at: https://www.cooperative.com/programs-services/bts/Documents/Reports/Unlocking-the-Value-of-Broadband-for-Co-op-Consumer-Members_Sept_2018.pdf (last visited Dec. 20, 2018).

electric cooperatives. Cooperatives (including members in the consortium) won thirty-five bids, securing \$254,720,764.50 in support over ten years.

We reasonably believe electric cooperative participation would have been higher, but for the FCC's approach to designating areas eligible for the auction. The FCC relies solely on FCC Form 477 data to determine broadband service availability, finding Census blocks with any service available as ineligible.⁵ Accordingly, NRECA has a strong interest in developing a systematic, broadband mapping approach that discloses either actual or planned broadband locations, principally in rural areas.

DISCUSSION

NRECA commends the Commission on its efforts to gather more granular broadband deployment data to better understand “where broadband is available and where it is not.”⁶ FCC Form 477 collects data at the Census block level, instructing service providers to report as served any Census block in which *any* homes or businesses are served by the service provider.⁷ Members of NRECA have seen firsthand that this can lead to Census blocks being considered “served” when a substantial majority of the locations in a Census block is not served. As NRECA previously commented, “[o]ne Iowa electric cooperative whose electric service area is mostly rural farmland was stunned to learn the FCC considered the vast majority of its electric

⁵ See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform -- Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order and/or FNPRM*).

⁶ *Data Collection Order and Second FNPRM*, at para. 1.

⁷ See 83 FR 53852, at 53853; and see “FCC Form 477 Local Telephone and Broadband Reporting Instructions,” Federal Communications Commission, available at: <https://transition.fcc.gov/form477/477inst.pdf> (last visited Dec. 19, 2018).

service area as being ‘served.’”⁸ NRECA firmly supports all efforts made by the Commission to develop a more complete and accurate depiction of broadband availability, especially in rural areas.

Broadband Coverage Polygons. In order to provide an accurate depiction of coverage, NRECA supports the requirement for fixed service providers “to submit broadband coverage polygons depicting the areas where they actually have broadband-capable networks and make fixed broadband service available to end-user locations.”⁹ Further, NRECA supports the Commission’s definition of “actually available” as meaning that there is a current broadband connection or a connection could be provided within ten business days, and provided at a reasonable cost to connect service. NRECA believes that providing such information will not be too burdensome. The majority of NRECA’s members already have their service areas geocoded, which will allow the information to be translated into coverage polygons with reasonable effort.

While some parties have suggested the need to first establish a database of broadband-addressable locations, or “Location Fabric,”¹⁰ NRECA agrees with the Commission that the submission of coverage polygons should not be delayed until after this Location Fabric is established. NRECA supports the Commission’s proposal to create and integrate a tool into the Digital Opportunity Data Collection that would allow providers to submit information regarding “broadband-serviceable locations.”¹¹ Such a tool would allow for the establishment of the

⁸ Comments of NRECA, *Improving the Quality and Accuracy of Broadband Availability Data*, NTIA Docket No. 180427421-8421-01, at 4 (filed Jul. 16, 2018) (“NRECA Comments”) (referencing Sam Bloch, *The FCC says all of Iowa has access to broadband internet. Speed tests tell a different story*, New Food Economy, June 20, 2018 <https://newfoodeconomy.org/rural-iowa-broadband-data-fcc/> (last visited on July 16, 2018 (analysis of internet speeds in some rural Iowa counties were well below what the FCC’s broadband map released in December 2017 and updated in February 2018 (setting the eligible areas for CAF II competitive auction) foreclosing these areas from the CAF II auction.))

⁹ *Data Collection Order and Second FNPRM*, at para. 12.

¹⁰ See Letter from B. Lynn Follansbee, Vice President – Policy & Advocacy, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 19-195, 11-10, 10-90, 19-126 (filed Aug. 29, 2019).

¹¹ *Data Collection Order and Second FNPRM*, at para. 101.

Location Fabric, without delaying the collection of more granular broadband availability data provided by the broadband coverage polygons.

Transparency and Verification. NRECA strongly supports crowdsourcing information as a method of verifying data submitted by service providers. Allowing public input will result in a more accurate depiction of coverage because it ensures that the data provided by service providers is aligned with reality. Similarly, NRECA supports the Commission decision to add an additional layer of verification through requiring USAC to incorporate geolocation data contained in the High Cost Universal Broadband (“HUBB”) portal with the broadband coverage polygons.¹² The employment of multiple verification sources will all aid in gaining a true picture of broadband availability.

NRECA also supports the Commission’s efforts to increase transparency by making as much information public as possible. With respect to crowdsourcing, the Commission proposes making the submitted comments and complaints available to public. Doing so may prompt others in the public to provide input on a particular comment or complaint, which would provide more comprehensive data. With respect to the FCC Form 477, the Commission has decided to no longer treat minimum advertised or expected data speeds as confidential.¹³ In its current state, the form allows providers to check a non-disclosure box, which in turn allows publicly available information to be treated as confidential. NRECA supports the Commission’s decision to treat publicly available information included in the FCC Form 477 as non-confidential because it will allow the public to more effectively analyze the data.

¹² *Id.*, at para. 27.

¹³ *Id.*, at para. 36.

Sunsetting FCC Form 477. NRECA supports eventually sunseting the FCC Form 477.¹⁴ Until the Digital Opportunity Data Collection is fully functional, the FCC Form 477 remains the tool for collecting broadband availability data. Use of the FCC Form 477 should continue until the functionality of the Digital Opportunity Data Collection has been proven. However, once this process has proven effective, the FCC Form 477 will be obsolete. As NRECA, the Commission, and many others have stated, the FCC Form 477 does not collect data on a level of granularity needed to accurately depict broadband availability. The Digital Opportunity Data Collection aims to do exactly that; therefore, once it is fully functional, the FCC Form 477 will not be necessary.

Use of Coverage Maps for other USF Programs. NRECA supports the use of the coverage maps generated through the Digital Opportunity Data Collection for as many purposes as possible. When fully functional, the Digital Opportunity Data Collection will provide the most complete and accurate depiction of broadband availability of any dataset. Because of this, the information will be useful for any program that requires a determination of whether broadband is available or not. Additionally, repurposing this information may eliminate the submission of duplicative data, lessening the burden on providers.

CONCLUSION

NRECA strongly supports the efforts the Commission's efforts to gather more granular broadband availability data to provide an accurate depiction of broadband coverage across the county. NRECA believes that with the collection of broadband coverage polygons through a transparent and verified process, the Commission will succeed in creating an accurate broadband

¹⁴ *Id.*, at para. 11.

coverage map, while also streamlining processes and reducing the regulatory burden on providers.

Respectfully submitted,
National Rural Electric Cooperative Association

/s/

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Dated: September 23, 2019