

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Establishing the Digital Opportunity Data Collection	)	WC Docket No. 11-10
	)	
Modernizing the FCC Form 477 Data Program	)	WC Docket No. 19-195
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**



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Table of Contents

I.	INTRODUCTION & SUMMARY	1
II.	THE <i>FURTHER NOTICE'S</i> PROPOSALS TO LOWER THE EVIDENTIARY STANDARD FOR THE COVERAGE RESTORATION PROCESS WOULD COMPROMISE THE ACCURACY OF THE MAP AND ARE INCONSISTENT WITH THE BROADBAND DATA ACT.....	3
A.	The proposal to amend the coverage restoration process would undermine the accuracy of the NBM.	3
B.	The <i>Further Notice</i> proposal conflicts with the Broadband Data Act.	7
III.	THE COMMISSION SHOULD THOROUGHLY EXAMINE THE EFFICACY OF ITS BDC REPORTING RULES AND MAPPING CHALLENGE PROCESSES.....	9
IV.	CONCLUSION	13

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I. INTRODUCTION & SUMMARY

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Fifth Further Notice of Proposed Rulemaking released by the Federal Communications Commission (“Commission”) in the above-captioned proceedings.² The *Further Notice* seeks comment on, among other things, a proposal to streamline the coverage restoration process through which an Internet Service Provider (“ISP”) can restore coverage to the National Broadband Map (“NBM”) in the wake of the operator’s coverage claims being removed by a successful challenge or a Commission audit or verification process.

¹ NTCA is an industry association composed of approximately 850 community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or themselves are engaged in the provision of such services.

² *Establishing the Digital Opportunity Data Collection*, WC Docket No. 11-10, *Modernizing the FCC Form 477 Data Program*, WC Docket No. 19-195, *Delete, Delete, Delete*, GN Docket No. 25-133, Sixth Report and Order and Fifth Further Notice of Proposed Rulemaking, FCC 26-33 (rel. May 21, 2026) (“*Further Notice*”).

While NTCA appreciates the Commission’s continued efforts to improve the maps and the challenge processes, the proposal to streamline the coverage restoration process as proposed in the *Further Notice* is inconsistent with the Broadband DATA Act. This statute is a clear Congressional directive to create a map that is highly accurate on a location-by-location basis and to create a tool that can be relied upon to make critical funding decisions for the benefit of consumers. The *Further Notice*'s proposal to permit coverage claims that have been removed through the challenge process or the Commission's audit or verification procedures to be reinstated on the NBM without sufficient evidence demonstrating that such claims should be viewed as accurate going forward would compromise the integrity of the map in violation of the statute. It should not be adopted.

NTCA urges the Commission to instead initiate a fresh look at its mapping rules as a whole. NTCA members consistently see coverage claims they know – based upon their experience in serving rural areas, prior submitted challenges, as well as commonly understood engineering principles – are overstated. The Commission’s reporting standards should, but do not, effectively limit these overstatements of coverage from appearing on the map in the first place. The result is inaccurate maps and wasted resources, with no penalty for the bad actors who continually flout the Commission’s rules by intentionally submitting inaccurate data. In addition, the Broadband Data Collection (“BDC”) bulk availability challenge process is not properly calibrated to highlight and then remove these clearly overstated claims.

NTCA members also report large numbers of missing and mislabeled Broadband Serviceable Locations (“BSLs”) on the Fabric, and repeated efforts to correct these are rejected even where highly persuasive evidence is offered. The Fabric challenge process fails to communicate to challengers the basis of its final adjudication. NTCA urges the Commission to

improve this communication and to justify publicly its decisions because it would lead to a more efficient and effective challenge process. With the experience of several reporting cycles and challenge processes in hand, as well as a drop in the number of challenges filed, now is the time for the Commission to direct its attention to a comprehensive review of its challenge rules.

II. THE *FURTHER NOTICE*'S PROPOSALS TO LOWER THE EVIDENTIARY STANDARD FOR THE COVERAGE RESTORATION PROCESS WOULD COMPROMISE THE ACCURACY OF THE MAP AND ARE INCONSISTENT WITH THE BROADBAND DATA ACT.

