FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket Nos. 19-195 and 11-10, GN Docket No. 25-133; FCC 26-33; FR ID 351665]

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program; Delete, Delete, Delete

AGENCY: Federal Communications Commission.

ACTION: Proposed rule

SUMMARY: In this document, the Federal Communications Commission (Commission) adopted a *Further Notice of Proposed Rulemaking (FNPRM)* that seeks comment on eliminating outdated requirements and ways to enhance the efficiency of the Broadband Data Collection (BDC) while ensuring that the Commission continues to receive accurate, granular data. Building off the infrastructure data-based coverage restoration process established by the Commission in 2024, the *FNPRM* seeks comment on several approaches suggested by commenters to simplify, streamline, or otherwise reduce burdens on this coverage restoration process. The *FNPRM* seeks comment on several ways to simplify the collection of fixed and fixed wireless biannual submissions, specifically on: 1) either allowing providers to indicate certain fixed broadband availability data have been "grandfathered" or else simply eliminating the collection of these data; 2) eliminating the requirement that a provider report fixed broadband availability data at speeds below 25/3 Mbps as part of its biannual submission; 3) revising the Commission's rules to eliminate the requirement for providers to use and disclose maximum buffer size data in their BDC biannual submissions; and 4) revising the Commission's rules to relax the 7 meter antenna height requirement that fixed wireless providers must use when modeling their coverage. In addition, the *FNPRM* seeks comment on ending legacy data collections for mobile service, specifically the collection of 3G mobile broadband availability data and mobile voice data as part of a provider's biannual submission, including potential

impacts on reporting for Alaska and on relevant USF programs, respectively. Furthermore, the *FNPRM* seeks comment on current data retention practices to develop a set of best practices instead of adopting any substantive rule. The *FNPRM* seeks comment on several potential challenge process improvements, specifically on: 1) allowing service providers to presumptively rebut certain types of fixed challenges with infrastructure data and on requiring infrastructure data in response to certain types of fixed challenges; 2) various options for simplifying and reducing the provider response periods for the fixed challenge process; 3) streamlining the mobile challenge process by automatically removing from the National Broadband Map (NBM) all challenged areas that are conceded or upheld; and 4) relaxing or removing some current mobile crowdsourced data requirements to encourage the submission of additional data. The *FNPRM* seeks comment on mobile verification and audit process improvements. The *FNPRM* also seeks comment on improvements to the collection of mobile crowdsourced data and the use of drone data. Lastly, the *FNPRM* seeks comment on revising the Commission's rules to expressly provide that subscription data, the geographic coordinates of mobile or fixed wireless base stations, mobile or fixed wireless link budget parameter rationales, and any infrastructure data submitted in response to a verification request or audit will be always treated as confidential.

DATES: Comments are due on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** and reply comments are due on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. [This caption presents the "when" of a document. Include all dates that are essential to the document. *See DDH pages 1-8 and 1-9.*

ADDRESSES: You may submit comments, identified by WC Docket Nos. 19-195 and 11-10 and GN Docket No. 25-133 and/or FCC 26-33, by any of the following methods:

- Federal Communications Commission's Web Site: https://www.fcc.gov/ecfs. Follow the instructions for submitting comments.

- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Jamile Kadre, Broadband Data Task Force, at jamile.kadre@fcc.gov or (202) 418-2245.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fifth *FNPRM* of Proposed Rulemaking, WC Docket Nos. 19-195, 11-10; GN Docket No. 25-133, FCC 26-33, adopted on May 20, 2026, and released on May 21, 2026. The full text of this document is available for public inspection and can be downloaded at https://www.fcc.gov/document/streamlining-broadband-data-collection-processes. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Government Affairs Bureau at (202) 418–0503.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on https://www.fcc.gov/proposed-rulemakings.

Ex Parte Rules: The proceeding the *FNPRM* initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,*.doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comment Filing Procedures: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050

Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

Initial Paperwork Reduction Act of 1995 Analysis

The *FNPRM* may contain new and modified information collection requirements subject to the PRA, Public Law 104-13. OMB, the general public, and other federal agencies are invited to comment on new or modified information collection requirements contained in the *FNPRM*.

I. Synopsis

A. Coverage Restoration

We seek comment on ways to simplify and streamline the coverage restoration process. Specifically, building off the infrastructure data-based coverage restoration process established by the Commission, we seek further comment on several approaches suggested by commenters to simplify, streamline, or otherwise reduce burdens in this coverage restoration process. Pursuant to the statutory framework in the Broadband DATA Act, in the *Second Report and Order* and the *Third Report and Order*, the Commission adopted processes for consumers and entities to challenge broadband availability data submitted in the BDC, as well as processes for the Commission to verify and audit such data to ensure the accuracy of the NBM. Where the provider concedes or where staff upholds a challenge to a provider's fixed or mobile broadband availability data, the provider generally must remove claimed coverage for the challenged

location or area. Similarly, claimed coverage must be removed where staff is unable to verify the availability of a provider's reported fixed or mobile broadband service pursuant to a verification request or audit. In the *Declaratory Ruling* accompanying the *Fourth Report and Order*, the Commission interpreted its rules to require a restoration process through which a provider that previously had coverage removed from the NBM "as the result of a lost or conceded challenge, a verification inquiry, or an audit (together, a 'Removed Location or Area') . . . c[ould] demonstrate that it can make service available to the Removed Location or Area." Consistent with the Commission's delegation to OEA to develop specifications for the data that a provider would be required to submit, Commission staff released data specifications and announced the establishment of an initial coverage restoration process wherein providers may submit infrastructure data to demonstrate their ability to now provide broadband service.

In the *Fourth FNPRM,* the Commission also sought comment on the data requirements for restoring coverage where infrastructure data may not be relevant. In response to concerns raised in the record about the burdens of the coverage restoration process, today we seek to refresh the record as well as seek comment on a variety of options that may help ensure the accuracy of the data depicted on the NBM while streamlining this process and reducing burdens on providers. We note that we generally expect these options would be alternative mechanisms to the existing coverage restoration process based upon provider submission of infrastructure data or would apply in scenarios where infrastructure data may be inapplicable and seek comment on this assumption.

Some parties have suggested alternatives to a data-driven coverage restoration process whereby removed locations or areas would be automatically restored without the need for the provider to submit further data or evidence establishing that it actually serves the location or area or upon the provider simply selecting from a list of potential reasons why the location can now be served. These commenters generally suggest that the Commission already has sufficient safeguards to ensure the accuracy of data, including "collecting infrastructure data as part of audits,

verification requests, and enforcement" or by leveraging the existing challenge process. We seek comment on these suggestions.

The Broadband DATA Act requires the Commission to "verify the accuracy and reliability of" broadband availability data, to establish a process by which consumers and entities can submit evidence challenging such data, and to specifically consider "the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps" in implementing these challenge processes. In circumstances where Commission staff determines that a provider's broadband availability data are not accurate or reliable or where Commission staff has found that the reported service is not available based on challenger evidence, does the Broadband DATA Act require additional data or evidence to overturn these earlier determinations? We also seek comment on whether allowing coverage restoration to locations or areas removed due to a successful challenge or failed audit or verification without data or further evidence would undermine the purpose of these processes or would otherwise disincentivize providers from responding to challenges or data requests.

We seek comment on CTIA's suggestion that we consider the number of locations to which a fixed broadband provider seeks to restore coverage (or, analogously, the number of hexagons for a mobile broadband provider) when evaluating coverage restoration and treat requests to restore coverage when this number is below a *de minimis* threshold to a lower evidentiary burden than requests above this threshold. If we were to adopt CTIA's suggested approach to evaluate coverage restoration requests for a *de minimis* number of locations or hexagons differently than those above a *de minimis* threshold, is 2% of the locations or hexagons that the provider reports in its biannual submission in a given state the correct threshold, or should we establish a different percentage? Should evaluation of any *de minimis* threshold be done at the state level, as CTIA suggests, or would a different geographic scope be more appropriate? If we determine both that some additional data or evidence are required and that we should hold *de minimis* requests to a

lower burden, what sort of data or evidence should we require when a provider seeks to restore a *de minimis* number of locations or hexagons? Should the *de minimis* threshold apply only to locations lost in a bulk challenge or a verification or audit? Would this approach impact the value of individual consumer challenges and if so, how?

