

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Establishing the Digital Opportunity)	WC Docket Nos. 19-195 and 11-10
Data Collection; Modernizing the FCC)	
Form 477 Data Program)	
)	

REPLY COMMENTS OF THE PRECISION AG CONNECTIVITY & ACCURACY STAKEHOLDER ALLIANCE

The Precision Ag Connectivity & Accuracy Stakeholder Alliance (“PAgCASA”) submits the following reply comments in response to the Commission’s *Public Notice*, “Comment Sought on Technical Requirements for the Mobile Challenge, Verification and Crowdsourcing Processes Required Under the Broadband Data Act,” DA 21-853, in WC Docket No. 19-195.

PAgCASA is a not-for-profit education foundation¹ whose mission is to design, field test, and deploy technical and policy tools needed to ensure accurate broadband mapping and deployment across America to help spur smart agriculture, rural prosperity, and digital equity.

BACKGROUND

PAgCASA participated in the FCC WC Docket No. 19-195, “Establishing the Digital Opportunity Data Collection,” and WC Docket No. 11-10, “Modernizing the FCC Form 477 Data Program,” with comments filed September 8, 2020, reply comments filed September 17, 2020, an ex-parte letter with attached draft one page methodology document entitled “A People Centered Broadband Data & Mapping Campaign: Maps to Bridge the Gaps” filed May 12, 2021, and comments were filed August 27, 2021 responding to the Commission’s *Public Notice* of July 16, 2021, “Comment Sought on Technical Requirements for the Mobile Challenge, Verification and Crowdsourcing Processes Required Under the Broadband Data Act,” DA 21-853, in WC Docket No. 19-195.

PAgCASA was the lone filer responding to the FCC Public Notice of July 16 (DA 21-853), a request for comment by the FCC on an 80-page technical requirements document for their proposed “Mobile Challenge, Verification, and Crowdsourcing Processes Required Under the Broadband Data Act”. We view this as not a trivial matter.

¹ IRS filing pending

We are concerned that the FCC is heading in the direction of violating sections 802(a)(2) **AND/OR** 802(b)(5)(A) by not soliciting "verified data" from "third parties" or by not creating a "user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission."

Our reply comments will speak directly to this issue by detailing our concerns with the technical requirements for Mobile networks (challenge, verification and crowdsourcing) and also the larger set of concerns we have regarding "Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program" process to date.

We will do this from the mobile and fixed wire broadband customer and broader public's perspective particularly as it pertains to important issues like consumer support before, during and after the Challenge process ensuring the customer's data gets into the new broadband maps as well as addressing the issue of public trust in the whole methodology and how the use of non-governmental, people centered, independent third-party entities can ensure "trust but verify" and "ground truthing" oversight.

SEVERAL CONCERNS RELATING TO THE MOBILE BROADBAND NETWORK CHALLENGE, VERIFICATION, AND CROWDSOURCE PROCESSES PROPOSED TECHNICAL METHODOLOGY

The technical methodology outlined in the public notice document of July 16th specific to how the FCC will independently verify the information filed by the four major Mobile Service Providers, primarily their coverage territory and speeds, using machine to machine /M2M ping testing and specialized RF detection and measuring equipment mounted aboard Federal fleet vehicles PL 116-130, Sec. 804 (b)(2)(B) , or the process by which Mobile customers can Challenge their mobile service (dozens of requirements both technical and otherwise detailed throughout the 80 page document) seem to us to be processes that, in the first instance might draw on consumer's concerns regarding the privacy of their calls, and in the second instance is not likely to be viewed as a "user friendly" process from the customer's perspective.

In the first issue raised, the optics associated with knowing that the Federal Government vehicles traveling around the countryside are now equipped with devices designed to capture and analyze RF signals, the very signals on which their personal calls travel, we think this might provoke strong privacy concerns by the public and a PR backlash.

On our second set of concerns mentioned above we would sight for supporting evidence the 26 pages of Appendix A (Technical Appendix) of the FCC's Public Notice document, DA 21-853 "Comment Sought on Technical Requirements for the Mobile Challenge, Verification and Crowdsourcing Processes Required Under the Broadband Data Act," which delineates a series of technical and non-technical steps Mobile customers must initiate and successfully navigate when conducting their Challenge process that, in our opinion, falls well short of being easy to

use from a customer’s perspective and so, once again, third-party consumer data is not likely to get through the Challenge process and into the new FCC Broadband Maps.

