



To: Dr. Bernadette McGuire-Rivera
Associate Administrator, Office of Telecommunications and
information

From: Maria Shahnami, President

Reference: American Recovery and Reinvestment Act of 2009 Broadband
Initiatives - Section 6001 NTIA Broadband Grants and Program

Thank you for the opportunity to review and submit our answers. As you note, our comments / response are inserted within your document.

If you have any questions or require additional information please call or email me.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. 090309298-9299-01]

American Recovery and Reinvestment Act of 2009 Broadband
Initiatives

AGENCIES: National Telecommunications and Information Administration,
U.S. Department of Commerce; Rural Utilities Service, U.S. Department
of Agriculture.

ACTION: Joint request for information and notice of public meetings.

SUMMARY: Section 6001 of the American Recovery and Reinvestment Act of
2009 (Recovery Act) requires the National Telecommunications and
Information Administration (NTIA) to establish the Broadband Technology
Opportunities Program (BTOP). The Recovery Act further establishes
authority for the Rural Utilities Service (RUS) to make grants and
loans for the deployment and construction of broadband systems. NTIA
and RUS will hold a series of public meetings about the new programs
beginning on March 16, 2009. In addition to the information received
about the new programs during the public meetings, written comments
will be accepted through April 13, 2009. Through this notice, guidance
is provided as to the matters to be discussed at these public meetings
and the categories of information with respect to which interested parties
may submit comments.

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a. Should a certain percentage of grant funds be apportioned to each category?

All of the above listed categories play an important role in insuring that the initiative to expand broadband coverage is diversified among political and social groups. Therefore, a minimum funding requirement should be allocated to each category. The minimum funding amount should focus on job creation, sustainable growth, and public interest. Therefore, the minimum amount allocated to the above categories should be distributed in a manner as follows:

15 % - Unserved Areas

5 % - Underserved Areas

15 % - Education, Awareness, Training, Access, Equipment, and Support

25 % - Public Safety Agencies

15% - Stimulate demand for broadband, economic growth, and job creation.

b. Should applicants be encouraged to address more than one purpose?

Broadband initiatives should definitely be encouraged to address more than one purpose. Based on the above categories, broadband projects can easily be designed to meet the needs of multiple areas. Projects meeting only one category should be provided a high degree of scrutiny as subsequent projects and expenditures will still be required to address the remaining categories.

c. How should the BTOP leverage or respond to the other broadband-related portions of the Recovery Act, including the United States Department of Agriculture (USDA) grants and loans program as well as the portions of the Recovery Act that address smart grids, health information technology, education, and transportation infrastructure?

2. The Role of the States: The Recovery Act states that NTIA may consult the States (including the District of Columbia, territories, and possessions) with respect to various aspects of the BTOP.\3\ The Recovery Act also requires that, to the extent practical, the BTOP award at least one grant to every State.\4\

a. How should the grant program consider State priorities in awarding grants?

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Priorities should satisfy the minimum funding percentages, provide broadband service to diverse users, provide both immediate and sustainable economic benefits, are prepared to begin immediately, and are deemed to be in the public interest. Project proposers should be asked to demonstrate how their proposed contract meets these criteria.

b. What is the appropriate role for States in selecting projects for funding?

States can play an important role but should not be able to approve / disapprove grants, etc. NTIA through DHS has tried the States' role in other Grants proceeding such as PSIC, SHSG, etc. Those grants have demonstrated success such as streamlining the process, familiarity with geography and demographic, operational requirements, etc.. They have also demonstrated pitfalls such as Local vs. State bureaucracy, political favoritism, delays in informing the local agencies with sufficient information about the grants, etc.

c. How should NTIA resolve differences among groups or constituencies within a State in establishing priorities for funding?

Either NTIA can do that or a hire a third party such as an 8(a) and/or woman owned firm similar to FCC's decision on Rebanding through Docket 02-55.

d. How should NTIA ensure that projects proposed by States are well-executed and produce worthwhile and measurable results?

Require the State for propagation studies. Also request quarterly reports to ascertain compliance with their established guidelines.