The BDC system was modified in 2023 to allow providers to concede to a fixed challenge due to a change in service availability while maintaining that the service availability reported was accurate on the "as of" date for the filing round subject to the challenge (by electing the "Concede - Service Change" response). Staff added this option to account for concerns raised by providers of fixed wireless service that, due to the dynamic nature of wireless networks, there are situations where the provider accurately reported its service as available at a location as of a particular date only for the service to be no longer available a short time later. CTIA, T-Mobile, and USTelecom request that the Commission not treat as true concessions any challenges where the provider conceded the challenge due to a service change in its fixed wireless service. In turn, they asked that restoring coverage to these locations require either a lower evidentiary threshold or no additional data. We seek comment on this suggestion. We also seek comment on whether we should evaluate differently requests to restore coverage to a challenged location or hexagon where the challenge was upheld, where the provider conceded (whether or not due to a service change), or where the provider failed to respond at all to the challenge and automatically conceded. Should the nature of the provider's response to a challenge, or lack of response, factor into how we evaluate requests to restore coverage? If the Commission adopts different restoration requirements based on the type of concession the provider submits, what safeguards, if any, should be considered to ensure providers continue to actively participate in the challenge process and accurately respond to challenges?

We also seek comment on whether we should consider the recency of the broadband availability data that were removed due to a successful challenge or failed verification or audit when evaluating coverage restoration requests. In response to the *Fourth FNPRM*, USTelecom

identifies particular fixed challenge category codes as "relat[ing] to the process the provider used to sign up a customer for new service" rather than due to network infrastructure, and suggests allowing coverage to be restored to locations removed due to these challenges "after a 90 day period with a certification by the provider" that any issue has been corrected. We seek comment on this proposed approach, whether 90 days is the appropriate amount of time to consider, and to which challenge category codes this approach would apply.

Alternatively, should we allow for a more streamlined approach to fixed and mobile coverage restoration across all locations or areas removed due to any type of challenge or due to a failed verification or audit (including, potentially, the automatic restoration of coverage) whereby the underlying challenge, verification, or audit would expire after some period of time and, if so, how long should it take for any expiration? Would a time-based option for coverage restoration maintain incentives for providers to meaningfully participate in the challenge process? We also seek comment on whether allowing a time-based coverage restoration would be consistent with the statutory goal of ensuring accuracy of data on the NBM. For example, would a time-based approach to restoration impact funding programs seeking to use BDC data to inform funding decisions?

Commenters also urge the Commission to provide flexibility in what sort of information (other than infrastructure data) providers may submit in order to demonstrate that service is available in the coverage restoration process and specifically suggest allowing the submission of screenshots from the provider's websites or certification that a location has a current, active subscriber. We seek comment on this suggestion. If we allow the submission of screenshots, subscriber certifications, or other miscellaneous information in lieu of infrastructure data, how should staff evaluate the sufficiency of this evidence? Would this information be more probative in certain circumstances than in others, such as when a provider seeks to restore coverage that was removed due to a challenge with a particular challenge category code? Were we to allow for coverage restoration of fixed broadband when a provider has an active subscriber at a location,

should we require any evidence to substantiate the presence of a subscriber, or, as suggested by commenters, is a simple certification sufficient? We also seek comment on whether there are any specific examples, beyond screenshots of provider websites or information about an active subscriber, that may be relevant for us to prescribe or detail. How should this flexibility or the submission of less-structured data be evaluated within the overall framework of the existing infrastructure data-based coverage restoration process, and should structured data be given more weight than unstructured data or miscellaneous information?

We seek to refresh the record on whether a mobile provider can demonstrate coverage availability in a Removed Location or Area using on-the-ground speed tests. In the *Third Report and Order*, the Commission announced that when a provider that failed to rebut a mobile challenge subsequently takes remedial action to improve coverage at the location of the challenge, the provider would be required to notify the Commission of the actions it took to improve coverage and then submit either on-the-ground test data or infrastructure data to verify its improved coverage. In the *Fourth Report and Order* the Commission outlined a requirement for mobile providers that improve coverage following a lost challenge to submit either on-the-ground test data or infrastructure data, but it nevertheless adopted data requirements for restoring Removed Locations or Areas (i.e., locations removed from the NBM due to the outcome of challenges, verifications, or audits), that did not include on-the-ground data. The Commission sought comment on whether to allow mobile providers to restore an area by providing on-the-ground speed test data. Although we acknowledge the record developed in response to the *Fourth FNPRM*, we seek comment specifically on whether the Commission should interpret the language of the *Third Report and Order* to permit mobile providers to submit speed test data as evidence to restore Removed Locations or Areas. Could OEA, in coordination with WTB, release a Public Notice on delegated authority announcing that mobile providers can begin submitting on-the-ground test data in addition to, or as an alternative to, infrastructure information?

Are there other types of data specific to the provision of mobile broadband that should be accepted as evidence demonstrating service availability in the restoration process? For example, WTB, OEA, and OET have adopted categories of "other data" that may be used in conjunction with on-the-ground speed tests or infrastructure data to rebut a mobile challenge. Would any of these data be useful in the restoration process? How should the Commission ensure that any other data submitted to restore mobile areas are standardized to allow for an apples-to-apples comparison with BDC availability data?

B. Fixed and Fixed Wireless Biannual Data Collection Submissions

Reducing Burdens on Reporting "Grandfathered" Fixed Broadband Availability Data. We seek comment on whether to eliminate the reporting of grandfathered fixed broadband availability data. Specifically, we seek comment on the benefits of continuing to collect data on grandfathered fixed services versus the burdens on providers of having to report such data. We ask commenters to focus on whether the burdens of reporting outweigh any benefits gained from tracking and analyzing data on grandfathered services.

In the *Fourth FNPRM*, the Commission sought comment on proposals to amend the Commission's rules to: (1) define, for BDC reporting purposes, a grandfathered service as any broadband internet access service that currently is provided to an existing end user at a BSL, but that a facilities-based provider has permanently ceased to advertise or market to new or potential subscribers and would not make available to a new or potential subscriber at the BSL; (2) allow providers to indicate in their biannual BDC submissions that the service reported at a location is a grandfathered service only; (3) allow providers to submit requests for confidential treatment of such grandfathered location data and, if such a request is not denied, the data would not be published as part of the location-specific availability information in the NBM; and (4) provide that information on the availability of grandfathered services only would be disclosed by the Commission on an aggregated, redacted, or otherwise de-identified, differentiated, or masked basis. The Commission proposed to afford grandfathered services data, upon request, the

protections from disclosure already established for confidential subscription data gathered via FCC Form 477.

We have reviewed the record compiled to date and further expand our inquiry into the reporting of grandfathered fixed services by seeking comment on whether data on such services should be reported at all in the BDC. Currently, even though a service at a particular location might be grandfathered, the location still must be reported as served in a provider's biannual BDC availability filing. We seek comment on various aspects of not requiring providers to report data on grandfathered services, including whether the Broadband DATA Act prohibits the Commission from refraining to collect data on the availability of grandfathered broadband internet access services. Can the overall framework of the Broadband DATA Act that requires all providers of broadband internet access service to report such service in the BDC be harmonized with a proposal to eliminate the reporting of grandfathered services? Are there other statutory, definitional, and implementation issues impacting whether the Commission can eliminate reporting on grandfathered services?

We also seek comment on whether grandfathered services meet the definition of a mass-market service in a way that is fundamental to the definition of broadband internet access service. Given the limited provision, sale, and marketing of grandfathered services, are such services still a mass-market retail service and thus must be reported in the BDC? If grandfathered services are deemed out-of-scope and thus are not reported, then in some cases locations with connections in service could appear unserved on the NBM. Could this create an inaccurate picture of current availability and therefore a risk that agencies fund broadband deployment to locations with an existing service?

