

VPS Memo

BDC Declaratory Ruling and Limited Waiver Released

The Federal Communications Commission (FCC) released a Declaratory Ruling and Limited Waiver regarding the requirement for a Certified Professional Engineer to certify Broadband Data Collection (BDC) Maps in [DA 22-733](#).

In January 2021, the FCC released the Third Report and Order providing that in addition to the corporate officer certification, each mobile and fixed service provider must also submit a certification of the accuracy of its broadband submissions by a qualified engineer to ensure the accuracy of the data being collected. The order generated several comments regarding the requirement which the FCC addressed in the Declaratory Ruling and Limited Waiver Public Notice (Public Notice).

Importance of Accurate Data Collection

The FCC emphasized the importance of accurate data collection for coverage maps by stating, “When the Commission adopted the requirement that providers submit an engineering certification, it considered arguments that imposing such a requirement would be particularly burdensome for smaller providers because they generally do not have certified engineers on staff and that there was a limited supply of outside certified engineers, especially in rural and remote areas. The Commission determined, however, that requiring an engineering certification would not be overly burdensome or costly given the importance of ensuring the accuracy of coverage maps.”¹

¹ *Establishing the Digital Opportunity Data Collection, Competitive Carriers Association Petition for Declaratory Ruling or Limited Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Public Notice, DA 22-733 (released July 8, 2022).

Limited Waiver of PE Certification

Waiver for Three Filing Cycles

The FCC has recognized the burden of gathering a Professional Engineer (PE) certification in limited market availability and has granted a limited waiver of the PE Certification requirement for the first three filing cycles (data as of June 30, 2022, December 31, 2022, and June 30, 2023) by allowing service providers to use otherwise qualified engineers who are not certified PEs to make the required certification.

In lieu of a provider employing the certification of its own corporate engineering officer or a licensed PE, the FCC's current waiver allows for certification of BDC submissions by otherwise qualified engineers that possess either of the following:

- A) A bachelor's or postgraduate degree in electrical engineering, electronic technology, or another similar technical discipline, and at least seven (7) years of relevant experience in broadband network design and/or performance; or
- B) Specialized training relevant to broadband network engineering and design, deployment, and/or performance, and at least ten (10) years of relevant experience in broadband network engineering, design, and/or performance.

If a provider would like to avail itself of the waiver, it should include, as part of its BDC submission, the following statement in the **Explanations and Comments** box: **"The engineer certifying our submission meets the minimum qualifications outlined in the Declaratory Ruling and Limited Waiver adopted on July 8, 2022, in WC Docket No. 19-195."**

Vantage Point Recommendations

Vantage Point considers the accuracy of the data associated with the BDC filing critical to the future successful deployment of broadband. As a result, we recommend reviewing your resources and utilizing the best technical resources to your organization to support your filing.

Here To Help

For additional information on the BDC Filing, please contact the Vantage Point Solutions BDC Team:

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