



November 28, 2022

SUBMITTED ELECTRONICALLY VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: Ex Parte Filing
Establishing the Digital Opportunity Data Collection, WC Docket No. 19-195

Dear Ms. Dortch:

Pursuant to the Federal Communications Commission's *ex parte* rules, I hereby submit the following summary of the Schools, Health & Libraries Broadband (SHLB) Coalition's November 22, 2022, conversation with various members of the Broadband Data Task Force at the Federal Communications Commission (FCC), to discuss concerns about the accuracy of the FCC Broadband Data Maps (Broadband Maps) in relation to community anchor institutions (CAIs).

The following individuals participated in the call along with the undersigned:

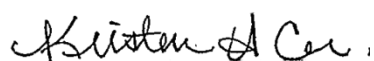
- Jean Kiddoo, Chairwoman - Broadband Data Task Force;
- Sean Spivey, Chief of Staff and Senior Counsel - Broadband Data Task Force;
- Kirk Burgee, Senior Counsel - Broadband Data Task Force;
- William Holloway, Assistant Counsel - Broadband Data Task Force;
- Kimia Nikseresht, Legal Advisor – Broadband Data Task Force;
- John Windhausen, Jr., Executive Director - SHLB Coalition;
- Stephanie Jane Edwards, Mapping & Data Lead - Broadband Infrastructure Office, Division of Broadband & Digital Equity, NC Department of Information Technology
- Tom Reid - Reid Consulting Group LLC

The participants on the call made the following points:

- The SHLB Coalition commends the FCC and Broadband Data Task Force for the work being done to create more granular, location-specific broadband maps and for organizing challenge processes to ensure the accuracy of future iterations of the Broadband Serviceable Location Fabric (Fabric) and Broadband Maps.

- The SHLB Coalition raised a concern that all CAIs are automatically flagged as being non-broadband serviceable locations (BSL) in the Fabric. According to an [FAQ](#) article concerning the Bulk Fabric Challenge process, “[t]he Broadband Data Collection only gathers information on the availability of mass-market broadband internet access service. The Commission has decided that because community anchor institutions generally subscribe to non-mass-market, enterprise-grade services, they would not be identified as BSLs in the initial version of the Fabric.” We are not aware that the FCC has made this decision. In fact, the FCC’s [Third Report and Order](#) issued in January 2021 (Order) states in Footnote 79: “79 Id. SHLB notes the four ways in which anchor institutions acquire broadband capacity (*id.*); to the extent such acquisitions of broadband capacity fall into the category of “mass market,” then providers must report such data.”
- The assumption that all CAIs generally purchase non-mass-market services is factually incorrect. Many CAIs, such as museums, churches, community centers and smaller libraries, often purchase off the shelf mass-market services. With the default being that all CAIs are flagged as non-BSL in the Fabric, we are concerned that broadband providers will not report on the availability of service at these locations, even if those locations subscribe to mass-market service. As a result, we fear that such locations may not be adequately considered for future broadband funding allocations. For instance, the Broadband Equity, Access, and Deployment Program (BEAD Program) underscores a preference for deployment of gigabit connections to CAIs that lack such connectivity along with unserved and underserved locations. The number of unserved (non-gigabit) CAIs must be measured to properly implement the formula for determining how much funding is allocated to each state via the BEAD Program.
- We understand that a CAI can challenge an individual location on the current version of the Broadband Map. But the challenge process does not allow a CAI to change its BSL Flag field to “True”. The current location challenge process for a non-BSL location only allows the challenger the ability to change the building type to something other than a CAI (such as a residence or business). This process does not explicitly create a separate category for CAIs that subscribe to mass-market services, and will be confusing or misleading for many CAIs, as well as for anyone attempting to track broadband availability at CAI locations.
- The SHLB Coalition is not suggesting that the FCC change its Order, but instead suggests that the next version of the Fabric identify CAIs as BSL’s by default, with the ability to flag those locations that subscribe to enterprise services as non-BSL.

Sincerely,



Kristen Corra
Policy Counsel
Schools, Health & Libraries Broadband (SHLB) Coalition
1250 Connecticut Ave. NW Suite 700
Washington, DC 20036
kcorra@shlb.org
571-306-3757

cc: Jean Kiddoo
Sean Spivey
Kirk Burgee
William Holloway
Kimia Nikseresht
Tom Reid
Stephanie Jane Edwards