CTIA argued in its comments to the *Fourth FNPRM* that while "providers should not be required to submit any grandfathered service availability data," it acknowledged and "appreciate[d] the Commission's interest in continuing to collect these data to 'analyze more in-depth, useful information on the nature of fixed broadband services.'" We seek comment on the

implementation of this approach. Should we allow providers not to report grandfathered fixed services based on their own determinations of whether a service is grandfathered? In that scenario, how can the Commission and the public determine whether the fixed provider's determination was reasonable? For example, should provider notice to its customers that a service is grandfathered be dispositive of a provider's decision not to report grandfathered services in the BDC? Are there other ways we can let providers not report grandfathered fixed services, yet still have a role in ensuring that the grandfathered designation is an accurate one? Any comments on the implementation of this proposal also should focus on the utility of continuing to collect data on grandfathered fixed broadband services.

Eliminating Requirement to Submit Fixed Broadband Availability Data at Speeds Below 25/3 Mbps. We seek comment on whether to eliminate the requirement that fixed service providers continue to submit broadband availability data for locations where they offer service at speeds below 25/3 Mbps. Does the burden of the requirement on providers to report low-speed fixed services outweigh any benefits gained by including such fixed services on the NBM? We seek comment on how best to balance these burdens versus any benefits of continuing to require the submission of data on low-speed fixed broadband services.

As a component of their availability reporting required by the Broadband DATA Act, fixed broadband service providers must submit "information regarding download and upload speeds, at various thresholds." Accordingly, the Commission adopted a requirement that "[e]ach provider of fixed broadband internet access service shall report the maximum advertised download and upload speeds associated with its broadband internet access service available in an area." For fixed services with maximum advertised speeds below 25/3 Mbps, the Commission required reporting at one of two tiers: (1) at least 10/1 Mbps and less than 25/3 Mbps; or (2) at least 0.2 Mbps in either direction and less than 10/1 Mbps.

We seek comment on whether circumstances have changed since the Commission's decision in 2021 to require a two-tiered reporting system on fixed broadband services with maximum

advertised speeds below 25/3 Mbps. In adopting a two-tiered reporting system for services with speeds below 25/3 Mbps, the Commission relied, in part, on the fact that services with speeds of at least 25/3 Mbps constituted advanced telecommunications capability while acknowledging that data on lower speed services were of less immediate value to policymaking. The Commission in 2024 raised the minimum speed of services that constitute advanced telecommunications capability to 100/20 Mbps, thus potentially further reducing the programmatic value of services with speeds below 25/3 Mbps. We seek comment on whether eliminating the requirement to report the availability of these services may reduce burdens on providers without meaningful downsides and would be consistent with the Commission's grant in the *Network and Services Modernization Order* of blanket section 214(a) discontinuance authority for carriers to grandfather data telecommunications services operating at speeds below 25/3 Mbps. We ask commenters to address whether any other circumstances have arisen since 2021 to change the dynamic for collecting broadband availability data on fixed services with speeds below 25/3 Mbps. We also seek comment on possible different speed levels below which we should not require providers to report broadband availability data. For example, if we should continue to collect broadband availability data for fixed services below 25/3 Mbps, could we increase the reporting threshold to require only those fixed broadband services above 10/1 Mbps?

In addition to the potential advantages and disadvantages of no longer requiring providers to report on low-speed broadband services, we seek comment on whether the Broadband DATA Act would allow the Commission to refrain from collecting data on the availability of fixed broadband services at maximum advertised speeds less than 25/3 Mbps. Given the Broadband DATA Act's direction to require all providers of broadband internet access service to report such service in the BDC, can the statutory framework be harmonized with elimination of the requirement to report fixed broadband availability for services at speeds below 25/3 Mbps?

Eliminating Fixed Maximum Buffer Size Reporting Requirements. We seek comment on revising the Commission's rules to eliminate the requirement for fixed service providers to disclose maximum buffer size data in their BDC biannual submissions. We also seek comment on the burdens and benefits, if any, of continuing to collect these data.

The *Second Report and Order* established the maximum buffer requirements that service providers may use and must disclose when reporting fixed broadband service using a wireline technology as part of their BDC biannual submissions. Specifically, a service provider reporting fixed broadband availability data using a wireline technology must report the size of its maximum buffer—i.e., the distance from the network aggregation point—that the provider uses when determining whether it can offer service to a particular location based upon its network infrastructure, and these buffers must not exceed technology-specific values. The Commission also directed the Bureaus and Offices to update these values after notice and comment in the future to ensure accuracy and account for technology developments. Based upon our experience through eight BDC filing rounds, however, the buffer requirements have created substantial confusion for service providers; moreover, Commission staff are unable to validate compliance absent the submission of underlying infrastructure data.

We seek comment on whether to eliminate the requirement that providers use certain maximum buffer sizes when generating their data and to disclose these values in their BDC biannual submissions. Rather than requiring this information as part of a routine BDC filing, we seek comment on whether to require this information instead as part of the provider's infrastructure data submitted in response to a verification or audit request or when the provider seeks to restore its coverage. We believe eliminating this requirement could remove burdens, increase accuracy and flexibility, and reduce confusion for all fixed wireline service providers. We seek comment on this approach.

We also seek comment on the burdens associated with having to report these data. Are there any benefits to continuing to collect this information? Would there be significant impacts on data

quality and compliance if the requirement to report were eliminated? To the extent there could potentially be any negative effects on data quality and compliance, how might those be mitigated? To the extent there are any benefits to continuing to require the reporting of maximum buffers, we ask commenters to focus on whether the burdens of reporting such data outweigh any benefits gained by reporting the data. Alternatively, if we retain the maximum buffer requirements for fixed service providers, should we modify the current exceptions to maximum buffer reporting?

Relaxing Maximum Consumer Antenna Height Requirement for Terrestrial Fixed Wireless. We seek comment on revising the Commission's rules to relax the seven-meter maximum antenna height requirement that fixed wireless providers must use when modeling their coverage. As adopted in the *Second Report and Order*, when a terrestrial fixed wireless service provider chooses to report fixed broadband availability data using Geographic Information Systems (GIS) coverage maps, it must model its data using a customer premise equipment (CPE) antenna height between four and seven meters. At the time of the *Second Report and Order*, USTelecom stated that mandating the values to be used to create the coverage maps would result in artificial maps that do not reflect providers' actual capability and suggested that actual installation practices of terrestrial fixed wireless providers would place an antenna anywhere from three to more than ten meters above ground to account for variables such as rooftop elevations, trees, or other natural features.

We seek comment on whether the seven-meter maximum antenna height requirement should be relaxed and, if so, what would be a reasonable limit for modeling coverage for a standard terrestrial fixed wireless installation. Under section 1.7001(a)(19), a "standard broadband installation" is defined as one "with no charges or delays attributable to the extension of the network of the provider, and includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted." In previous instances, the Commission has mandated

various heights for analysis purposes. Are there similarities from those examples to terrestrial fixed wireless installations that could inform the Commission on what would be a reasonable maximum antenna height (e.g., ten meters), or should we consider different maximum antenna heights for different environments such as urban, suburban, and rural based on national land cover dataset (NLCD) or different terrain topologies such as flat or hilly? Is there a danger that terrestrial fixed wireless coverage maps will overstate availability if we allow providers to model coverage assuming antenna heights greater than seven meters? Should a terrestrial fixed wireless provider claiming a greater-than-seven-meter standard install height be required to submit evidence that such an install is typical and can be done within ten business days (including time for permitting, tower construction, etc.) at no cost to the customer, no matter the length or type of service contract the consumer has? If so, what would constitute acceptable evidence that a CPE height is "standard?" Should any requirement for standard install evidence only apply to providers submitting coverage maps based on CPE antenna heights greater than seven meters? If so, how would the Commission identify providers submitting such coverage maps?

