

July 25, 2019

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



Re: Notice of *Ex Parte* Presentation
WC Docket No. 19-195, *Establishing the Digital Opportunity Data Collection*
WC Docket No. 11-10, *Modernizing the FCC Form 477 Data Program*

Dear Ms. Dortch:

On July 23 and 24, 2019, Galen Roehl of Akin Gump Strauss Hauer & Feld, LLP and the undersigned of Connected Nation, Inc. (“Connected Nation”) met separately with Preston Wise, Special Counsel to Chairman Pai; Arielle Roth, Wireline Advisor to Commissioner O’Rielly; and Joseph Calascione, Acting Wireline Advisor to Commissioner Carr, regarding the Draft Digital Opportunity Data Collection (DODC) item.¹ Hunter Bates of Akin Gump Strauss Hauer & Feld, LLP, joined in the meeting with Preston Wise.

In these meetings, Connected Nation expressed its support for the Draft DODC and sought to offer its recommendations regarding how a few key provisions in the item could be further refined to improve both its clarity and efficacy.

First, Connected Nation expressed concern that a significant number of small service providers will struggle to comply with the reporting requirements as laid out in the Draft DODC, absent some mechanism that would provide them with assistance in the generation of accurate, granular coverage polygons of their networks’ service delivery capabilities. In states like Kansas, where Connected Nation will be unveiling a refreshed state broadband map next week, more than 50% of providers required some level of GIS processing assistance to comply with its data collection requests. Many providers, particularly small cable and fixed wireless companies, do not have the internal GIS expertise or software to create granular and accurate coverage polygons without assistance. While it is true that several online resources exist that can help providers create depictions of their service availability, the best resources carry a cost and require both time and technical acumen to utilize. Certainly, some service small providers can afford to outsource such work to qualified third-party consultants—particularly those that receive a subsidy to provide service. But a significant number would face a burden in both time and financial resources.

Connected Nation also expressed concern that if even a small minority of service providers report incorrectly as a result of these issues, the effect will be overstatement or understatement on the map—and that affects everyone, particularly if the resulting maps are to be used to guide funding

¹ *Establishing the Digital Opportunity Data Collection*, WC Docket Nos. 19-195, 11-10, Report and Order and Second Further Notice of Proposed Rulemaking, FCCCIRC 1908-02, at para 1 (Draft DODC).

decisions. Therefore, Connected Nation recommended that Commission consider adopting a mechanism that would allow for reporting assistance to be requested and granted by service providers that truly need it. Connected Nation also suggested perhaps limiting eligibility for such assistance to those providers with less than 20,000 or 30,000 connections.

Second, as noted in the undersigned's letter to the Commission dated June 7, 2019², Connected Nation believes that there is value in the creation of a common dataset of locations nationwide (called a "Broadband Serviceable Location Fabric" by the coalition led by USTelecom), on which broadband service availability polygons can be overlaid. The creation of such a dataset is important because its purpose is to accurately geolocate structures (or other locations that warrant service delivery, such as *cropland* for precision agriculture) so that it can be determined if a location falls inside or outside the boundaries of a given service availability polygon. If the primary purpose of the DODC is to guide USF funding—and potentially broadband grant funding from other federal agencies—then the precise location of qualifying structures needs to be identified. As the utility of the Fabric has become more clear, Connected Nation's thinking has evolved regarding its timing. Because it will take some time for such a location dataset to be created, Connected Nation believes that the Commission should order the creation of such a dataset now so that it can be immediately paired with the very first round of polygonal service availability data that is collected. The net result will be a much more usable map at the outset.

Third, Connected Nation suggested that there is a need for increased clarity regarding the "crowdsourcing"/public feedback process, and recommends that the Commission consider implementing a cyclical, scheduled feedback process in which there are defined windows for receiving feedback, analyzing and validating feedback, and updating the map after feedback has been adjudicated. Such a process has been proposed in U.S. Sen. Shelley Moore Capito's Broadband Data Improvement Act of 2019 (S.1522). This is important because a defined, repeatable calendar would add clarity and certainty to what would otherwise be a very ambiguous process.

Fourth, Connected Nation noted that the DODC would benefit significantly from having a mechanism for field validation in place at the outset of the first data collection so that there is a means of auditing the data and investigating where evidence suggests the resulting maps may be incorrect.

Please contact me if you have any questions.

Respectfully submitted,

/s/ Brent Legg

Brent Legg
Vice President, Government Affairs
Connected Nation, Inc.

cc: Preston Wise
Arielle Roth
Joseph Calascione

² See, e.g., Letter of Brent Legg, VP Government Affairs, Connected Nation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-10 (June 7, 2019)