The *Further Notice* seeks comment on lowering,³ or in some cases even eliminating,⁴ the evidentiary standard that providers are required to meet to restore coverage claims removed from the NBM following a successful challenge or in the wake of a Commission audit or coverage verification. The proposals would undermine the challenge process as called for in the Broadband DATA Act and would ultimately compromise the accuracy of the NBM.

A. The proposal to amend the coverage restoration process would undermine the accuracy of the NBM.

The Commission should abandon the *Further Notice*'s proposals for “alternatives” to a data-driven coverage restoration process. As an initial matter, the assertion that the Commission’s enforcement mechanisms are sufficient to safeguard against abuse of a

³ *Id.*, ¶ 32 (“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.”).

⁴ *Id.*, ¶ 30 (“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.”).

streamlined coverage restoration process misses the mark.⁵ To date, enforcement of the Commission’s BDC reporting rules has largely been focused upon ISPs failing to comply with their initial BDC reporting obligations. It has only been on rare occasions that overstatements of reported coverage have led to enforcement actions,⁶ and to date, the continued prevalence of overbroad coverage claims proves that the enforcement process in the context of BDC reporting has not operated as an incentive driving ISPs to be more scrupulous in their coverage claims. Thus, the Commission cannot rely upon the threat of enforcement to deter unscrupulous ISPs from simply reasserting coverage claims removed from the NBM. History has shown the ISPs go unpunished.

Indeed, the *Further Notice*’s proposed alternative approaches to the current coverage restoration process would remove any meaningful safeguards that ensure the accuracy of the map. For example, some fixed wireless advocates have urged the Commission to treat ISPs’ conceding of a challenge as not a “true concession” when a provider has conceded a challenge because the operator no longer has capacity in place to support coverage claims.⁷ While proponents of this approach urge that coverage should essentially be restored automatically, the question in this scenario and for coverage restoration purposes should not turn on the accuracy of

⁵ *Id.*, citing comments of CTIA, WC Docket Nos. 19-195, 11-10 (fil. Oct. 7, 2024), p. 5 (“CTIA *Fourth FNPRM* Comments”).

⁶ *Jefferson County Cable TV Inc.*, File No.: EB-FD-23-00034823 CD Acct. No.: 202432200004 FRN: 0003749082, Order, DA 24-258, (rel. Mar. 15, 2024).

⁷ *Further Notice*, ¶ 33. (Pointing to “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.”). Citations omitted.

the claims “as of” the time they were made.⁸ This argument misses the point, and in fact is nothing more than an attempt at misdirection. Instead, the question in this scenario should turn upon whether circumstances have changed **subsequent** to coverage being removed from the map, and whether the provider in question can offer persuasive evidence that such is the case. Only then should these reasserted coverage claims be viewed as sufficiently accurate to reappear on the map. Put another way, such claims should not reappear on the map again absent evidence that they can be viewed as an accurate representation of that provider’s true capability to offer service across the area in question on a going forward basis. That is what the statute requires. Any other approach asks the Commission to allow the provider to be taken at its word that circumstances have changed and that the provider now has the capacity in place to serve the locations it claims.

The proposed “*de minimis*” exemption – pursuant to which evidentiary standards would be lowered or even eliminated for coverage restoration requests below a *de minimis* threshold⁹ – is equally flawed. The BDC is intended to be a granular location-by-location depiction of service availability to every BSL across the nation. Nothing in the Broadband Data Act speaks to a *de minimis* exception of any kind, and indeed it is telling that proponents of this approach do not even bother to assert that the statute gives the Commission the flexibility to pursue this proposal. In addition, there would be nothing to prevent a provider from filing several *de*

⁸ *Id.* CTIA argues that in this scenario the term “concession” is “a misnomer, as it merely indicates a change in service availability subsequent to the snapshot data, and does not mean that the provider’s filing itself was inaccurate”). CTIA *Fourth FNPRM* Comments, p. 4.

⁹ *Id.*, ¶ 32.

minimis restoration requests separately to receive streamlined status over a larger area where these would be rejected or require evidence if filed as part of a larger restoration request.