C. Ending Legacy Data Collections for Mobile Service

Consistent with the Broadband DATA Act's requirements to harmonize FCC Form 477 with the statutory framework, in adopting the BDC, the Commission required service providers to continue submitting mobile voice and 3G mobile broadband availability data as part of their new BDC biannual submissions. The Broadband DATA Act also specifies that the Commission must use the NBM "when making any new award of funding with respect to the deployment of broadband internet access service intended for use by residential and mobile customers." The Commission provides new awards of funding through the Universal Service Fund (USF), which, *inter alia*, provides support to qualifying telecommunications carriers in high-cost areas of the country. As such, the Commission must rely on BDC data for determining where universal service support should be allocated, and this has historically included consideration of mobile voice and 3G mobile broadband availability data for certain programs.

Eliminating Requirement to Submit 3G Mobile Broadband Availability Data. We seek comment on whether to revise our rules to eliminate the requirement that a service provider report 3G mobile broadband availability data as part of its biannual submission and the potential impacts of doing so, including on USF programs. The Broadband DATA Act requires the Commission to collect 4G LTE data of not less than 5/1 Mbps in order to determine where mobile broadband "is and is not available." The requirement that service providers submit 3G mobile broadband data of at least 200/50 kbps was adopted by the Commission in the *Second Report and Order* and is not statutorily mandated. To free up spectrum and infrastructure to support next-generation technologies to improve network reliability and capacity, major U.S. mobile service providers completed the sunset of their 3G networks in 2022. Of the 52 distinct mobile service providers that filed in the BDC, only 10 filed 3G mobile broadband availability data in June 2025, and all of these filers effectively showed either the same extent of 3G coverage or a reduction of 3G coverage from their previous BDC biannual submission. Because mobile service providers are required to submit 3G mobile broadband availability data as part of their biannual submission, the NBM generally lists these 10 providers as reporting 3G and higher levels of service, such as 4G LTE at 5/1 Mbps or even 5G-NR of 35/3 Mbps in the same area. Removing the requirement that service providers report 3G mobile broadband would reduce some burden on those mobile providers that still offer 3G service. However, the NBM still reports approximately 74,000 square kilometers of area that has only 3G coverage, most of which is in Alaska.

We seek comment on whether to revise our rules to eliminate the requirement that a service provider report 3G mobile broadband availability data as part of its biannual submission. What impacts, if any, would result from the loss of such data to ongoing programs (e.g., Alaska Connect Fund) and could such effects be mitigated? Should we consider a carve-out for the state of Alaska to continue requiring submission of these data, given that the Alaska Connect Fund is a new award of funding and will still rely on 3G data? Should we consider a carve-out for all

areas where 3G is the most advanced service available — that is, require reporting of 3G if 4G LTE or 5G-NR mobile services are unavailable in the area?

We also seek comment on whether it may be necessary to modify or clarify the BDC rules for any USF program to collect such data from providers receiving support on an "as needed" basis strictly to administer these programs. For example, some particularly rural parts of the country may only have 3G service and removing coverage entirely from the map could underrepresent what mobile service may be available. Is information about 3G service essential for any new award of funding or, based on the requirements of the Broadband DATA Act, should these areas be effectively treated as unserved if they do not have 4G LTE service of at least 5/1 Mbps? We seek comment generally about eliminating the 3G filing requirement from the BDC. Would collecting 3G mobile broadband availability data through a "special collection" in the BDC system ensure the Commission has access to the data as needed for programmatic uses?

Eliminating Requirement to Submit Mobile Voice Availability Data. The BDC is intended to collect data on where broadband is and is not available. Thus, voice availability does not directly inform that collection. We have nonetheless been collecting mobile voice data to harmonize the collection of information from Form 477 because mobile voice availability may be important for public safety considerations and due to legacy requirements (e.g., being a prerequisite for awarding funding under universal service programs).

We seek comment on whether we should eliminate the requirement that a service provider offering mobile voice service report mobile voice availability data as part of its BDC biannual submission. Given that most mobile broadband service providers provide voice service, eliminating the requirement to separately file mobile voice service would remove a reporting burden from most mobile service providers. Additionally, because mobile voice data are not displayed on the public-facing version of the NBM—though these data are available for download via the map—we do not believe that public safety groups currently rely on these BDC data, but we seek comment on this issue.

Where mobile voice availability data may be needed for universal service programs, we seek comment on whether collecting mobile voice data through a "special collection" in the BDC system would mitigate any downsides to eliminating the requirement to submit mobile voice data as part of a provider's biannual submissions. For the Alaska Connect Fund, we note that section 54.308(e) of the Commission's rules states that WTB, in coordination with OEA, has authority to compare BDC availability data as of December 31, 2026, with subsequent BDC availability data to ensure that mobile voice service and mobile broadband service levels are maintained and improved in all previously serviced areas. We seek comment on whether the collection of mobile voice data through a special collection would satisfy any rules for the universal service programs. Additionally, or in the alternative, given that the Commission has recognized the unique challenges with regard to Alaska and the particularly vast, unpopulated areas where public safety issues may arise in that state, we seek comment on whether we should instead continue to require the submission of these data in Alaska. We seek comment generally about eliminating the mobile voice filing requirement from the BDC.

D. Data Retention Practices

We seek comment on the benefits and costs of implementing a data retention requirement for providers and on alternative approaches, such as establishing voluntary best practices guidance for providers, and current data retention practices that may inform such alternative approaches. In the *Fourth FNPRM*, the Commission proposed establishing a three-year data retention period for supporting materials used in both BDC biannual collection filings and responses to challenges, audits, and verification inquiries. The Commission suggested that a firm retention requirement may provide clarity to service providers and ensure the Commission has access to the necessary documentation for purposes of conducting reviews. Commenters generally supported the proposal to adopt a firm data retention period. However, there was no consensus among commenters regarding the length of this data retention period. Several commenters agreed that a three-year data retention period would be sufficient. Others expressed concerns

that a three-year retention period would place too heavy a burden on providers without providing additional value to the Commission or the public. Commenters also asserted that a three-year retention period was excessive because the NBM is updated every six months. Alternatively, one commenter recommended that the Commission adopt a five- or ten-year retention period. We seek further comment on the benefits and costs of implementing a data retention requirement for providers, specifically regarding the length of time the data should be retained. We also seek comment on alternative approaches, such as establishing voluntary best practices guidance for providers. We believe that a voluntary system, rather than adoption of a strict retention requirement, could potentially reduce burdens on providers without materially impacting the ability of the Commission to seek underlying information through a verification or audit request, if necessary. Is this a reasonable assumption? If we were to adopt such guidance, what are suggested best practices for data retention guidelines that would ease burdens on providers? In developing data retention best practices guidelines for the BDC filers, we seek comment on how long providers currently retain the materials used in generating their BDC filings. Do providers currently employ separate retention practices for data used to generate responses to challenges, verifications, or audits? What effects would a three-year data retention period have on providers? How would these effects differ between a two-year and three-year retention period?

E. Fixed and Fabric Challenge Process Improvements

Allowing Service Providers to Presumptively Rebut Certain Types of Fixed Challenges with Infrastructure Data. To streamline the fixed challenge process, we seek comment on the use of infrastructure data when service providers respond to challenges filed against their fixed broadband availability data, and particularly for bulk fixed challenges asserting that service is not available or speeds are not offered. Fixed providers currently have the option to respond to challenges with infrastructure data, but the BDC system does not currently have a formal mechanism in place for collecting structured data, including infrastructure data, in response to a fixed challenge. As an option to potentially enhance the use of infrastructure data in responding

to a fixed challenge, we seek comment on whether to allow a fixed service provider to presumptively rebut a fixed challenge by submitting to Commission staff infrastructure data that demonstrate that the provider is likely able to provide the challenged service. Such an option could be in lieu of working with the challenger during the 60-day resolution period to resolve the challenge. Would this option encourage the use of infrastructure data, improve staff understanding of service availability, or otherwise streamline the fixed challenge process? Would there be any confidentiality concerns in submitting this infrastructure information to the Commission, or would submission to the Commission rather than the challenger lessen the confidentiality concerns?