3. Eligible Grant Recipients: The Recovery Act establishes entities that are eligible for a grant under the program.\5\ The Recovery Act requires

NTIA to determine by rule whether it is in the public interest that entities other than those listed in Section 6001(e)(1)(A) and (B) should be eligible for grant awards. What standard should NTIA apply to

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determine whether it is in the public interest that entities other than those described in Section 6001(e)(1)(A) and (B) should be eligible for grant awards?

Public interest should be deemed as a beneficial service provided to create jobs, and maximize the usage of the broadband for items such as but not limited to, more efficient operations, increased knowledge, increased ability to generate revenue, etc. Project proposals should include a description of exactly how the project will satisfy the public interest, the population the project will serve, and the benefit the project will bring to the public above and beyond existing conditions.

\5\ Section 6001(e) states that eligible applicants shall--
(1)(A) Be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;

(B) a nonprofit--
(i) foundation,
(ii) corporation,
(iii) institution, or
(iv) association; or
(C) any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest. In establishing such rule, the Assistant Secretary shall to the extent practicable promote the purposes of this section in a technologically neutral manner * * *.

4. Establishing Selection Criteria for Grant Awards: The Recovery Act establishes several considerations for awarding grants under the BTOP.\6\ In addition to these considerations, NTIA may consider other priorities in selecting competitive grants.

\6\ Section 6001(h) states that NTIA, in awarding grants, shall, to the extent practical--

(2) Consider whether an application to deploy infrastructure in an area--

a. Will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;

b. will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;

c. will, if approved, enhance service for health care delivery,

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education, or children to the greatest population of users in the area; and

d. will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area;

(3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).

a. What factors should NTIA consider in establishing selection criteria for grant awards? How can NTIA determine that a Federal funding need exists and that private investment is not displaced? How should the long-term feasibility of the investment be judged?

There are several factors that NTIA should consider in establishing selection criteria for grant awards, namely:

- 1. Certified by SBA as; Small Women Owned Business, an 8(a) Business, Small Disadvantage Business (SDB)*
- 2. Technical approach to the project such as propagation studies*
- 3. Qualifications of team to perform project*
- 4. Capabilities of the company to perform project*

b. What should the weighting of these criteria be in determining consideration for grant and loan awards?

- 1. Certified by SBA as; Small Women Owned Business, an 8(a) Business, Small Disadvantage Business (SDB) - 55%*
- 2. Firm's approach to deliver, implement and sustain post Grant's life - 30%*
- 3. Capabilities of the company to perform project - 15%*

c. How should the BTOP prioritize proposals that serve underserved or unserved areas?

NTIA should review the proposal to find out how fast they produce jobs, are the technology neutral or in compliance with V6 Standards, what is the plan to sustain operation and maintenance post grant's life

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Should the BTOP consider USDA broadband grant awards and loans in establishing these priorities? *YES*

d. Should priority be given to proposals that leverage other Recovery Act projects?

No, because broadband initiatives are not likely to be partnered with other Recovery Act initiatives due to the unique nature of broadband infrastructure. All broadband projects should be weighted equally with regard to leveraging other Recovery Act projects.

e. Should priority be given to proposals that address several purposes, serve several of the populations identified in the Recovery Act, or provide service to different types of areas?

Yes. The more parties that are reached with a specific project, the more cost effective that specific project will be.

f. What factors should be given priority in determining whether proposals will encourage sustainable adoption of broadband service?

The primary factors that will determine whether the broadband service will be adopted include primarily social and economic conditions of the areas that will be provided the service. Proposals covering high population densities are most likely to recognize a return on the investment. Projects relating to wireless broadband for public safety users are very much in need, as wireless broadband infrastructure is still largely unavailable. Broadband service in low population rural areas must be carefully evaluated. For these types of proposals, proposers should be encouraged to collect questionnaires from potential users within the area to determine if they would be interested in newly provided services.

g. Should the fact that different technologies can provide different service characteristics, such as speed and use of dedicated or shared links, be considered given the statute's direction that, to the extent practicable, the purposes of the statute should be promoted in a technologically neutral fashion?

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While we believe it needs to be technology neutral, we also believe conformance to a standard will drive the costs down, invite multi vendor participation , and is more efficient.

h. What role, if any, should retail price play in the grant program?