Such an exemption would also harm the households that are inaccurately claimed to be served. Funding mechanisms such as the High-Cost Universal Service Fund as well as the Broadband Equity Access and Deployment Program rely on the NBM to distribute funding to every unserved location within a particular service area. Funding has also been withheld entirely or in part where it was determined locations were already served. While a small number of locations may seem *de minimis* to a provider participating in the coverage restoration process, it is certainly not *de minimis* to the consumers residing at those locations should they be denied access to a much-needed broadband connection because the NBM inaccurately portrays them as served.¹⁰ Nor is it *de minimis* to the provider who loses the ability to connect that location. Availability must be judged as accurate on a location-by-location basis. The coverage restoration process is an important aspect of the NBM's accuracy and should advance that goal. The Commission should reject this proposal.

Ultimately, relaxation or even elimination of the evidentiary standard applicable to the coverage restoration process as proposed in the *Further Notice* threatens to create a “whack a mole” situation, with inaccurate claims removed from the NBM and soon thereafter reappearing in whole or in part. Such a process will only undermine the integrity of the NBM, and in fact would-be challengers seeking to correct overstatements of coverage will have little incentive to

¹⁰ As noted below, the Broadband DATA Act directs the Commission to take into account “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.” 47 U.S.C § 642(b)(5)(B)(i)(IV).

participate in the challenge process going forward knowing any progress they make towards improving the accuracy of the map can be easily undone.

B. The *Further Notice* proposal conflicts with the Broadband Data Act.

The *Further Notice* seeks comment on whether the Broadband DATA Act requires those participating in the coverage restoration process to submit additional data or evidence, and it seeks as well comment on whether its proposals to amend the restoration process evidentiary standard would undermine the value of the challenge process.¹¹ NTCA submits that the *Further Notice* proposals find no support in the Broadband DATA Act and in fact would undermine Congressional intent with respect to creating an accurate NBM.

In enacting the Broadband DATA Act, Congress plainly recognized the importance of robust verification and availability challenge processes. By establishing these mechanisms in separate provisions of the statute,¹² Congress made clear that each was intended to serve as an independent check on the accuracy of providers' reported broadband availability data, and that there was a need to verify providers' data.¹³ In addition, the text of the Broadband DATA Act makes clear that Congress was attentive to the negative consequences that could flow from inaccurate mapping data. Specifically, the statute directs the Commission to take into account

¹¹ *Further Notice*, ¶ 31.

¹² 47 U.S.C. § 642(b)(4)(B) & (b)(5)(A).

¹³ See Report of the Committee on Commerce, Science, and Transportation on S.1822, Report 116-174 (Dec. 12, 2019) available at <https://www.congress.gov/116/crpt/srpt174/CRPT-116srpt174.pdf>. The Committee believes that the reforms mandated by S. 1822 will substantially improve the granularity and accuracy of the information being collected by the FCC. Nonetheless, the Committee recognizes that the data submitted will be self-prepared and self-certified by broadband internet access providers, and that there is a need to verify such data. The Committee therefore urges the Commission to use the challenge process not just as a way to collect information from the public, but also to provide timely opportunities for input and evidence-based corrections to, or updates of, the coverage maps.

“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.”¹⁴ This demonstrates that Congress understood that inaccurate mapping data – specifically overstated coverage claims – could cause policymakers or government entities issuing grants to direct funding away from locations depicted as served when in fact they were inaccurately depicted as such.

With these two directives in place – and in the absence of any textual support within the Broadband DATA Act for easing the burden on those entities seeking to restore coverage after their initial coverage claims have been debunked – the Commission must determine whether its proposals are consistent with the statute as a whole. On this, the Commission finds no support. While Congress recognized the burdens that the Commission's mapping rules could impose, it addressed that concern only in the context of the challenge process, not the restoration process. Again, while it is laudable that the Commission is attuned to the burdens of ISPs, the Broadband DATA Act addresses that only in terms of “mitigate[ing] the time and expense incurred by...entities or individuals in...challenging the accuracy of a coverage map... [or] responding to challenges.”¹⁵ Congress adopted several measures to ensure the accuracy of the map and specifically directed the Commission to safeguard that accuracy in order to protect consumers.

To be sure, the Commission should be attentive to the burden that the coverage restoration process imposes on ISPs (as it should generally take steps necessary wherever possible to limit the burden that any of its rules impose on the entities that it regulates). That

¹⁴ 47 U.S.C. § 642(b)(5)(B)(i)(IV).