We would reference the Broadband Data Act (PL 116-130) sections below to support this specific concern and similar concerns regarding the collection of customer challenge data from fixed wire and wireless broadband service providers.

PL 116-130 SEC. 802. BROADBAND MAPS

- (5) CHALLENGE PROCESS (B) “the Commission shall establish a user-friendly challenge process through which consumers, State, Local, and Tribal Governmental entities, and other entities or individuals may submit coverage data to the Commission to challenge accuracy of –(i) the coverage maps; (ii) any information submitted by a provider regarding the availability of broadband internet access service; or (iii) the information included in the Fabric.”

- (B) CONSIDERATIONS; VERIFICATION; RESPONSE TO CHALLENGES
 - (VI) “the need for user-friendly challenge submission formats that will promote participation in the challenge process; (ii) include a process for verifying the data submitted through the challenge process in order to ensure the reliability of the data;

PROCESS CONCERNS RECENTLY RAISED BY THE SPONSOR OF THE BROADBAND DATA ACT, SENATOR WICKER

Continued reliance by the FCC, NTIA, State PUCs and alike on M2M ping data is delivering bad data as highlighted by Senator Wicker’s July 8th, 2021, letter to Evelyn Remaley, Acting Assistant Secretary of Commerce for Communications and Information, NTIA, U.S. Department of Commerce. Senator Wicker’s letter critiques the NTIA’s recently released “Indicators of Broadband Need” interactive map: “Finally, the map uses speed-test and usage data that can be affected by a number of variables, including the end-user’s equipment. As a result, we have a map that overstates coverage in some areas and understates it in others, leaving us with a skewed picture. NTIA recognizes these problems, noting that it “does not warrant the accuracy, adequacy, or completeness of this information and expressly disclaims any liability for any errors or omissions.””² It is worth noting the details provided by Senator Wicker’s letter at footnote 4: “See, e.g., Speedtest Frequently Asked Questions, Ookla, (last accessed June 29, 2021), <https://www.speedtest.net/about/knowledge/faq> (noting that Internet speed can be affected by programs running, and equipment like the user's phone, computer, modem, or router); see also ... Richard Bennett, NTIA Map Has Real but Limited Value, High Tech Forum

² See page 2 of letter: <https://www.commerce.senate.gov/services/files/0A7D9B1F-071F-48A5-8534-0F96796A0275>

(June 17, 2021), <https://hightechforum.org/ntia-map-has-real-but-limited-value/> (discussing flaws with data sources used in NTIA's map).”

IMPROVING DATA ACCURACY THROUGH CROWDSOURCING BUILT ON COLLABORATION WITH LOCAL CITIZEN ORGANIZATIONS

In our reply comments we want to once again stress that focusing entirely on M2M speed test data is not going to produce accurate maps but building alliances with local citizen organizations across the country to promote citizen assisted speed test data will, and the Broadband Data Act backs us up.

The Broadband Data Act's SEC. 804. IMPROVING DATA ACCURACY (b) Crowdsourcing (1) IN GENERAL - “The Commission shall develop a process through which entities or individuals in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States on an ongoing basis so that the information may be used to verify and supplement information provided by providers of broadband internet access services for inclusion in the maps created under section 802(c)(1) (2) COLLABORATION-As part of the efforts of the Commission to facilitate the ability of entities and individuals to submit information under paragraph (1), the Commission shall-(A) prioritize the consideration of data provided by data collection applications used by consumers that the Commission has determined-(i) are highly reliable; and (ii) have proven methodologies for determining network coverage and network performance;”

In addition to the Broadband Data Act supporting “crowdsourcing” and “collaboration” to reach out to broadband consumers and concerned citizens we would note the press release below from Sen. Manchin’s office detailing his recent history of legislative activism in this area and his continued outreach to his constituents encouraging them to participate in this important data collection and ground truthing initiative.