Not sure I agree with the concept of retail price approach. nonetheless, the rates must be affordable and at a minimum competitive with broadband rates in areas already served with broadband service.

5. Grant Mechanics: The Recovery Act requires all agencies to distribute funds efficiently and fund projects that would not receive investment otherwise.

a. What mechanisms for distributing stimulus funds should be used by NTIA and USDA in addition to traditional grant and loan programs?

If it's an 8(a), SDB or women owned small business, they should be able to receive interest free loan.

b. How would these mechanisms address shortcomings, if any, in traditional grant or loan mechanisms in the context of the Recovery Act?

6. Grants for Expanding Public Computer Center Capacity: The Recovery Act directs that not less than \$200,000,000 of the BTOP shall be awarded for grants that expand public computer center capacity, including at community colleges and public libraries.

a. What selection criteria should be applied to ensure the success of this aspect of the program? *No comments*

b. What additional institutions other than community colleges and public libraries should be considered as eligible recipients under this program?

- *Technical Universities*
- *Public Schools*

7. Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service: The Recovery Act directs that not less than \$250,000,000 of the BTOP shall be awarded for grants for innovative programs to encourage sustainable adoption of broadband services.

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a. What selection criteria should be applied to ensure the success of this program?

1. *Certified by SBA as; Small Women Owned Business, an 8(a) Business, Small Disadvantage Business (SDB) - 55%*
2. *Firm's approach to deliver, implement and sustain post Grant's life - 30%*
3. *Capabilities of the company to perform project - 15%*

b. What measures should be used to determine whether such innovative programs have succeeded in creating sustainable adoption of broadband services?

Once newly established broadband projects have been established, usage characteristics should be collected. These usage characteristics should be compared to previously collected data of regions with similar population densities during initial periods of broadband connectivity. It will not be until sufficient time has passed after the implementation to accurately verify broadband adoption. After a minimum period of 1 year, usage characteristics should be compared to other established broadband usage characteristics for regions with similar population densities.

8. Broadband Mapping: The Recovery Act directs NTIA to establish a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.\7\

a. What uses should such a map be capable of serving?

It should be interactive on the NTIA's web, show the underserved areas, the demographic of various areas (served or underserved). This will not be accomplished without the assistance of the carriers where they MUST be required to comply and cooperate with the NTIA's established vendor(s) for development of the mapping program. The inventory map should be layered so that specific broadband technologies (DSL, Cable, Wireless Broadband, etc.) can visually be

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depicted. Each map layer should be depicted in distinct colors. The quality of coverage (Propagation studies) pertaining to that technology should be represented by the level of transparency of that specific color, with high quality coverage indicated with solid shading, and weak coverage characterized by highly transparent shading. By using layers, composite maps can be created to layer the color shading of all broadband technologies covering a given area. This will enable the government to identify areas not currently served by any broadband technology. It is these areas that should be the focus of BTOP projects.

b. What specific information should the broadband map contain, and should the map provide different types of information to different users (e.g., consumers versus governmental entities)?

- *Who is using Cable, DSL or T1?*
- *Who has the access to the broadband but it's NOT utilizing any of these services*
- *The population demographic such as financial background, race, national of origin*
- *The outage reports*
- *Streets information*
- *Propagation studies*

c. At what level of geographic or other granularity should the broadband map provide information on broadband service?

The map should provide detail that can be depicted up to a city level. Because broadband coverage projects should be evaluated according to the population served, underserved or un-served coverage must be able to be defined for high population concentrations in small geographic areas. If the map detail is not concentrated enough, than only low coverage areas spread over large geographical areas will receive the focus of broadband related projects.

d. What other factors should NTIA take into consideration in fulfilling the requirements of the Broadband Data Improvement Act, Public Law 110-385 (2008)?

e. Are there State or other mapping programs that provide models

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for the statewide inventory grants? YES

f. Specifically what information should states collect as conditions of receiving statewide inventory grants?

