

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
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Modernizing the FCC Form 477	)	WT Docket No. 11-10
Data Program	)	
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**Reply Comments of  
Communications Workers of America**

Debbie Goldman  
501 Third St. N.W.  
Washington, D.C. 20001  
(202) 434-1194 (phone)  
(202) 434-1201 (fax)  
[dgoldman@cwa-union.org](mailto:dgoldman@cwa-union.org)

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The Communications Workers of America (“CWA”) submits these Reply Comments in response to the Commission’s *Further Notice of Proposed Rulemaking* regarding modernization of the FCC Form 477 Data Program. CWA represents 700,000 workers in telecommunications and information technology, the airline industry, news media, broadcast and cable television, education, health care and public service, law enforcement, manufacturing, and other fields.

CWA agrees with the Commission that “accurate and reliable data on fixed and mobile broadband and voice services are critical to the Commission’s ability to meet its goal of decision-making based on sound and rigorous data,” and that others, including Congressional and state and Tribal policymakers, researchers, and consumers frequently use the data.<sup>1</sup> CWA is among the organizations that often use Commission and third-party analyses of Form 477 data to inform our policy analysis. Earlier this year, CWA supported the research of the Haas Institute for a Fair and Inclusive Society at the University of California-Berkeley in its analysis of broadband deployment in California using Form 477 data.<sup>2</sup> Based on these experiences and our review of initial comments in this proceeding, CWA makes the following recommendations for modernization of Form 477 data collection for Fixed Services.

1. Continue to require providers to report separately whether they deploy fixed broadband to “mass market/consumer” and/or “business/enterprise/government service.”
2. Continue to require providers to report the type of technology used to provide the fixed broadband service.

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<sup>1</sup> FCC, *In the Matter of Modernizing the FCC Form 477 Data Program, Further Notice of Proposed Rulemaking*, WC Docket No. 11-10, Aug. 4, 2017 (rel) para 6.

<sup>2</sup> Garrett Strain, Eli Moore, Samir Gambhir, *AT&T’s Digital Divide in California: An Analysis of AT&T Fiber Deployment and Wireline Broadband Speeds in California*, Haas Institute for a Fair and Inclusive Society, University of California-Berkeley, 2017.

3. Require incumbent local exchange carriers to report those census blocks in their wireline voice study areas in which they provide “No broadband.” Currently, the Commission does not require reporting of this information. Therefore, policymakers and the public cannot determine census blocks in which incumbent local exchange carriers have not upgraded their wireline voice networks to provide broadband. In the Haas Center California report, researchers were required to go through a complicated three-step process to determine those areas in California in which the incumbent carrier did not provide any broadband service.<sup>3</sup>
4. Improve the collection of speed data. Under current Form 477 rules, providers report the maximum advertised download and upload speeds available to *at least one person* in the census block. This overestimates actual broadband availability. There are several ways to correct this problem which significantly overstates broadband speeds available:
  - a. CWA supports the recommendation of the National Digital Inclusion Alliance (NDIA) to require each provider to list, for each mass market/consumer broadband technology deployed, the speed tiers provided via that technology to households in each block and the number of households in the block for which each tier is the maximum available.<sup>4</sup>
  - b. Alternatively, require providers to indicate, for each mass market/consumer broadband technology deployed, the maximum advertised speeds that serve the entire census block (or alternatively, that serves at least 90 percent of the census block).
5. If the Commission adopts a more granular reporting method, it should ensure that the data can be correlated with Census data, including the American Community Survey, so that the Commission, state and local policymakers, and other researchers can conduct demographic analyses of the data. As the National Digital Inclusion Alliance notes, currently the smallest geography for which annual Census demographic data is available is the Census Block Group. This data can be aligned with Form 477 data collected at the Census Block level of granularity.<sup>5</sup>
6. Conduct selected audits of Form 477 data. Current rules require providers to report the maximum *advertised* speeds. Frequently, the maximum *advertised* speeds vary significantly from the *actual* speeds delivered by the technology. There are many reasons for this. For example, CWA technicians report that it is not unusual to be dispatched to install broadband at a particular speed only to

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<sup>3</sup> See the Appendix in *AT&T's Digital Divide in California* for an explanation of the methodology.

<sup>4</sup> National Digital Inclusion Alliance Comments, WC Docket No. 11-10, Sept. 25, 2017, pp.4-5.

<sup>5</sup> *Ibid.*, p.6

discover that the physical facilities are not available to provide broadband at the speed the customer ordered (and was advertised as available in the area). Moreover, Form 477 data is self-reported. CWA continues to believe that reporting of actual speeds gives the most accurate picture of broadband deployment. However, if the Commission continues to require reporting of maximum advertised speeds, it must ensure that those advertised speeds are actually available to customers in the census block. CWA therefore recommends that the Commission allocate resources to conduct selective audits of Form 477 data. The Commission can develop criteria for the audit, with a particular focus on areas in which maximum reported speeds vary significantly over a period of time in which publicly available information does not indicate any particular upgrade in the technology used to deliver the broadband service.

Respectfully Submitted,

Debbie Goldman  
Communications Workers of America

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