¹⁵ *Id.*, § 642(b)(5)(B)(i)(III).

said, the proposals in the *Further Notice* miss the mark. It cannot reasonably be argued that Congress intended the challenge process to be inconsequential. Yet that is precisely what it would become if ISPs faced no meaningful consequences after their coverage claims were removed following a successful challenge or Commission verification and could instead easily restore them to the map.

III. THE COMMISSION SHOULD THOROUGHLY EXAMINE THE EFFICACY OF ITS BDC REPORTING RULES AND MAPPING CHALLENGE PROCESSES.

NTCA appreciates the *Further Notice*'s focus on reducing the burdens its mapping rules impose on ISPs. As small businesses, NTCA's members are acutely aware of how the burdens of regulatory compliance can divert resources away from serving subscribers and improving the quality of communications services provided to rural communities. This is particularly true for rural operators that operate in high-cost-to-serve, sparsely-populated rural areas where every cost, regulatory compliance included, must be recovered from a small customer base. Inaccurate mapping data and the need to continually challenge locations that have previously been adjudicated expand these challenges. In fact, NTCA members frequently report that compliance with the biannual BDC reporting requirement and participating in the Fabric and availability challenge processes is time-consuming, diverting resources (in-house staff as well resources for outside mapping consultants) they would prefer to expend elsewhere if at all.

That said, NTCA members continue to see coverage claims on the NBM that defy well-understood engineering principles as well as what rural operators know is possible in the areas they have long served.¹⁶ Missing and mislabeled BSLs remain an issue, and these have not been

¹⁶ NTCA *ex parte* letter, WC Docket Nos. 19-195, 11-10 and 10-90 (fil. Apr. 28, 2026) ("NTCA April *ex parte*"), Appendix A, pp. 11-12.

corrected in many cases despite members utilizing the Fabric challenge process, sometimes several times over for the same locations.¹⁷ Lingering structural deficiencies within the BDC's reporting standards, bulk availability, and Fabric challenge processes allow inaccuracies that persist to calcify permanently and undermine the ultimate value of the NBM.

That said, NTCA recognizes that the NBM has improved significantly since the BDC was launched, as iterative reporting, verification, and challenge processes have refined the quality of availability data and underlying Fabric data. With the knowledge gained from several years of managing these reporting and challenges processes, and with the number of filed challenges decreasing along with the burden on Commission staff,¹⁸ now is an apt time for the Commission to direct its resources toward a top-down review of what has worked (and what has not) with respect to all of its mapping rules and challenge processes. This would allow the Commission to investigate whether persistent inaccuracies might be cemented into the NBM precisely because certain aspects of the current processes are inadequate to detect or address them.

Thus, NTCA encourages the Commission to seek comment on (1) amending its rules that govern ISP reporting in the first instance, (2) increasing transparency with respect to its Fabric challenge process and reviewing the types of evidence that challengers can submit, and (3) amending its bulk availability challenge process.

ISP Reporting. With respect to reporting rules, NTCA has previously urged the Commission to establish, for each technology, specific technical standards that an ISP must

¹⁷ *Id.*, pp. 2-11,

¹⁸ The decline in the number of filed challenges should not be interpreted as a success; rather, this may likely be a product of “challenge fatigue,” where providers cannot find a means to convey their experience in what networks can realistically deliver and their firsthand knowledge of their communities through overly rigid or ineffective challenge processes.

demonstrate they can meet before being permitted to claim coverage at specific levels of performance (e.g., speed and latency) across a given geography.¹⁹ Under this approach each ISP would also submit a reasonable level of documentation to demonstrate that those standards are met in the case of its specific network deployment. To explore this proposal, the Commission should seek comment on:

- whether technical reporting standards that define realistic network performance expectations and that govern the extent of coverage claims included in BDC reporting are required by the Broadband DATA Act, which calls for ISPs to report on “actual” versus advertised availability of service;²⁰ and
- what documentation a reporting ISP should include with its BDC reporting to demonstrate that those standards are met in the case of its specific network deployment.