We note that an option to submit infrastructure data preemptively could (1) potentially reduce the burden on providers in responding to fixed challenges, especially voluminous bulk fixed challenges; (2) allow for more data-driven, objective, and speedier outcomes in the fixed challenge process; (3) substantially reduce the burden on Commission staff in adjudicating bulk fixed challenges; and (4) improve the overall accuracy and quality of NBM data. Additionally, this could simply be an option that challenged providers choose in circumstances when they determine it to be less burdensome than attempting to dispute a fixed challenge with other forms of evidence. We request that commenters address any other benefits, as well as potential disadvantages or burdens associated with this option. For example, would bypassing the submission of data to the challenger have a negative impact on resolving challenges, especially bulk speed and availability challenges? Would this process cause any burdens on challengers or raise issues that could negatively impact the quality of BDC data?

We also seek comment on whether to establish a mechanism by which the submission of infrastructure data would be required in response to certain bulk fixed challenges, and on what specific standards would trigger this mechanism. For example, were we to adopt such a mechanism, should the mechanism be based on: (1) a *prima facie* case made by the challenger showing clear evidence of material misstatement (e.g., a repeated practice of not being able to

offer service, speeds, or a standard installation; credible allegations that no infrastructure is present); (2) whether the alleged misstatement likely affects a significant number of additional similarly situated locations; (3) the category of fixed challenge where infrastructure data would be relevant (e.g., provider does not offer the technology reported to be available at this location; the reported maximum advertised speeds are not available for purchase at this location from this provider and technology); (4) subscriber penetration in the relevant area being below 10%, or a similar percentage; or (5) any other factors or mixture of factors? Would this approach bring more certainty to the bulk challenge process by requiring the submission of infrastructure data in certain situations to rebut claims in a bulk challenge? Would it help standardize outcomes in the bulk challenge process? Are there downsides to requiring providers to submit infrastructure data when a bulk challenge review mechanism is triggered, including additional burdens and costs? We also seek comment on whether there are scenarios in which a bulk fixed challenge should trigger a requirement for the provider to submit footprint-wide infrastructure data if material concerns of misrepresentation or overreporting are made (e.g., via automatic triggering of a verification request or otherwise). This could occur when a bulk fixed challenger raises credible concerns about substantial overreporting of service across a significant percentage of the provider's reported locations in a state (e.g., 5% of all locations). What are the triggers that would require the submission of robust infrastructure data in response to allegations of material overreporting of availability or speeds for fixed services?

Further, we seek comment on whether a bulk fixed challenge should be presumptively overturned when Commission staff models and analyzes a provider's infrastructure data and this modeling confirms the accuracy of the provider's fixed service as reported, absent circumstances or evidence that call into question the accuracy or reliability of the submitted infrastructure data. If we were to adopt this approach, should the provider receive protection from future challenges at locations where Commission modeling confirmed availability for a certain period of time? Our rules provide that, for mobile service challenges, "[i]n such cases where a mobile service

provider successfully rebuts a challenge, the area confirmed to have coverage shall be ineligible for challenge until the next biannual broadband availability data filing six months after the later of either the end of the 60-day response period or the resolution of the challenge." Would a similar period of "immunity" for fixed service providers reduce burdens on the providers and help to streamline the fixed challenge process while still ensuring accurate information? We seek comment on this approach and whether this would reduce burdens and add certainty to our existing processes.

Streamlining Fixed Challenge Process Timelines. We seek comment on ways to streamline the fixed challenge process through changes to the reply and resolution timelines for both consumer challenges and bulk challenges. After a fixed challenge is initially accepted by Commission staff, our rules require that a provider submit an initial response within a 60-day window indicating whether it agrees with the challenge (and thus wishes to concede) or instead disputes the challenge. If the provider disputes the challenge, it must reach out to the challenger in an attempt to resolve the issue and then submit a final response within a second 60-day window indicating whether or not the parties were able to resolve the dispute (and, if so, what is the resolution). Only after this up-to-120-day process is complete will Commission staff adjudicate the challenge, if it is not otherwise conceded or withdrawn.

The current length of the fixed challenge process has presented problems for states, providers, and other agencies in determining at which locations service exists, and thus what areas should be eligible for funding programs, because the outcomes of any challenges to reported broadband availability data cannot be finalized for months after release of a new NBM. The current two-step fixed challenge process has also caused confusion for service providers, with some failing to submit a final response within the second 60-day resolution period, thus resulting in a conceded challenge. We now seek comment on variations or alternatives that could benefit the fixed challenge process by shortening the overall duration or reducing its complexity.

Timeline for Consumer Fixed Challenges. We seek comment on modifying the individual fixed challenge process to allow for shorter or alternative timeframes for the speedier resolution of consumer challenges. Individual challenges typically involve only single challengers, single locations, and single issues, making it more likely that the response periods can be condensed and streamlined. We seek comment on condensing individual fixed challenges responses to a single 60-day window during which the provider must decide whether it wishes to concede or dispute the challenge and, if it wishes to dispute the challenge, require that the provider affirmatively reach out to the challenger in an attempt to resolve the dispute. By the end of this 60-day consolidated response window, the provider would then report on its decision to concede or dispute the challenge, its efforts to resolve matters with the challenger, and the outcome of any dispute resolution. This would not impose any new substantive obligations on providers but would collapse down the sequence and time period during which these decisions and actions must be taken from the current 120-day period to potentially a 60-day period. We seek comment on this approach and other approaches that might involve different timelines for individual challenges. For example, should we establish a combined timeline and condense it to below 60 days? If we were to adopt a combined timeline, should we instead choose a different duration, such as 90 days? Or should we keep the current consecutive two-step reply and resolution timelines, but shorten both down to 15 or 30 days, or else shorten one window, but not the other? We seek comment on these options or any other approach that would streamline or improve the individual fixed challenge process.

We also seek comment on the potential benefits and drawbacks of shortening or otherwise streamlining the fixed challenge process. For example, would streamlining, simplifying, and shortening the timeframes for the fixed challenge process—and thus shortening the length of time it takes for fixed challenge results to be reflected on the NBM—be a benefit that offsets the reduced time period for attempting to resolve an individual challenge? Would shortening and streamlining the process reduce confusion and complexity for challengers and providers in the

fixed challenge process? Conversely, should there be the option for targeted relief from shortened timelines for particularly complicated individual fixed challenges or when there are a large number of challenges submitted at the same time against a particular provider?

Timelines for Bulk Fixed Challenges. We seek comment on the advantages and disadvantages of shortening or otherwise streamlining the bulk fixed challenge process. Given the potential scope and complexity of a bulk challenge, we seek comment on whether shorter timeframes than those currently in place would be prudent. Should we maintain a multi-step resolution process for bulk challenges? Or, similar to our above proposal for individual fixed challenges, should we reduce the process to just one combined step? Regardless of the number of steps a provider must take to resolve a challenge, what should be the appropriate timeframes for each step? For example, for particularly complicated or voluminous bulk challenges, would reducing the 60-day time period that a provider has to attempt to resolve the dispute with the challenger increase the burden on providers? Would streamlining and shortening the time between bulk challenge submission and resolution result in more certainty about the accuracy of the NBM? We seek comment on whether the benefits of decreasing the timeframes for resolving bulk challenges outweigh the burdens on the parties and the Commission to resolve bulk fixed challenges more quickly. Should there be the option for targeted relief from shortened timelines for particularly complicated bulk fixed challenges or when there are a large number of challenges submitted at the same time against a particular provider? Would shorter timelines possibly result in fewer resolutions by the parties and more bulk challenges going to Commission staff to adjudicate? Should we use different timeframes for individual versus bulk fixed challenges? If so, and if we adopt shorter timeframes for replying to and resolving bulk fixed challenges, are there situations or circumstances in which timeframes for bulk challenges should still be longer than those for individual challenges? Would adoption of different timeframes or different processes for responding to individual versus bulk fixed challenges cause confusion for either party?

Clarity of the Fixed Availability Challenge Process. Are the fixed challenge processes themselves sufficiently well-known and clear, including in the case of consumer challenges? Or is there more that could be done to encourage awareness of these processes, particularly for consumers? Would consumers benefit from additional information on why they are directed to the informal complaint process when they attempt to challenge a provider's claim of available speed on the NBM beyond the resources already available? Are there practical difficulties bulk fixed challengers have encountered for which they believe additional resources on the Broadband Data Collection Help Center would have been beneficial? In considering possible changes in stakeholder resources and engagement, we seek comment on those particular areas where the greatest benefit could be achieved with finite Commission time and resources.

