



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

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BROADBAND DATA COLLECTION FILING DEADLINE FOR JUNE 30, 2023 DATA EXTENDED TO SEPTEMBER 15, 2023

WC Docket No. 19-195, 11-10

By this Public Notice, the Broadband Data Task Force and Office of Economics and Analytics extend the September 1, 2023, deadline for the submission of Broadband Data Collection (BDC) data as of June 30, 2023, by granting a limited waiver¹ of section 1.7004(b) of the Commission's rules.² **All BDC data as of June 30, 2023, are now due no later than September 15, 2023.**

This extension allows broadband service providers who are filing data as of June 30, 2023, additional time to incorporate updated Fabric data into their submission. These updates were necessary to correct a processing error that occurred during the production of the June 2023 Fabric. The error resulted in broadband serviceable locations (BSLs) not being included in the June 2023 Fabric files originally sent to license holders.³ This processing error impacted the June 2023 version of the Fabric and not earlier versions of the Fabric, including the December 2022 Fabric that is currently on the National Broadband Map and was used as a basis for the allocation of BEAD funding by NTIA.⁴

Although these updates only affect a very small number (roughly 0.1 percent) of the over 115 million BSLs nationwide, it is important that we collect availability data for them in order to make the National Broadband Map as accurate and complete as possible. CostQuest, the Commission's Fabric contractor, is sending an updated version of the June 2023 Fabric by August 1, 2023, to Fabric licensees that includes the added BSLs. CostQuest will also provide a change list to filers so that they may easily identify whether they have service available at any of the added locations and therefore need to update their BDC submission. We find that extending the filing deadline until September 15, 2023, will give all filers of fixed broadband availability data time to review the updated Fabric and make any necessary changes to their June 30, 2023, service availability data.

¹ See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7496, para. 86 (2020) (directing "IB, WTB, WCB, and OEA to . . . implement any technical improvements or other clarifications to the filing mechanism and forms.").

² 47 CFR § 1.7004(b) (specifying that "Digital Opportunity Data Collection filings shall be made each year on or before March 1 (reporting data as of December 31 of the prior year) and September 1 (reporting data as of June 30 of the current year)"). The BDC was formerly known as the Digital Opportunity Data Collection.

³ Initial release files include "rel_3_1" in the name. Updated files include "rel_3_2" in the name.

⁴ Press Release, NTIA, Biden-Harris Administration Announces State Allocations for \$42.45 Billion High-Speed Internet Grant Program as Part of Investing in America Agenda (June 26, 2023), <https://internetforall.gov/news-media/biden-harris-administration-announces-state-allocations-4245-billion-high-speed-internet>.

Filers who have already uploaded or submitted fixed broadband availability data will need to re-upload or resubmit their data based on the updated Fabric release.⁵ More information on the steps a provider must take to revise and/or upload new data based on the updated Fabric can be found here: <https://help.bdc.fcc.gov/hc/en-us/articles/8148143112859-Revising-a-Submitted-BDC-Filing->.

Section 1.3 of the Commission's rules provides that the Commission may, on its own motion, waive a rule "for good cause shown, in whole or in part, at any time."⁶ This Fabric update warrants deviating from the general rule that BDC data as of June 30 be submitted by September 1. Some filers of fixed broadband availability have already submitted their BDC filings and that many others have begun preparing their availability data in anticipation of the September 1, 2023 deadline. Extension of the filing deadline to September 15, 2023, will allow providers time to review the updated Fabric and submit data based on the corrected version of the Fabric to assure that their availability submission is as complete as possible. The extension strikes a balance by enabling time for providers to reconcile and verify their data at the added locations and at the same time ensuring that the deadline extension will not delay making the data public on the National Broadband Map in a timely manner.⁷

Entities intending to file bulk challenges to the June 2023 version of the Fabric can continue uninterrupted their efforts to prepare Fabric challenges for filing by September 8, 2023.⁸ CostQuest is sending the updated Fabric to State, Tribal, and other third-party licensees at the same time as it is being sent to providers. We suggest that they review the change list provided with the data as it may indicate that some of their challenges are already accommodated. However, there is no need to take any action to modify the challenges they are preparing for filing. To the extent any of those challenges seek to add BSLs at the locations added by our update to the June 2023 Fabric, those challenges will be processed and result in confirmation to the challenger that the locations are already in the updated Fabric.

For additional information and questions regarding the Broadband Data Collection, visit the BDC website at <https://www.fcc.gov/BroadbandData>.

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⁵ Refiling will not be necessary if a fixed filer uploaded or submitted fixed broadband availability data as a polygon (as opposed to a list of locations) on or after July 21, 2023. Because the BDC system contained the updated Fabric files on that date, polygon submissions made on or after that date are not impacted.

⁶ 47 CFR § 1.3. *See, e.g., Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *see WAIT Radio v. FCC*, 418 F.2d 1153, 1155-59 (D.C. Cir. 1969) (*WAIT Radio*).

⁷ 47 U.S.C. § 642(c)(3) (requiring the Commission to update the broadband availability maps not less frequently than biannually using the most recent data collected from providers during the biannual BDC filing periods). Requests for waivers or further extensions of the new September 15, 2023, filing deadline will "face[] a high hurdle even at the starting gate," *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

⁸ *Broadband Data Task Force Begins Accepting Challenges to June 2023 Broadband Serviceable Location Fabric*, WC Docket Nos. 11-10, 19-195, Public Notice, DA 23-579 (BDTF July 3, 2023). The Commission continues to accept challenges to the Fabric and broadband availability data on a rolling basis as contemplated by the Broadband DATA Act, the Commission's rules, and the Bipartisan Infrastructure Law. *See* Broadband Deployment Accuracy and Technology Availability Act, Pub. L. No. 116-130, §802(b)(5)(C), 134 Stat. 228 (2020) (codified at 47 U.S.C. § 642(b)(5)(C)); 47 CFR § 1.7006(d); Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60102(h)(2)(E)(i), 135 Stat. 429 (2021) (codified at 47 U.S.C. § 642(b)(5)(C)(i)). More information on best practices for Fabric challenges can be found in previous Task Force releases and on the BDC Help Center. *See Broadband Data Task Force Announces Recommended Best Practices for Challenges to Updated Broadband Serviceable Location Fabric*, WC Docket Nos. 11-10, 19-195, Public Notice, DA 23-69 (BDTF Jan. 25, 2023); FCC, *How To Submit A Successful Bulk Fabric Challenge* (March, 2, 2023), <https://help.bdc.fcc.gov/hc/en-us/articles/13308560752155-How-to-Submit-a-Successful-Bulk-Fabric-Challenge->, *Bulk Fabric Challenge FAQs* (Apr. 28, 2023), <https://help.bdc.fcc.gov/hc/en-us/articles/9200359586971-Bulk-Fabric-Challenge-FAQs>.