AUGUST 10, 2021

MANCHIN: NEW FCC BROADBAND COVERAGE MAP SHOWS WEST VIRGINIA'S LACK OF BROADBAND COVERAGE

The new FCC interactive broadband coverage map can be [found here](#)

Washington, DC – After years of urging from U.S. Senator Joe Manchin (D-WV), the Federal Communications Commission (FCC) released a new, interactive [broadband coverage map](#) that details the coverage reported by four major broadband providers. The new FCC map shows the significant lack of broadband coverage across West Virginia in comparison to coverage across the rest of the nation. Since 2016, Senator Manchin has [pushed for the FCC](#) to fix the incorrect broadband coverage maps that determine eligibility for federal funds intended to help expand

broadband access. Today, the Senate passed the bipartisan infrastructure bill that includes \$65 billion, much of which will be distributed based on the updated FCC maps.

West Virginians can search the map to see if the FCC map accurately depicts whether they have broadband coverage in their community or not. If the FCC map is not accurate then West Virginians can provide input to Senator Manchin by [submitting a speed test](#) that he will send to the FCC on their behalf.

“The FCC recently released a new interactive map that shows West Virginia is literally a big hole in broadband coverage across the nation,” **said Senator Manchin**. “For years, I have been working with the FCC to update their incorrect broadband [coverage maps](#) and [incorporate the input](#) of West Virginians in the process. This map is a good first step and will help West Virginians figure out if the FCC says they have broadband coverage or not. I encourage every West Virginian to take a [speed test](#) if the map doesn’t line up with what they experience on a daily basis, and I will continue working with the FCC to fix the incorrect broadband maps and increase broadband access for all West Virginians.”

Senator Manchin’s recent work to update the incorrect broadband maps:

- In [August 2021](#), the U.S. Senate passed the bipartisan Infrastructure Investment and Jobs Act, which includes \$65 billion for broadband deployment, access, and affordability. Specifically, it includes \$42.45 billion in grants to states based on a formula from Senator Manchin’s Eliminate the Digital Divide Act, which provides funds to states through their proportion of unserved areas. Based on the updated FCC maps, the bipartisan infrastructure bill also includes provisions to speed up the FCC’s implementation of the Broadband DATA Act and make it more accessible to consumers and inclusive to communities.
- In [June 2021](#), Senator Manchin submitted another group of speed tests from West Virginians to the FCC to assist in efforts to quickly update the broadband coverage maps. Over 2,400 West Virginians have submitted speed tests to Senator Manchin.
- In [April 2021](#), Senator Manchin led 17 Senators in calling on the FCC to ensure that state, local and tribal governments are included in efforts to update nationwide broadband maps.
- In [February 2021](#), Senator Manchin applauded the FCC’s announcement of the establishment of a task force to fix the incorrect maps.
- In [October 2020](#), Senator Manchin submitted over 2,000 broadband speed tests from West Virginians to the FCC to prove the FCC’s broadband coverage maps are incorrect and must be fixed.
- In [March 2020](#), the U.S. Senate unanimously passed the Broadband Deployment Accuracy and Technological Act (Broadband DATA Act). This bill will help to fix the country’s faulty broadband coverage maps and contains several key provisions that came directly from Senator Manchin’s efforts as well as his bill, the Map Improvement Act of 2019.

[A timeline of Senator Manchin's efforts to expand broadband can be found here.](#)

[The new FCC interactive broadband coverage map can be found here.](#)

Note: Senator Manchin's August 10 press release can also be viewed here including active hyperlinks provided in the original but not reproduced here:

<https://www.manchin.senate.gov/newsroom/press-releases/manchin-new-fcc-broadband-coverage-map-shows-west-virginias-lack-of-broadband-coverage>

CONCLUSION

In summation, our reply comments detail our concerns, backed up by key Lawmakers and the enabling legislation (the Broadband Data Act) that if the FCC continues down its current path in fashioning the methodology for its new broadband mapping data program it will be in violation of both the letter and spirit of PL 116-130 as it is delineated in sections 802(a)(2) **AND/OR** 802(b)(5)(A) by not soliciting "verified data" from "third parties" or by not creating a "user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission."