

VPS Memo

BDC PE Certification Waiver Extended

The Federal Communications Commission (FCC) extended the Broadband Data Collection (BDC) Professional Engineer (PE) certification waiver, with conditions.

Importance of Accurate Data Collection

In 2020, Congress passed the Broadband DATA Act, which required the FCC to adopt rules for a biannual data collection relating to the availability and quality of broadband Internet access service.¹ This data collection effort and resulting BDC map set the foundation for eligible location awards in upcoming grant funding under various federal funding programs such as the Broadband Equity, Access, and Deployment (BEAD) Program under the Infrastructure Investment and Jobs Act.

As a part of its newly established requirements for these BDC efforts, the FCC determined that having a qualified engineer review and certify to the accuracy of a provider's submission was consistent with the Congressional objective of achieving accurate data. However, in response to a 2022 Petition for limited waiver of the PE certification requirement, the FCC issued a waiver of the PE certification for three BDC filing periods.² The limited waiver would have ended after the submission of June 30, 2023, data requiring a PE certification for the upcoming BDC filing (data as of December 31, 2023, due March 1, 2024).

¹ *Broadband Deployment Accuracy and Technological Availability Act*, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646).

² *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, Declaratory Ruling and Limited Waiver, 37 FCC Rcd 7836, 7842-47, paras. 12-20 (WCB/OEA/WTB 2022).

The FCC has now granted a Petition to extend the original 2022 waiver for three additional filing periods, with requirements for additional network information.³

Conditional Waiver for Three Additional Filing Periods

The FCC is allowing providers to avail themselves of the PE certification waiver “...on the condition that they are able to expeditiously provide to the Commission, when requested, underlying network information that supports their availability data.”⁴ As described below, the required network information is very specific and subject to a potential audit and/or on-the-ground testing by the Commission.⁵

Item	Important Notes
Filing Periods Impacted	BDC filing data as of: <ul style="list-style-type: none"> ▪ December 31, 2023 ▪ June 30, 2024 ▪ December 31, 2024
Waiver Extension Specific Requirements	<ul style="list-style-type: none"> ▪ Have the BDC submission certified by an engineering professional with the qualifications specified in in the 2022 Waiver. ▪ Preserve, for the applicable “as-of” filing date(s), certain categories of underlying network information for each submission filed under the Waiver. ▪ Upon request, expeditiously provide the network information to the Commission.
Additional Network Information Required if Asserting PE Waiver	<p>Providers availing themselves of the PE certification waiver must also retain and be prepared to submit to the FCC upon request specific additional supporting data for the area specified. This information is identified in the Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Process document.⁶ A high level summary of the information required by carrier type is as follows:</p> <ul style="list-style-type: none"> ▪ Mobile Providers: Base station attributes such as location and height above-mean-sea-level, sector azimuths, base station carriers, and base station loading. ▪ Terrestrial Fixed Wireless Providers: Propagation modeling and fixed wireless infrastructure data (ex. base station attributes), including link budget information. ▪ Fixed Wireline Providers: Infrastructure data on the locations of their network distribution hubs and splitters. ▪ Satellite Providers: Structured data reflecting the status of their system deployment as of the relevant filing period as reflected in the newly released BDC Infrastructure Data Specifications as of the December 2023 filing window. <p>To assist providers with data collection efforts, the FCC has made sample files available. The sample files and BDC Certification Requirements are available at the FCC Broadband Data Collection Help Center.</p>

³ <https://docs.fcc.gov/public/attachments/DA-23-1123A1.pdf>

⁴ *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association and USTelecom – The Broadband Association Extension of Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Order, DA 23-1123, para. 8 (Rel. Nov. 30, 2023).

⁵ *Ibid*, para. 14 & 22.

⁶ See Broadband Data Collection, Data Specifications for Provider Infrastructure Data in the Challenge, Verification, and Audit Processes, November 30, 2023, <https://us-fcc.app.box.com/v/bdc-infrastructure-spec> (as of Dec. 6, 2023).

Action Recommended

Vantage Point Solutions (VPS) continues to advocate for accurate data collection, which includes appropriate accountability measures. The FCC's conditional waiver requires retention of the additional network information, and the Order highlights the FCC's reliance on providers' participation in the BDC challenge process to promote accuracy in the BDC maps.

VPS recommends reviewing your plans to meet the BDC filing requirements for your March 2024 BDC filing period, as well as participating in BDC challenges where necessary to encourage accurate, granular maps prior to their use to establish upcoming grant funding opportunities. VPS currently submits hundreds of BDC filings for broadband providers across the nation, including wireless providers, and can assist with any aspect of your BDC filing efforts from mapping to challenges, up to and including PE certification.

Additional Information

For more information, please contact the Vantage Point Solutions BDC Team at BDC@vantagepnt.com.