- *Who is using Cable, DSL or T1?*
- *Who has the access to the broadband but it's NOT utilizing any of these services*
- *The population demographic such as financial background, race, national of origin*
- *The outage reports*
- *Streets information*
- *Propagation studies*

g. What technical specifications should be required of State grantees to ensure that statewide inventory maps can be efficiently rolled up into a searchable national broadband database to be made available on NTIA's Web site no later than February 2011?

Coverage areas defined on the map should be subdivided into equal size grids. The grid size will depict the level of detail and granularity depicted on the map. A starting point for grid size could be 2 mi x 2 mi equally sized grids. The actual size must be selected to balance the needed coverage detail and the difficulty in measuring coverage in each selected grid. Grids must be small enough to insure that there is minimal variance within any one specific grid. Each state will be responsible for updating grid data for each technology. This information should be provided by the broadband providers.

h. Should other conditions attach to statewide inventory grants?

i. What information, other than statewide inventory information, should populate the comprehensive nationwide map?

- *Who is using Cable, DSL or T1?*
- *Who has the access to the broadband but it's NOT utilizing any of these services*
- *The population demographic such as financial background, race, national of origin*
- *The outage reports*

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- *Streets information*
- *Propagation studies*

j. The Recovery Act and the Broadband Data Improvement Act (BDIA) imposes duties on both NTIA and FCC concerning the collection of broadband data. Given the statutory requirements of the Recovery Act and the BDIA, how should NTIA and FCC best work together to meet these requirements?

Individual broadband providers already contain coverage data up to a per user basis. The task will be to compile already available information. Broadband providers MUST be required to provide such information to the State on a per grid basis. This method will allow both the NTIA and the FCC to acquire data without the need for field measurement tests, and with minimal effort required by commercial broadband providers due to the simplistic nature of the required data and the fact that the data is already readily available.

9. Financial Contributions by Grant Applicants: The Recovery Act requires that the Federal share of funding for any proposal may not exceed 80 percent of the total grant.\8\ The Recovery Act also requires that applicants demonstrate that their proposals would not have been implemented during the grant period without Federal assistance.\9\ The Recovery Act allows for an increase in the Federal share beyond 80 percent if the applicant petitions NTIA and demonstrates financial need.

a. What factors should an applicant show to establish the ``financial need'' necessary to receive more than 80 percent of a project's cost in grant funds?

b. What factors should the NTIA apply in deciding that a particular proposal should receive less than an 80 percent Federal share?

Projects in this category must demonstrate that the project is within the public interest, but will be able to generate future revenue as a result of the project. Examples would include providing broadband access to additional population areas. Once the project is complete, end users will in turn pay for the now available broadband services, generating revenue for the provider.

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c. What showing should be necessary to demonstrate that the proposal would not have been implemented without Federal assistance?

The costs, speed of service, requirements from the carriers to cooperate, etc.

10. Timely Completion of Proposals: The Recovery Act states that NTIA shall establish the BTOP as expeditiously as practicable, ensure that all awards are made before the end of fiscal year 2010, and seek assurances from grantees that projects supported by the programs will be substantially completed within two (2) years following an award.\10\ The Recovery Act also requires that grant recipients report quarterly on the recipient's use of grant funds and the grant recipient's progress in fulfilling the objectives of the grant proposal.\11\ The Recovery Act permits NTIA to de-obligate awards to grant recipients that demonstrate an insufficient level of performance, or wasteful or fraudulent spending (as defined by NTIA in advance), and award these funds to new or existing applicants.\12\

a. What is the most efficient, effective, and fair way to carry out the requirement that the BTOP be established expeditiously and that awards be made before the end of fiscal year 2010?

Establish the guidelines for grants, start the mapping right away, process the grants within 2 weeks of the receipt.

b. What elements should be included in the application to ensure the projects can be completed within two (2) years (e.g., timelines, milestones, letters of agreement with partners)?

At the start of the project, a set of operational milestones must be established. These milestones will be compiled into a Gantt chart, which will outline the period of time that each specific project component should take to accomplish. Verification of milestone completion must be provided to BTOP on the originally scheduled milestone completion date. Changes in milestone dates must be discussed with BTOP, and sufficient justification must be provided. Proposers should be encouraged to implement project schedules that

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will be completed well ahead of the 2-year deadline to allow for any extenuating circumstances that might otherwise extend the completion date.

