

Virginia Broadband Availability Map

Internet Service Provider Service Territory Data Submission Guidelines



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Submission Guidelines

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Section P of Item 115 of Chapter 2, 2022 Acts of Assembly, 2022 Special Session 1, commonly known as the Budget Bill, directs the Department of Housing and Community Development (DHCD) to develop a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth. As directed in the Budget Bill, all broadband service providers shall be required to submit updated service territory data to the Department annually, containing the locations to which they provide broadband service.

Pursuant to budget bill language, the Department may publish only anonymized versions of the map, showing serviceable and unserviceable by broadband without reference to any specific provider. The map shall not include information regarding ownership or control over the network or networks providing service. Information submitted by a broadband provider in connection with this section shall be excluded from the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Information submitted by a broadband provider pursuant to this section shall be used solely for the purposes stated under this section and shall not be released by the Department, or any other public records custodian, without the express written permission of the submitting broadband provider.

Data Submission Requirements

Pursuant to budget bill language, broadband providers shall be required to submit updated service territory data to the Department annually. Also, in no instance may the Department require broadband providers to submit any data, in either substantive content or form, beyond that which the provider is required to submit to the Federal Communications Commission (FCC) pursuant to the federal Broadband Deployment Accuracy and Technological Availability Act, 47 U.S.C. § 641 et. seq. Service territory data includes where the provider has actually built out their broadband network infrastructure and is able to provide that service through a standard broadband installation.¹

Broadband providers include terrestrial fixed, mobile or fixed wireless, or satellite² providing broadband internet access service and includes entities required to provide the federal government as part of the federal Digital Opportunity Data Collection program pursuant to 47 U.S.C. § 214(e)(6) for any portion of the Commonwealth.

¹ As referenced in Public Law 116-130, commonly known as the “Broadband Deployment Accuracy and Technological Availability Act” a standard broadband installation means the initiation by a provider of fixed broadband internet access service in an area where the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider; and includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.

² Satellite-based broadband providers that have been designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of the Commonwealth shall be required to submit comparable data as other broadband providers

The data submitted must meet the requirements established in the federal Broadband DATA Act (Act, 47 U.S.C. § 641 et. seq.), as outlined in these guidelines, and include granular service territory data.

This data must be the same, in substance and in form, as submitted to the Federal Communications Commission under its Broadband Data Collection Program by their March 1, 2024 submission deadline for service territory data reflecting service availability on December 31, 2023.

This data must be submitted to the Broadband Data Submission Portal by March 5, 2024. Failure to submit data by this deadline may result in supplemental action by the Commonwealth of Virginia.

Assistance with data submission is available from the DHCD Office of Broadband and CGIT at the contact emails below. After submission, providers will be notified of a successful submission once the data has been verified to be functional. Once the coverage data is published on the state broadband map there will be an opportunity for the public, government entities, and third parties to petition the accuracy of the data.

Permissions for Data Usage

By submitting service territory data for the purposes of this process, internet service providers also permit DHCD to use the data submitted for the purpose of challenging broadband availability mapping data under the Federal Communications Commission's Broadband Data Collection (BDC) program.

Requirements of Petitioning Inaccuracies in the Commonwealth Connection:

Internet service providers may petition DHCD to correct inaccuracies in the Commonwealth Connection map. Two processes are outlined below for petitioning inaccuracies. These two processes are for the purpose of (1) petitioning inaccuracies in an internet provider's own service territory, as well as (2) petitioning inaccuracies in service territory data as depicted on the Commonwealth Connection Map. Prior to submitting a petition under either process, DHCD strongly encourages petitioners to contact DHCD staff at broadband@dhcd.virginia.gov.

Petitioning Inaccuracies on an Internet Service Provider's own Service Territory Data

Internet service providers wishing to petition DHCD to correct inaccuracies in their own service coverage data as displayed on the map should contact both emails listed under the Contact Information section of this document. Petitions under this category must be received by DHCD by July 1, 2024 to be considered. These petitions must include a cover letter explaining the alleged inaccuracies in the data as displayed on the Commonwealth Connection map, and if necessary, an updated submission in accordance with the requirements outlined under these guidelines. Any determination made by the department pursuant to any specific petition under this section with respect to any specific map to correct inaccuracies shall be final and not subject to further review. DHCD will update the Commonwealth Connection map reflecting these petitions by September 1, 2024.

Petitioning Inaccuracies on Service Territory Data as depicted on the map

Internet service providers seeking to petition DHCD to correct inaccuracies in service territory data as displayed on the Commonwealth Connection Map must submit the information required below to initiate the petition process to both email addresses listed under the Contact Information section of this document. DHCD must receive all of the information detailed below or the petition will be deemed incomplete and invalid. Petitioners must provide:

- A cover letter explaining the justification for the petition
- A signed and notarized affidavit affirming the petition and attached information is true.
- Point shapefiles that show each location in the petitioned area, designated by a singular mapped point, in the petitioned area containing attribute data showing the addresses of each point; or, Polygon shapefiles delineating the general petitioned area(s). These files must be provided in .zip file form and must be in alignment with the shapefile guidelines provided above under the Data Submission Requirements Section. Locations in the petitioned area may also be submitted as a list of VGIN ID points in a comma delimited text file (.csv), so long as their formatting conforms to the [CSV and Shapefile Guidelines](#). *Note: Point and polygon shapefiles submitted with petitions are subject to the Freedom of Information Act and will not be provided FOIA exemption.*
- Petitioners must, for a minimum of at least 50% of locations in the petitioned area, provide written justification for the basis of the petition. DHCD requires petitioners to conduct speed tests on at least 20% of locations in the petitioned area to justify assertions included in the petition. DHCD prefers speed tests to be conducted at the access point (i.e. customer premise equipment, router, or modem) at the end-user location.

Petitions under this category must be received by DHCD by July 1, 2024 to be considered. DHCD will review all applicable petition information to determine if a petition is credible. If deemed credible, DHCD will notify internet service providers which purported service coverage in the petitioned area by July 15, 2024.

DHCD will provide the opportunity for internet service providers which purported service coverage in the petition area to submit a rebuttal to the petition. If planning to submit a rebuttal, internet service providers must notify DHCD of this intent by July 22, 2024. Upon this notification, DHCD will provide at a minimum, the cover letter, affidavit, and shapefiles

submitted with the petition to internet service providers seeking to submit a rebuttal. All rebuttal information must be submitted to DHCD by August 22, 2024. Information submitted to contest a petition is at the discretion of the internet service provider submitting the rebuttal. All information submitted in the rebuttal process by an internet service provider shall be considered voluntarily submitted by that internet service provider.

If a petition is not rebutted, DHCD will make a determination based upon the information submitted in the petition. Any determination made by the department pursuant to any specific petition under this section with respect to any specific map to correct inaccuracies shall be final and not subject to further review. DHCD will update the Commonwealth Connection map reflecting petition determinations by September 1, 2024 and notify internet service providers of the determination by this date.

Contact Information:

DHCD Office of Broadband: broadband@dhcd.virginia.gov

VT Center for Geospatial Information Technology: cgitsupport@vt.edu