

## Official Publication of Statewide Broadband Availability Map V2 Pursuant to Iowa Administrative Code rule 129—20.3 and 20.4: September 20, 2019

**Overview:** As required by Iowa Code section 8B.10(1), as amended by 2019 House File 772, Division II (2019 Iowa Acts, chapter 159, Division II), the Office is required, on a periodic basis to “[determine] whether a communications service provider offers or facilitates broadband service meeting the download or and upload speeds specified in the definition of targeted service area in section 8B.1 . . . by reference to broadband availability maps or data sources that are widely accepted for accuracy and available for public review and comment and that are identified by the office by rule.” The Office must make this periodic determination, at least, “to the extent updated maps and data sources are available at the time, prior to each round of grant applications solicited by the office pursuant to section 8B.11.” As a result of current data sets available, the Office’s determination is made at the census block level. At the time of the publication of this Statewide Broadband Availability Map (“**Map**”), the download and upload speeds specified in the definition of targeted service area in Iowa Code section 8B.1, and used for determining whether a given census block is eligible to receive State incentives, were twenty-five (25) megabits per second of download speed and three (3) megabits per second of upload speed, respectively (“**25/3 Broadband**”).

The Office documents and communicates the above-described determinations through the creation and publication of this Map. See Iowa Admin. Code r. 129—20.3 and 20.4. In doing so, the Office utilizes the fixed broadband availability maps and corresponding data sources made available by the Federal Communications Commission (FCC) online, at [www.fcc.gov/general/broadband-deployment-data-fcc-form-477](http://www.fcc.gov/general/broadband-deployment-data-fcc-form-477). Iowa Admin. Code r. 129—20.3. These maps and corresponding data sources represent the status of fixed Broadband in Iowa as of a fixed point in time (“**As of Date**”) that corresponds with the “as of date” of the FCC maps and data sources underlying the Map.

**Note:** On July 29, 2019, OCIO published a preliminary draft of this second version (“**V2**”) of the Map. The Office considered this preliminary draft to be a “Pre-publication Draft,” and elicited informal feedback/comments, some of which were incorporated into this final publication of V2 of the Map. The Office notes that the Pre-publication Draft version of V2 of the Map was based on an “as of date” of **December 31, 2017**. Since that time, the FCC released updated data with an “as of date” of **June 30, 2018**. Because the accuracy of the Iowa Map is of critical importance to the OCIO, OCIO has determined that it is appropriate to rely on this more recent Form 477 data in finalizing Iowa’s Map. Accordingly, the as of date for this final publication of V2 of the Iowa Map is **June 30, 2018**. The Office took this change in as of date into consideration in reviewing feedback and comments it received as it relates to the Pre-publication Draft of V2 of the Map.

**Color Code/Legend:** With that backdrop in mind, as further explained through the following color code/legend, this Map represents the status of 25/3 Broadband in Iowa as follows:

- **Clear/No Color:** If a census block is clear or no color, the maps and corresponding data sources and feedback/comments utilized or received by the Office support the conclusion that 25/3 Broadband **WAS** available within that census block as of June 30, 2018.
- **Blue:** If a census block is Blue, the maps and corresponding data sources and feedback/comments utilized or received by the Office support the conclusion that 25/3

Broadband was **NOT** available within that census block as of June 30, 2018. These census blocks are referred to as “Targeted Service Areas” or “TSAs,” as defined by Iowa Code section 8B.1(12), and are eligible to receive State incentives.

- **Red:** If a census block is Red, the Office has previously Awarded a grant to a Communications Service Provider in that area. Iowa Code § 8B.11. The fact of prior Grant Award (e.g., property tax exemption or grant) does not make an area “ineligible” *per se*—in other words not a TSA. That determination turns not on the issuance of a prior Award, but on the fact of service as of the As of Date—June 30, 2018. However, the fact of a prior Award may result in disqualification or the receipt of a lower overall score in the context of the Broadband Grants Program administered pursuant to Iowa Code section 8B.11. This information is also useful in understanding the scope and efficacy of incentive programs administered by the Office.

**Version/Stage in Process:** This Map represents the official publication of version 2 (“**V2**”) of the Broadband Availability Map. See Iowa Admin. Code r. 129—20.4(1) (“This statewide map shall be published online at [ocio.iowa.gov/broadband](http://ocio.iowa.gov/broadband)”). Through this official publication, the Office is triggering the window for formal challenges pursuant to Iowa Administrative Code rules 20.4(1)-(3) and 20.5. If after reviewing this final, official publication of V2 of the Map you believe that a census block that is **NOT** currently designated as a Targeted Service Area should be a Targeted Service Area because 25/3 Broadband was **NOT** available within that census block as of June 30, 2018; or, conversely that a census block that is currently designated as a Targeted Service Area should **NOT** be a Targeted Service Area because 25/3 Broadband **WAS** available within that census block as of June 30, 2018, you may appeal the Office’s determination by filing a formal challenge pursuant to and in accordance with Iowa Administrative Code rule 129—20.4(3) and 20.5. Accompanying your challenge, please provide us with any/all evidence in your possession that may support your claim, including but not limited to sworn affidavits submitted under penalty of perjury. Examples of evidence and information the Office would consider particularly probative of Broadband service at or above 25/3 Broadband include:

- Signed attestations submitted to the Office under penalty of perjury on forms provided by the Office that the applicable census block(s) was or was not served as of the As of Date, June 30, 2018, with Broadband service at or above 25/3 Broadband; or
- Bills or invoices provided to or received by customers in the applicable census block(s) which identify the specific download and upload speeds provided or received as of the As of Date, June 30, 2018.

Please carefully follow the content, filing, evidentiary, and timeliness requirements governing this challenge process, as failure to do so may result in dismissal of your appeal. From the date of this official publication, any aggrieved or adversely affected party has twenty (20) days to challenge the Office’s determination; failure to do so within that period will render the Office’s determination as represented on the Map final and no longer subject to challenge, see Iowa Admin. Code r. 129—20.4(3).

**Office’s administrative rules governing the publication and challenge process**

<https://www.legis.iowa.gov/docs/iac/chapter/09-11-2019.129.20.pdf>