Fabric Challenge Process Improvements. We seek comment on possible improvements to the Fabric challenge process. In doing so, we recognize that the Fabric increasingly has become stable in recent periods. Particularly given that, we request that commenters that advocate changing the fabric challenge process explain in detail the anticipated benefits and costs associated with their proposed modifications.

To reduce the burden on participants in the Fabric challenge process, at the end of 2024 the BDC system transitioned from accepting unstructured evidence files that, in practice, tended not to materially advance the resolution of the challenge to collecting more structured evidence data in support of challenges. These structured data have helped to improve the processing of Fabric challenges. Are there other types of structured data or evidence that could be accepted to support Fabric challenges? For challenges seeking to add a location into the Fabric, how can the Commission ensure that the evidence suggested is indicative of the presence of a BSL, as opposed to other structures that may currently have an active broadband connection, such as an Enterprise location or unmanned facilities that require broadband for remote monitoring?

Improving Fabric Challenge Process Resources. The FCC's Broadband Data Task Force established a "Broadband Data Collection Help Center" website with a number of electronic

resources and guidance about the BDC and NBM of use to stakeholders, including filing workshops, FAQs, video tutorials, and a dedicated Help Desk specifically for the BDC. Are there ways to better inform stakeholders about the resources available on that website? Are there any ways those resources could be improved? For example, one resource provides Fabric challenge "response codes" listing possible outcomes to challenges with a brief explanation for that response. In the case of response codes associated with rejected challenges, would additional information help stakeholders better understand the reason(s) for rejection and better enable them to respond accordingly? If so, what would such information be, beyond what is already included in this resource? Are there practical difficulties that stakeholders have encountered for which they believe additional Fabric challenge resources on the Broadband Data Collection Help Center would have been beneficial?

F. Mobile Challenge Process Improvements

We seek comment on whether to revise our rules to automatically remove challenged areas that are conceded or upheld from the NBM. In the *Third Report and Order*, the Commission adopted a challenge process in which providers must rebut or concede a challenge within a 60-day period of being notified of a challenge. Providers are required to submit either infrastructure data or on-the-ground speed test data that Commission staff examine to assess a provider's coverage in the challenged area and resolve the challenge. The Commission recognized that permitting providers 60 days to respond to a challenge would make the challenge process less burdensome for providers while ensuring a speedy resolution to challenges.

Mobile challenges are created through the assessment of on-the-ground speed test data and, in most cases, mobile service providers respond to challenges using similar on-the-ground speed test data—and both sets of data are submitted into the BDC system in a structured format. The BDC system analyzes these speed test results based upon hexagonal areas, and Commission staff uses the results of these analyses to determine whether or not a challenge should be upheld or overturned.

As discussed above, we modify section 1.7009(d) to remove the obligation of providers to update their BDC data based on adverse verification and audit results and adopt section 1.7009(e) to eliminate any confusion about what happens after an adverse Commission audit or verification finding with regard to a provider's reported broadband availability data for both fixed and mobile data. We seek comment on whether we should make a similar change with respect to all mobile challenges that are conceded or upheld (i.e., the provider did not provide enough data to overturn the challenge). The BDC system is designed to automatically remove a hex from a provider's coverage area if a mobile broadband challenge is conceded or upheld. We note that any hexes that are removed as a result of a challenge from the most recent vintage of the NBM will also be removed from subsequent published maps until such time as the provider's coverage is restored via the coverage restoration process. In the event we adopt changes to sections 1.7006(e)(7)(iii), 1.7006(f)(8), and 1.7009 to reflect automatic removal of these areas, we seek comment on whether there are other rules that we could delete as no longer necessary or we could otherwise streamline. We also seek comment on whether there are other changes to the mobile challenge process that would increase efficiencies and reduce burdens. For example, CCA has indicated that there may be difficulties with obtaining crowdsourced data, particularly in sparsely populated rural areas, and proposed the use of infrastructure data to create mobile challenges. We seek comment on CCA's proposal. Would challengers have the necessary information to support their challenges with infrastructure data?

G. Improvements to the Collection of Mobile Crowdsourced Data

We seek comment on improvements to the mobile crowdsourcing process. In the *Second Report and Order*, the Commission adopted a crowdsourcing process to allow individuals and entities to submit specific information about the deployment and availability of broadband internet access service, on an ongoing basis, to verify and supplement provider information. The Commission reiterated its finding from the *First Report and Order* that "third-party crowdsourced data for mobile service can serve as an important supplement to the information . . . collect[ed] from

service providers by independently measuring mobile broadband speed and availability." The Commission adopted requirements for the information to be included in crowdsourced data filings, specifying that filers must provide their full contact information. The Commission also adopted a certification requirement for crowdsourced data filers akin to that required for providers making their biannual submissions, as well as parties submitting data in the challenge process.

In the *Mobile Technical Requirements Order*, OET, OEA, (collectively, Offices) and WTB established requirements for the submission of crowdsourced data by consumers and other entities to the online portal "using the same parameters and metrics providers would use when submitting on-the-ground data in response to a Commission verification request" with simplifications. Specifically, speed tests submitted as mobile crowdsourced data must include the same parameters and radiofrequency metrics, except that crowdsourced data may include any combination of download or upload speed test metrics, rather than both, as is required for data submitted through the mobile challenge process. In the *Mobile Technical Requirements Public Notice*, WTB and the Offices noted that "data submitted by consumers and other entities that do not follow any specific metrics or methodologies may be less likely to yield effective analysis and review . . . of providers' mobile broadband availability."

We seek comment on whether we should relax certain mobile crowdsourced data requirements. In the *Mobile Technical Requirements Order*, WTB and the Offices sought to provide those collecting crowdsourced data with "increased flexibility to facilitate making the process more user-friendly." WTB and the Offices also stated their intention to "modify the process for collecting mobile crowdsourced data over time, as experience dictates may be necessary and appropriate to improve our procedures and assure that the maps we make are as reliable and accurate as possible." The Commission's experience in the eight filing rounds already completed suggests that taking further measures to increase flexibility and otherwise make the process more user-friendly for filers may now be appropriate. We seek comment on ways to

foster a more robust crowdsourced data filing process for mobile data. For example, while we have sought to discourage frivolous or malicious crowdsourced data filings, we have also long recognized the potential impact of privacy concerns on mobile crowdsourced data filings. We seek comment on whether to continue to require that all submissions disclose full contact information for the user submitting the data and include the corresponding certification. Are there other (equally effective) means to protect the integrity of our collection process? Should we consider, as CCA suggests, "[a]llowing trusted third-party crowdsourced data" filings? Additionally, we seek comment on whether we should revise the Commission's rules governing the specific parameters and metrics to be used in the submission of crowdsourced data. While encouraging the submission of data using the FCC Speed Test App, WTB and the Offices have sought to support public participation in the crowdsourcing process by providing consumers and other entities measures of flexibility, such as permitting the use of devices running either the iOS or Android operating systems for the collection and submission of speed test data and accepting data from vetted third-party speed test apps. CCA argues, however, that the Commission could permit "expanded non-FCC commercial broadband apps or datasets for crowdsourced speed test data." In the *Mobile Technical Requirements Order*, WTB and the Offices required the inclusion of certain metrics that they explained were integral to allow for the evaluation of on-the-ground mobile broadband availability and performance (e.g., device type, manufacturer, model, mobile network provider identity, timestamp, location, download speed and/or upload speed, and, if available, signal strength). Crowdsourced data filers are currently required to provide extensive on-the-ground test data that includes specified metrics for each test (e.g., "[s]ignal strength, signal quality, unique identifier, and radiofrequency metrics of each serving cell, where available" or "[f]or an in-vehicle test, the speed the vehicle was traveling when the test was taken, where available"). We seek comment on whether we should continue to require the submission of these, and other, specific, detailed radiofrequency metrics that are not commonly

part of commercial speed test application data exports for crowdsourced data filings. Would relaxation of the requirement to include these elements make the submitted data less reliable? Crowdsourced data filers are likewise required to adhere to specific testing parameters. WTB and the Offices adopted additional parameters that would further ensure the reliability of the crowdsourced data. We seek comment on whether it is necessary to continue requiring all of these parameters. For example, the "ramp up time" identified in the Commission's rules may not be supported by certain commercial apps. Is it necessary that tests be conducted between the hours of 6:00 a.m. and 10:00 p.m. local time, as currently required? Are these parameters so demonstrably beneficial to the evaluation of the data that no longer requiring them would be detrimental?

