

SUPPORTING STATEMENT

New collection entitled: Residential Fixed Broadband Services Testing and Measurement.

**A. Justification:**

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

The Commission requests emergency processing under 5 C.F.R. § 1320.13 for this collection of information critical to the National Broadband Plan (Broadband Plan) required under the American Reinvestment and Recovery Act of 2009 (ARRA), Pub. L. No. 111-5, 123 Stat 115 (2009). The Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, Stat 4096 § 103(c)(1) directs the Commission to collect information on the type of technology used to provide broadband to consumers, the price of such services, actual transmission speeds, and the reasons for non-adoption of broadband service.

This collection of information is necessary to complete research done for the Broadband Plan on key consumer issues including transparency and actual speeds and performance of broadband service. These issues are central to a number of the Broadband Plan's purposes, including "ensur[ing] that all people of the United States have access to broadband capability[;] . . . analy[zing] . . . the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;" developing "a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public;" and "evaluat[ing] . . . the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section." ARRA § 6001(k)(2).

As noted on the OMB Form 83i, this information collection does affect individuals or households. However, the collection of personally identifiable information (PII) is being done by SamKnows, a third party contractor, and not the Commission.

SamKnows will be collecting this PII from individuals who choose to participate in this broadband performance study. SamKnows has prepared a "privacy statement" that describes the PII that is being collected and the

privacy protections that it has established to guard the collection, uses, and disclosure of this information.

### **Privacy Statement**

SamKnows, on behalf of the FCC, is collecting and storing broadband performance information, including various personally identifiable information (PII) such as the street addresses, email addresses, online usage patterns, and broadband performance information, from those individuals who are participating voluntarily in this test. SamKnows will not release, disclose to the public, or share any PII with any outside entities, including the FCC, except as is consistent with the Privacy Act of 1974, Public Law 93579 (5 U.S.C. 552a(b)(5)). For more information, see the SamKnows privacy policy. The broadband performance information that is made available to the public, including the FCC, will be in an aggregated form and with all PII removed, in compliance with subsection (b)(5) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), and the SamKnows privacy policy. The broadband performance information that is made available to the public, including the FCC, will be in an aggregated form and with all PII removed, in compliance with subsection (b)(5) of the SamKnows privacy policy. The FCC is soliciting this information under authority of the Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, Stat 4096 § 103(c) (1); American Reinvestment and Recovery Act of 2009 (ARRA), Pub. L. No. 111-5, 123 Stat 115 (2009); and Section 154(i) of the Communications Act of 1934, as amended.

2. *Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The Commission's Office of Strategic Planning and Policy Analysis (OSPPA) and Consumer and Intergovernmental Affairs Bureau (CGB) will use information collected under this study to assess what actual broadband speeds and performance consumers are currently receiving from providers. Our purpose is to measure Internet Service Providers (ISPs) across service packages and geographies, rather than assess the differences in broadband performance received by demographics. This assessment will help the Commission create standards for broadband measurements, assess the validity of ISP performance claims, and inform future steps to increasing transparency and consumer awareness of broadband service.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological techniques or other forms of information technology, e.g., permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

The speed and performance monitoring will involve the placement of hardware devices in consumers' homes, to accurately measure the

performance of fixed line broadband connections based on real-world usage. These hardware devices are controlled by a cluster of servers, which host the test scheduler and reporting database. The data is collated on the reporting platform and accessed via a reporting interface and secure FTP. In this case, information technology is used extensively to reduce burden on the panelists, as all data collection will be automated after the initial installation of the hardware.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

To our knowledge, no similar effort to collect consumer information exists in the United States, though other countries have conducted similar projects. This study seeks to collect information on actual speeds and performance of broadband connections delivered to residential customers by ISPs.

There are existing software-based tools and online tools that test consumer's broadband connections, including a set of consumer tools recently launched by the FCC in conjunction with the National Broadband Plan. However, these solutions track speeds experienced by consumers, rather than speeds delivered to a residence by an ISP. This is an important distinction, as ISPs advertise speeds delivered rather than speeds experienced, which suffer from degradation outside of an ISP's control. No other dedicated panel of hardware-test meters exists today in the country.

The collection effort proposed also has specific elements focused on further network performance statistics, time of day parameters, and other elements affecting consumers' broadband experience that are not tracked elsewhere. Therefore, the proposed information collection is different in purpose and source.

5. *If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 831), describe any methods used to minimize the burden.*

Not applicable. This survey collection affects individual consumers.