11. Reporting and Deobligation: The Recovery Act also requires that grant recipients report quarterly on the recipient's use of grant funds and progress in fulfilling the objectives of the grant proposal.\13\
The Recovery Act permits NTIA to de-obligate funds for grant awards that demonstrate an insufficient level of performance, or wasteful or fraudulent spending (as defined by NTIA in advance), and award these funds to new or existing applicants.\14\

a. How should NTIA define wasteful or fraudulent spending for purposes of the grant program?

In order to obtain grant funding, proposers must present all project expenditures to BTOP. This includes the itemized cost of all components, parts, and labor costs associated with the project. Projected costs and part lists must be submitted with the project proposal to BTOP. Any changes in cost from the original proposal must be approved by BTOP. Wasteful or fraudulent spending should be defined as any un-approved expenditure that does not serve the projects goals to implement broadband infrastructure.

b. How should NTIA determine that performance is at an ``insufficient level?''

The government should employ 3rd party broadband infrastructure experts to provide a certification of contractor work. These specialists will verify project completion status on a quarterly basis, and verify that all major milestones meet specifications. These individuals will evaluate the work performed, and determine if the work meets expectations, needs improvement, or is at an insufficient level.

c. If such spending is detected, what actions should NTIA take to ensure effective use of investments made and remaining funding?

12. Coordination with USDA's Broadband Grant Program: The Recovery Act directs USDA's Rural Development Office to distribute \$2.5 billion dollars in loans, loan guarantees, and grants for broadband deployment.

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The stated focus of the USDA's program is economic development in rural areas. NTIA has broad authority in its grant program to award grants throughout the United States. Although the two programs have different statutory structures, the programs have many similar purposes, namely the promotion of economic development based on deployment of broadband service and technologies.

a. What specific programmatic elements should both agencies adopt to ensure that grant funds are utilized in the most effective and efficient manner?

b. In cases where proposals encompass both rural and non-rural areas, what programmatic elements should the agencies establish to ensure that worthy projects are funded by one or both programs in the most cost effective manner without unjustly enriching the applicant(s)?

13. Definitions: The Conference Report on the Recovery Act states that NTIA should consult with the FCC on defining the terms ``unserved area,' 'underserved area,' and ``broadband.' '\15\ The Recovery Act also requires that NTIA shall, in coordination with the FCC, publish nondiscrimination and network interconnection obligations that shall be contractual conditions of grant awards, including, at a minimum, adherence to the principles contained in the FCC's broadband policy statement (FCC 05-15, adopted August 5, 2005).\16\

a. For purposes of the BTOP, how should NTIA, in consultation with the FCC, define the terms ``unserved area' and ``underserved area?'

Unserved - Any area that does not have affordable access to any broadband technology. The defined area should be small enough to isolate the population of unserved areas with a high degree of accuracy. The data rate to defined unserved areas is any area with internet data rates less than 144 kbit/s the rate of ISDN. Underserved area - Any area receiving broadband data rates less than the FCC defined broadband rate of 768 kbit/s, but higher than ISDN rates of 144 kbit/s.

b. How should the BTOP define ``broadband service?'

(1) Should the BTOP establish threshold transmission speeds for purposes of analyzing whether an area is ``unserved' or ``underserved' and prioritizing grant awards? Should thresholds be rigid or flexible?

Unserved and Underserved areas should be defined according to available internet data speeds. These criteria should definitely be

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used in prioritizing grant awards as connectivity speeds provide an objective means of defining user needs and broadband connectivity.

The thresholds should be rigid as they essentially set minimum values that are defined according to technological limitations.

(2) Should the BTOP establish different threshold speeds for different technology platforms?

The threshold should not be adjusted, however each project should demonstrate that the needs of the population or organizations being served have the sufficient capacity to maintain broadband capacity under the maximum expected network usage. Areas requiring higher data rates typically have more network traffic requiring those resources. If a specific technology surpasses the needs of a given region, then perhaps that specific technology is not the best solution.

(3) What should any such threshold speed(s) be, and how should they be measured and evaluated (e.g., advertised speed, average speed, typical speed, maximum speed)?