The FCC Speed Test App additionally allows users to quickly run a speed test, without first entering the contact information required of speed tests submitted into the BDC as crowdsourced or challenge data, and staff is exploring whether and how to integrate these "QuickCheck" speed test results into our broader crowdsourced data collection efforts. We seek comment on whether data generated through QuickCheck that meet the same quality, accuracy, and reliability requirements as other crowdsourced data should be considered when evaluating crowdsourced datasets. At present, QuickCheck speed test results are not used for any analytical or reporting purposes and incorporating them would significantly expand the volume and geographic diversity of the crowdsourced dataset. We welcome comments on the usefulness of incorporating QuickCheck data, potential benefits or limitations, and any considerations the Commission should take into account when determining how these data can support our analysis and reporting.

In the *Mobile Technical Requirements Order*, WTB and the Offices recognized "that changes in technology and other considerations" might necessitate the periodic reevaluation of initial determinations "in order to satisfy the Act's provisions for submitting crowdsourced data." With the objective of preserving the Commission's ability to effectively review and analyze providers'

mobile broadband availability, we seek comment generally on whether and how to further relax mobile crowdsourced data requirements to encourage the submission of valuable additional data.

H. Mobile Verification and Audit Process Improvements

In the *Third Report and Order,* the Commission adopted requirements implementing the mobile verification process to verify the accuracy and reliability of mobile broadband availability data. Under the Commission's rules, mobile providers can choose to submit either infrastructure information or on-the-ground test data in response to a verification inquiry, but staff may require the submission of additional information when necessary to complete a verification inquiry. The Broadband DATA Act also directs the Commission to conduct regular audits of data submitted in the BDC, and staff has requested infrastructure information from service providers when auditing mobile broadband availability data. Given that it has been more than five years since the adoption of the verification and audit processes, we seek comment on how to streamline our processes to reduce regulatory burdens and improve administration while still ensuring that the verification process is efficiently verifying the accuracy of mobile providers' availability data. In practice, when a provider submits infrastructure data in response to a verification request or audit, the Commission staff's initial engineering analysis often raises questions that require clarification or further information from the provider, and these discussions can result in weeks of delay in resolving the data request. In some cases, staff has initiated a follow-up verification on portions of the initial verification area where there remained uncertainty about the accuracy of the mobile broadband availability data, which can further delay finalizing the outcomes of a verification or audit. Providers that choose to submit on-the-ground speed test data have generally encountered fewer data issues, as these providers typically use the FCC Speed Test App, which is designed to record and export data in a format that can be easily submitted into the BDC system. When electing to conduct speed tests, providers have still encountered other issues however, e.g., including roadway accessibility, ensuring tests are conducted within a sample-

selected area, and occasional device or app issues that prevent valid measurements from being recorded.

We seek comment generally on how to improve these processes without detracting from the Commission's ability to ensure the accuracy and quality of broadband data submitted in the BDC. Should we modify the mobile verification process to require on-the-ground speed test data in response to a verification inquiry, as such data may be more reflective of on-the-ground service, and may be easier for providers to generate and for staff to analyze? If we were to require speed test data in response to a mobile verification request, should we allow an exception in situations where a provider can demonstrate that it cannot reasonably provide speed test data within the requested timeframe? What would be the burdens of requiring speed test data, and would this improve or harm our ability to assess the ground truth of mobile broadband service availability? Does the Commission's recent approval of a third party speed test app make the process of collecting on-the-ground speed tests easier or less burdensome on providers? Are there ways that we can improve the process by which staff analyzes infrastructure data to reduce the burden on providers and staff to work through any ambiguities? Is it less costly or burdensome on providers to assemble, submit, and then engage in discussions with staff about infrastructure data than to conduct on-the-ground speed test measurements? Are there benefits to requiring on-the-ground speed test data, such as reduced time to review and close out a verification, that may offset costs to providers? Similar to the verification process, we also seek comment on whether we should consider analogous requirements when conducting an audit of a provider's mobile broadband availability data.

I. Drone Data

We seek comment on whether data collected by drones could be leveraged in any BDC processes, for example, in the context of the mobile challenge, crowdsource, verification, audit, or restoration processes. The Commission previously sought comment in the *Second FNPRM* on the use of drone testing and other technologies to verify data accuracy, including whether drones

could be used to audit mobile deployment data, and in the *Second FNPRM* on whether such data could be used in the creation and verification of mobile broadband maps. Given advancements in drone and unmanned aircraft system technology, and the Commission's recent focus on securing American supply chains and increasing domestic drone manufacturing, we seek to refresh the record. Could drone data be used by the Commission to audit and verify reported broadband deployment data? Should the Commission accept third-party speed tests collected by drones when considering challenges to mobile providers' coverage assumptions or, on the other hand, challenge rebuttals? Would such data be useful for the Commission to consider when providers respond to verification or audit requests, or when providers attempt to restore Removed Locations and Areas? Consistent with the questions asked above about potential reforms to the mobile crowdsource process, could speed tests taken by drones be useful as crowdsourced data? Should mobile speed tests collected through the use of drones have a special designation? Are there other data collected by drones beyond speed tests that could be leveraged in the BDC processes, such as aerial imaging, or measurements of signal strength or spectrum utilization? Are data collected by drones representative of terrestrial fixed wireless broadband availability? Would the data be useful in verifications and audits of terrestrial fixed wireless service availability? In addition, we seek comment on technical parameters that should apply to drone data collection to ensure uniform results across methods.

J. Treating Certain Sensitive Data as Confidential

We seek comment on whether to revise our rules to expressly provide that certain categories of sensitive data submitted in the BDC should be treated as confidential without the need for a provider to request confidentiality. Categories of BDC data to be afforded such treatment could include: (1) subscription data; (2) the geographic coordinates of mobile or fixed wireless base stations; (3) mobile or fixed wireless link budget parameter rationales; and (4) any infrastructure data submitted in response to a verification request, audit, challenge, or coverage restoration request. We seek comment on whether any other data should be accorded confidential treatment

(and the rationales for such treatment). Are there certain types of these data we should not treat as confidential unless we receive an affirmative request for confidentiality? We also seek comment on balancing the burdens of continuing to request confidentiality for these data for every biannual submission versus the benefits of having the Commission treat these data as confidential without the need for a request.

Pursuant to the Broadband DATA Act, the Commission established the initial requirements for the confidential treatment of data submitted in the BDC. In the *First Report and Order*, which was adopted prior to the enactment of the Broadband DATA Act, the Commission decided that "[t]o better allow for crowdsourcing, mapping, and other uses of fixed broadband deployment data, all [fixed] service provider information filed as part of the [Broadband] Data Collection will be presumed to be non-confidential unless the Commission specifically directs that it be withheld." The Commission similarly determined that mobile broadband service provider coverage data would presumptively be treated as non-confidential. However, the Commission determined that certain data would be withheld from routine public inspection—namely, "all data required to be kept confidential pursuant to § 0.457 . . . and all personally identifiable information submitted in connection with [BDC availability data and data in the Fabric]." The Commission established an avenue for providers to seek confidential treatment of "provider-specific subscription information in [BDC] filings" and "any other data contained in their [BDC] filings" by submitting a request at the time of the BDC filing that the data be treated as confidential, along with the reasons for withholding the information from the public as required by section 0.459 of the Commission's rules. The Commission noted that it would make decisions on requests for confidential treatment on a case-by-case basis. The Commission also determined that provider-specific deployment data would always be made public and would not be subject to confidential treatment.