Fabric Challenge Process. With respect to the Fabric challenge process, NTCA members report that open fields, sheds along train tracks, barns, stock tanks, lakes and swamps are frequently depicted as BSLs.²¹ Even worse, visual evidence that demonstrates whether a structure is a BSL or not is no longer accepted as part of a Fabric challenge. With respect to missing locations, even homes where providers have active subscribers – in some cases they have had subscribers at these locations for decades – are missing or labeled as “non-serviceable” locations. Moreover, the Fabric challenge process also lacks transparency and communication, as there appears to be little to no communication as to whether a Fabric challenge has been accepted after filing. After submission, several months or more can elapse before any response

¹⁹ Comments of NTCA–The Rural Broadband Association, WC Docket Nos. 19-195, 11-10 and 10-90 (fil. Oct. 7, 2024), pp. 3-5.

²⁰ 47 U.S.C. § 642(b)(2)(A)(i)(I) (stating that “the Commission shall collect...from each provider of terrestrial fixed, fixed wireless, or satellite broadband internet access service...data that...documents the areas where the provider... has actually built out the broadband network infrastructure of the provider such that the provider is able to provide that service.”).

²¹ *See id.*, fn 17.

or resolution to a challenge itself is communicated (and in many cases none is ever provided). Finally, there is little to no communication as to why a challenge was denied or the evidence upon which that determination was based. This is information that could allow challengers to refine their approach and would improve the efficacy and efficiency of the process. Thus, the Commission should among other things seek comment on:

- whether it should allow the submission of visual evidence going forward and the specific steps challengers could take to ensure such evidence is considered persuasive;
- whether the Commission should treat evidence of current or recent (e.g., past 12 months) active billing of service to that location as prima facie evidence that a location is indeed a “serviceable location”; and
- how the Commission can effectively explain to challengers the status of a challenge after it is filed and what contrary evidence/criteria were used to justify the denial of a Fabric challenge once it is adjudicated.

Bulk Availability Challenge Process. The bulk availability challenge process is not properly calibrated to enable challengers to identify many of locations that are incorrectly depicted as served and successfully remove them from the map.²² For example, data such as “Propagation Model Details,” “Fixed Wireless Base Station Location and Height” and “Fixed Wireless Link Budget Parameters” are only submitted by terrestrial fixed wireless broadband providers that file coverage maps (as opposed to a list of locations).²³ Challengers, who lack access to such data even when provided to the Commission, are frustrated in attempting to assess reporting providers’ ability to perform as promised in the face of terrain, distance, and other factors that can degrade or limit the quality or reach of service. They are in fact left to “prove a

²² Comments of NTCA–The Rural Broadband Association, WC Docket Nos. 11-10, 19-195 (fil. Feb. 19, 2024), pp. 7-9.

²³ *Broadband Data Collection, Data Specifications for Biannual Submission of Subscription, Availability, and Supporting Data* (March 30, 2023) (“BDC Specifications”), Section 7, p. 32.

negative” by attempting to show across widespread areas that service is unavailable to dozens or hundreds, or even thousands, of locations. Speed test data that could inform the Commission’s verification or audit processes is not accepted via the availability challenge process. Thus, the Commission should seek comment on:

- whether challengers have access to the information necessary to successfully pursue a challenge, and whether challengers should have access – subject to the Commission’s protective order rules – to supporting data submitted to demonstrate compliance with reporting standards;
- whether it should adopt a process to investigate further when (a) there are numerous challenges of the same provider in a given area, or (b) a coverage report looks questionable on its face as compared to what other ISPs report in terms of performance and scope using similar technologies. As NTCA has previously proposed, the Commission should treat these as a “red flags” for investigation and audit and a rulemaking should seek comment on this proposal;²⁴ and
- whether the Commission should also allow for the limited use of speed test data, at present only accepted as evidence in the crowdsourcing context, for bulk availability challenges. As NTCA has also previously proposed, if a statistically valid sample of speed tests raises a flag, the Commission should in this scenario undertake additional investigation.²⁵

IV. CONCLUSION

For the reasons set forth above, the Commission should abandon the *Further Notice* proposals to relax the coverage restoration process and should instead engage in a top down review of its broadband mapping rules. NTCA looks forward to working with the Commission to address the issues raised herein.

²⁴ NTCA April *ex parte*, Appendix A, p. 13.

²⁵ *Id.*

Respectfully submitted,



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