

## ***Resolution on Broadband Data Collection***

**WHEREAS**, The Internet allows both business and residential consumers access to important sources of information and services; *and*

**WHEREAS**, Congress enacted 47 U.S.C. § 706 whereby the Federal Communications Commission (FCC) and each State commission with regulatory jurisdiction over telecommunications services shall encourage, on a reasonable and timely basis, the deployment of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment; *and*

**WHEREAS**, In March 2000, the FCC adopted rules and a standardized form (FCC Form 477) to collect basic information about, among other things, broadband deployment to better satisfy its duty to encourage the deployment of advanced telecommunications capability as Congress directed us to do in section 706 of the Telecommunications Act of 1996; *and*

**WHEREAS**, Broadband and local service providers began filing FCC Form 477 – Local Telephone Competition and Broadband Reporting, in May 2000, thus reporting connections in service as of December 31, 1999; *and*

**WHEREAS**, Since September 1, 2000, providers have filed year-end data each March 1 and mid-year data each September 1; *and*

**WHEREAS**, Providers currently report data related to broadband access using the following FCC Form 477 categories and definitions:

- a. Total connections to end users (information transfer rates exceeding 200 kbps in at least one direction; and
- b. Percentage of lines and wireless channels reported in (a) and has information transfer rates exceeding 200 kbps in both directions; and
- c. The 5-digit, technology-specific lists of zip codes associated with each type of broadband connection reported; *and*

**WHEREAS**, According to FCC Form 477 data, as of June 2006, “fully 99% of all U.S. Zip codes report the presence of subscribers who utilize *high-speed lines* (which include advanced service lines and lines that deliver speeds exceeding 200 kbps in one but not both directions)”; *and*

**WHEREAS**, A report issued by the United States Government Accountability Office (GAO) in May 2006 reviewed the strengths and weaknesses of available data about broadband availability, and concluded that, while broadband deployment is extensive

nationwide, it remains very difficult to assess the extent of deployment gaps in rural areas; *and*

**WHEREAS**, The FCC issued a Notice of Proposed Rulemaking (FCC 07-17), released April 16, 2007, in which it seeks comments about how the FCC can continue to acquire information it needs to develop and maintain appropriate broadband policies; *and*

**WHEREAS**, The United States Congress has before it for consideration multiple bills seeking to improve the collection and analysis of broadband data at all levels of government and the relevant committees have held hearings on these initiatives; *and*

**WHEREAS**, State utility commissions, along with other State agencies, have an incentive to decrease the digital divide and promote economic development within their borders; *and*

**WHEREAS**, Accurate information about current broadband availability and deployment would allow governmental entities, both State and federal, to better target scarce resources in a more focused manner; *and*

**WHEREAS**, Several States, on their own initiative, have already undertaken successful programs to measure and encourage broadband deployment; *and*

**WHEREAS**, Broadband access is often deployed by providers that are outside the purview and authority of State utility commissions, making it difficult for States to gather accurate, complete information; *and*

**WHEREAS**, It has been argued that the United States lags behind many industrialized countries when it comes to citizen access to affordable advanced telecommunications services, including high speed, broadband; *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its July 2007 Summer Meetings in New York, New York, recognizes the critical importance of promoting the development of broadband in the United States; *and be it further*

**RESOLVED**, That the States have an economic interest in promoting broadband deployment within their geographic boundaries; *and be it further*

**RESOLVED**, That because of the States' unique relationship with providers within their geographic boundaries, and in addition to the FCC's authority to collect broadband data, States should be delegated specific authority for broadband data collection and analysis purposes; *and be it further*

**RESOLVED**, That States should have the ability to exercise such delegated authority at their option; *and be it further*

**RESOLVED**, That NARUC directs its General Counsel to communicate this resolution to all relevant policymakers, including federal and State agencies and Congress.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors July 18, 2007*