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## STAFF MEMORANDUM

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**To:** Commissioners and Advisors

**From:** Brian Rounds

**RE:** Staff Recommendation in TC13-026 – In the Matter of Study Area Boundaries for Incumbent Local Exchange Carriers

June 17, 2013

Staff has been working closely with the Incumbent Local Exchange Carriers (ILECs) over the past month to create a uniform set of mapping data that could be approved by this Commission for eventual submittal to the FCC. The product of that work is attached, and Staff is requesting the Commission's approval.

### PROCESS

Following the Commission's April 12<sup>th</sup> order, ILECs filed their mapping data with the Commission in late May. Upon receipt, Staff compiled the data and began checking for gaps (where no carrier claimed to serve) and overlaps (where more than one carrier claimed to serve). The result was over 2,200 gaps and overlaps. The vast majority of these gaps and overlaps were due to exchange boundaries not lining up perfectly with each other or the state boundary.

Staff made the assumption that the majority of boundaries were meant to be contiguous and adjusted the boundaries as such to eliminate as many gaps and overlaps as possible. The scale of these adjustments was mostly in terms of feet and tens of feet, so they were considered to be immaterial. The end result was six gaps and four overlaps that appeared to be intentional. Staff asked for comments on the adjustments we made and the ten gaps and overlaps, and resulting comments reduced them down to just three gaps. After another round of comments which closed on Friday, June 14, we are down to only two gaps.

### UNSERVED AREAS

The final two gaps, detailed in Appendix A, are defined as unserved areas. No customers are currently being served within the areas, and no ILEC has volunteered to serve the area should a future customer make a request. For clarification on how the FCC would treat unserved areas, Staff contacted Suzanne Mendez and Ken Lynch at the FCC. FCC Staff said that they expect some unserved areas to be filed, but the FCC has no intention of "assigning" those areas to carriers. As a result, ***Staff recommends approving these areas as unserved unless an adjoining carrier volunteers to serve.***

### BOUNDARY ACCURACY

The FCC's February 26, 2013, Order on Reconsideration<sup>1</sup> requires shapefiles conform to the 1:24,000 scale, which is basically an accuracy of +/- 40 feet. The best way to ensure this type of accuracy is to attach boundaries to a geographic feature, such as a road, section line, or river. As a reference, we go one step further on our electric service territory maps by including a legal

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<sup>1</sup> [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-13-282A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-282A1.pdf)

description of the boundaries. Although no legal description exists for most of the study area boundary data, many of the boundaries are attached to a geographic feature. However, some of the boundaries are not well-defined within sections; they appear to follow quarter or sixteenth lines, but in many cases it is unclear.

Staff became aware of this issue approximately two weeks ago and, realizing that it would likely take months to attach all the boundaries to geographic features, called FCC Staff for guidance on whether a state should submit data that is known to be inaccurate. Staff spoke with Suzanne Mendez, John Emmett and Jim Eisner at the FCC and their response was that during this first year, the FCC is looking for a “best faith, best effort” attempt at creating a national map. They are expecting errors, and they expect adjustments to be made over time. They directed Staff to the February 26, 2013, Order on Reconsideration<sup>2</sup> that states “in this first year of implementation, we ask all parties to undertake best efforts to work with us to develop a coherent national data set.”<sup>3</sup> They also pointed to the order’s emphasis on a “company’s reasonable, good faith efforts”<sup>4</sup>. Finally, they clarified that the purpose of the accuracy requirements was not necessarily for boundary accuracy, but to “have boundaries conform to a common base map” and “improve the reconciliation process.” Basically, they wanted to avoid having to fix the 2,200 errors that we went through. Thus, our maps technically achieve the accuracy required by the FCC because they are perfectly contiguous, but in some cases the actual boundaries could be off by up to 1/8<sup>th</sup> of a mile.

***Staff’s recommendation is to certify and submit the current boundaries, but include a comment that we intend to work with the ILECs over the next year to attach all boundaries to geographical features.***

#### **VIEWING BOUNDARIES**

Staff apologizes for the fact that throughout this process, maps have not been in a format that is actually viewable without sophisticated GIS software, and we are asking the Commission to approve boundaries that they haven’t even actually seen up until today. In an attempt to provide some visual representation, we are submitting a map in 11x17 format as Appendix B to this memorandum. Included in this appendix is also the attribute table associated with the exchanges as well as the complete list of CLLI codes that will be submitted to the FCC.

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at para. 14

<sup>4</sup> *Id.* at para. 15