6. *Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.*

The Commission's other data collection efforts are insufficient to fully determine the extent and nature of the impact of consumers' understanding regarding speeds, performance characteristics, and fees.

7. *Explain any special circumstances that would cause an information collected in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).*

There are no special circumstances that would cause an information collection in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5(d)(2).

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. § 1320.5(d), soliciting comments on the information prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.*

This is an emergency request. The Commission is requesting a waiver of the 60 day Federal Register notice requirement under 5 CFR § 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

9. *Explain any decision to provide any payment or gift to respondents, other than enumeration of contractors or grantees.*

The contracted firm, SamKnows, has developed a recruitment strategy to acquire the survey panel, based on its previous experience with the UK Government Regulator. This strategy was originally developed in conjunction with statistical experts and third party panel recruitment specialists and has been approved as a methodology by FCC.

SamKnows proposes to attract volunteers through a combination of:

- The Whitebox (hardware appliance) itself being worth \$100 (being a fully functioning Netgear wireless router)
- Free access to a consumer's own broadband performance data
- Free access to aggregated panel data in a simplified form (once privacy considerations are addressed)

Respondents will not receive any payment in exchange for participation in this study.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

No personally identifying information will be transmitted to the Commission from the survey contractor as a matter of vendor policy. SamKnows maintains a series of administrative, technical, and physical safeguards to protect against

the transmission of personally identifying information. At point of registrations, individuals will be given full disclosure in a “privacy statement” (as explained in Question 1 above), highlighting what information will be collected. SamKnows will also explain what information will not be collected.

11. *Provide additional justification for any questions of a sensitive nature.*

This information collection does not address any private matters of a sensitive nature; and as noted in Questions 1 and 10, SamKnows has prepared a “privacy statement” to explain the various safeguards to be used in collecting and using the PII that is collected.

12. *Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of responses, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of the estimated hour burden, and explain the reasons for the variance.*

For Paperwork Reduction Act purposes the total time burden for the survey is estimated at 11,000 **(11,000 respondents x 1 hour per response for all participation activities = 11,000 total annual burden hours).**

This estimate is based a 10 minute initial sign-up for the panel, 30 minutes to connect and install the hardware appliance, and two 10 minute validation contacts to be conducted by the vendor over the course of the study period.

Respondent Time Burden				
<b>11,000 Hardware Appliances Installed in Respondent Homes</b>				
		<b>Total minutes</b>	<b>Total hours</b>	<b>Mean minutes / person</b>
<b>Minutes for initial sign-up</b>				
11,000	Online sign-up process	110,000	1,833	10
<b>Minutes for hardware installation</b>				
11,000	Time to connect hardware in home	330,000	5,500	30
<b>Minutes for quarterly validation</b>				

11,000	Validation of hardware on ongoing basis	220,000	3,667	20
<b>Total Time Burden</b>				
11,000	Total time for panel participants	660,000	11,000	60

13. *Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any hour burden shown in items 12 and 14.*

This information collection is based on a hardware appliance installed in the home to collect broadband performance information in an automated fashion. It will impose no cost burden on the participants.

14. *Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff).*

An outside party will administer this collection. Specifically, the Commission plans to use the services of SamKnows Limited to construct the respondent panel, deliver the hardware to participants, collect results, and provide statistical analysis. The cost of the contract is \$599,940. The Commission does not anticipate any additional costs to the Commission as a result of this collection.

15. *Explain the reasons for any program changes or adjustments reported.*

This is a new collection resulting in a program change increase of 11,000 total annual burden hours.

16. *For collections of information whose results will be published, outline plans for tabulation and publication.*

The results of the study will be made available as part of a “US State of Broadband” report, to be delivered 150 days after the contract award is made.

Furthermore, SamKnows will make available a public version of the real-time reporting website within 120 days of contract award, which will contain summary reports of actual service coverage by region and provider.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that a display would be inappropriate.*

The Commission is not seeking approval to not display the OMB expiration date for OMB approval of the information collection. The Commission publishes a list of all OMB-approved information collections including the OMB control numbers, OMB expiration dates and titles in 47 C.F.R. § 0.408.

18. *Explain any exceptions to the statement certifying compliance with 5 C.F.R. § 1320.9(d) and the related provisions of § 1320.8(b)(3).*

There are exceptions to item 19 of OMB 83i. This is an emergency request. The Commission did not publish a 60 day notice in the Federal Register due to the emergency nature of this request.