In practice, Commission staff receive requests for confidential treatment of certain data in every biannual round of BDC filings that the Commission has previously stated are presumptively

confidential. We seek comment on whether we should amend our rules to formally accord such data confidential treatment and clarify that providers are not required to file confidentiality requests to cover these data. We note the benefits of such an approach would be to remove confusion on whether providers must submit superfluous requests with their BDC filings and to reduce the burdens on Commission staff to review and resolve such requests. Are there other benefits to this approach? Conversely, are there any drawbacks to this approach? Is there anything unique about these data such that we should maintain merely a presumption of confidentiality for them?

If commenters believe that providers should still be required to submit requests for confidentiality for presumptively confidential data filed in the BDC, are there ways that we can still reduce the burdens on providers from having to submit with all their BDC filings formal requests that comply with section 0.459 of our rules and on Commission staff from having to formally resolve all such requests? Are there any other mechanisms to streamline the treatment of confidential information submitted in the BDC?

II. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Fifth Further Notice of Proposed Rulemaking* (*FNPRM*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *FNPRM*. The Commission will send a copy of the *FNPRM*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the *Federal Register*.

A. Need for, and Objectives of, the Proposed Rules

Among other requirements, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) requires the Commission to collect granular location level broadband availability data from service providers on a biannual basis in the Broadband Data Collection (BDC); use such data to publish the National Broadband Map (NBM); allow for consumers and entities to challenge data on the map; and verify and conduct regular audits of submitted data. As required by the statute, the Commission has adopted rules codifying the framework for the BDC program. Some of these processes, definitions, and rules need to be streamlined, harmonized, or eliminated in order to create efficiencies that promote the accuracy of the data collected, while reducing regulatory burdens on service providers and other entities. The *FNPRM* seeks comment on options for further revising or eliminating some of the Commission's rules pertaining to the biannual submission of BDC data. These options would include: 1) relaxing the requirement to submit fixed broadband data for "grandfathered" services; 2) eliminating the rules requiring the submission of fixed broadband availability data at speeds below 25/3 Mbps, 3G mobile broadband availability data, and mobile voice availability data; and 3) eliminating maximum buffer size requirements for providers of fixed wireline service and maximum antenna height limitation for providers of fixed wireless service. The *FNPRM* also seeks comment on options for streamlining the crowdsourcing and challenge processes, including: 1) relaxing requirements for mobile crowdsourced data; 2) developing processes for how to evaluate infrastructure data submitted in response to a fixed challenge; and 3) reducing and simplifying the timeline and processes for fixed challenges. The *FNPRM* would lastly seek comment on an array of options to streamline the process to restore coverage that has been previously removed due to a challenge, verification, or audit; on whether to expressly treat certain data as confidential; and on current data retention best practices.

B. Legal Basis

The proposed action is authorized pursuant to Sections 1-5, 7, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646 of the Communications Act of 1934,

as amended, 47 U.S.C. 151-154, 157, 201-206, 214, 218-220, 251, 252, 254, 256, 301, 303, 332, 309, 319, 403, 405, and 641-646.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99% of nonprofits have fewer than 500 employees. Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we

estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	**NAICS Code**	**SBA Size Standard**	**Total Firms**	**Total Small Firms**	**% Small Firms**
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications	517410	$44 million	332	195	58.73%
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19%

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data (Data as of December 2023)	**SBA Size Standard (1500 Employees)**		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

Many of the proposals discussed in the *FNPRM* should reduce or eliminate reporting, recordkeeping, or other compliance requirements for small and other service providers. As such, we do not anticipate additional compliance costs for small providers and we do not anticipate that these proposals on which we seek comment would require small entities to hire professionals to comply. We expect the information we receive in comments will help the Commission identify and evaluate relevant compliance matters for small entities, including compliance costs and other burdens that may result from potential rule changes discussed in the *FNPRM*.

The *FNPRM* seeks comment on ways to revise or eliminate some of the Commission's rules pertaining to the BDC. Specifically, the *FNPRM* seeks comment on proposals to revise the

coverage restoration process, the data required to overturn an earlier determination that a provider's data are inaccurate, and the evidentiary threshold upon which the Commission should evaluate these decisions. The *FNPRM* also seeks comment on its approach to reporting for grandfathered services, including whether the Broadband DATA Act allows the Commission to refrain from collecting grandfathered fixed broadband availability data, and, if so, whether to eliminate reporting of these data, thereby reducing compliance burdens on small and other providers. Noting that the Commission raised the minimum speed of services that constitute advanced telecommunications capability to 100/20 Mbps, the *FNPRM* asks whether the Commission should eliminate reporting requirements for locations where fixed service providers offer speeds below 25/3 Mbps. Additionally, the *FNPRM* seeks comment on whether to require providers who use certain maximum buffer sizes when generating their data to disclose these data only as part of the provider's response to a verification or audit request, or when the provider seeks to restore its coverage, instead of as part of BDC biannual submissions as currently required. The *FNPRM* also seeks comment on whether to relax the 7-meter maximum antenna height requirement.

The *FNPRM* seeks comment on whether and how to end legacy data collection for mobile services, such as 3G mobile broadband and mobile voice availability. Additionally, the *FNPRM* seeks comment on data retention requirements and alternative approaches such as voluntary best practices, and related costs and benefits of these proposals. The *FNPRM* also seeks comment on ways to streamline the fixed and mobile challenge processes, which may reduce burdens on providers to respond to these challenges and shorten the duration or allow for alternative timelines for the challenge, and on ways to improve collection of mobile crowdsourced data, such as relaxing requirements for contact information and specific measurements that would provide reliable data. Furthermore, the *FNPRM* seeks comment on mobile verification and audit process improvements, which may reduce burdens on providers by automatically removing from the NBM all challenged areas that are conceded or upheld. Finally, the *FNPRM* seeks comment

on whether to treat data in BDC filings as confidential without an additional request from a service provider.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."

As an initial matter, several of the proposals in the *FNPRM* are expected to have a positive impact on small businesses—for example, reducing the filing requirements for a variety of older technology and services, such as "grandfathered services," fixed broadband under 25/3 Mbps, 3G mobile broadband, and mobile voice. Commenters propose that service providers should not be required to submit availability data associated with grandfathered services, and we seek comment on this proposal or alternative ways in which the Commission should collect these data. We also consider and seek comment on relaxing certain technical rules pertaining to the maximum buffer sizes that fixed wireline providers must report and the antenna height for a standard installation that fixed wireless providers must use when modeling fixed broadband availability for the biannual submissions, and alternatives that may impact small and other providers. In addition, we consider and seek comment on the fixed and mobile challenge processes. Specifically, we seek comment on commenters' proposals to lower certain evidentiary burdens required by the Commission when evaluating challenges and restoring coverage to locations.

To assist the Commission's evaluation of the economic impact on small entities as a result of actions that may result from proposals and issues raised for consideration in the *FNPRM*, and to better explore options and alternatives, the Commission is seeking comment from the public on how best to ways to enhance the efficiency of the BDC while ensuring that the Commission continues to receive accurate, granular data by eliminating certain requirements and streamlining the BDC. More specifically, the Commission seeks comment on how to simplify and reduce unnecessary regulatory burdens and better serve the public.

More generally, the proposals and questions set forth in the *FNPRM* were designed to enable the Commission to understand the benefits, impact, and potential burdens associated with the different approaches that the Commission can pursue to achieve its objective of enhancing the efficiency of the BDC while ensuring that the Commission continues to receive accurate, granular data by eliminating certain requirements and streamlining the BDC. Before reaching its final conclusions and taking action in this proceeding, the Commission expects to review the comments filed in response to the *FNPRM* and more fully consider the economic impact on small entities and how any impact can be minimized. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals detailed in the *FNPRM* and outline any additional alternatives that would accomplish the objectives of this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

None.

Federal Communications Commission.

Aleta Bowers,
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Office of the Secretary.

[FR Doc. 2026-12767 Filed: 6/23/2026 8:45 am; Publication Date: 6/24/2026]