Thresholds should be calculated based on typical network speed under maximum expected loading conditions. The network should compensate for future population growth and increased usage, so that minimum speeds are maintained above the threshold for at a minimum 20 years.

(4) Should the threshold speeds be symmetrical or asymmetrical?

This depends on the application. Threshold speeds for internet users should be asymmetrical as download rates are typically more beneficial to end users than upload rates. As such, asymmetrical technologies such as ADSL should qualify as meeting broadband specifications. For public safety broadband networks, symmetrical thresholds should be required as personnel will require both high speed upload and download applications.

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(5) How should the BTOP consider the impacts of the use of shared facilities by service providers and of network congestion?

Thresholds should be determined under maximum loading conditions of shared facilities. This data should be collected from existing usage characteristics of broadband networks in operation.

c. How should the BTOP define the nondiscrimination and network interconnection obligations that will be contractual conditions of grants awarded under Section 6001?

(1) In defining nondiscrimination obligations, what elements of network management techniques to be used by grantees, if any, should be described and permitted as a condition of any grant?

(2) Should the network interconnection obligation be based on existing statutory schemes? If not, what should the interconnection obligation be?

(3) Should there be different nondiscrimination and network interconnection standards for different technology platforms?

(4) Should failure to abide by whatever obligations are established result in de-obligation of fund awards? *YES*

(5) In the case of infrastructure paid for in whole or part by grant funds, should the obligations extend beyond the life of the grant and attach for the useable life of the infrastructure? *YES*

d. Are there other terms in this section of the Recovery Act, such as ``community anchor institutions,'' that NTIA should define to ensure the success of the grant program? If so, what are those terms and how should those terms be defined, given the stated purposes of the Recovery Act?

Public Libraries, Community Colleges, Public/Private Hospitals, Public Safety Organizations.

e. What role, if any, should retail price play in these definitions?

Retail price essentially determines the ability of the public to adopt broadband technologies. However, the definitions set in this section are based on minimum thresholds that have already been demonstrated to be recognizable based on current retail prices. Therefore, the retail price of broadband services should not play a role in setting thresholds.

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14. Measuring the Success of the BTOP: The Recovery Act permits NTIA to establish additional reporting and information requirements for any recipient of grant program funds.

a. What measurements can be used to determine whether an individual proposal has successfully complied with the statutory obligations and project timelines?

The obligations will be defined and agreed upon based on the project at hand. The 3rd party evaluators previously discussed will determine if the project is within compliance and in accordance with the project timeline.

b. Should applicants be required to report on a set of common data elements so that the relative success of individual proposals may be measured? If so, what should those elements be?

YES - While this data will be useful in some regards, projects at the low end of this comparison must be evaluated based on the needs specific to that project, not the comparable common data elements. A better comparison would be to isolate comparisons to similar technologies.

Common data elements could include

- *Average data rate*
- *Peak data rate*
- *Data rate under maximum loading*
- *Network latency*
- *Operational cost / Maintenance costs*
- *Backbone network cost*
- *Maximum number of users*

15. Please provide comment on any other issues that NTIA should consider in creating BTOP within the confines of the statutory structure established by the Recovery Act.

RUS

The provisions regarding the RUS Recovery Act broadband grant and loan activities are found in Division A, title I under the heading Rural Utilities Service, Distance Learning, Telemedicine and Broadband Program of the Recovery Act.\17\

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\17\ The text of this authority is as follows:

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM For an additional amount for the cost of broadband loans and loan guarantees, as authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for grants (including for technical assistance), \$2,500,000,000: Provided, That the cost of direct and guaranteed loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, notwithstanding title VI of the Rural Electrification Act of 1936, this amount is available for grants, loans and loan guarantees for broadband infrastructure in any area of the United States: Provided further, That at least 75 percent of the area to be served by a project receiving funds from such grants, loans or loan guarantees shall be in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary of Agriculture: Provided further, That priority for awarding such funds shall be given to project applications for broadband systems that will deliver end users a choice of more than one service provider: Provided further, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the highest proportion of rural residents that do not have access to broadband service:

Provided further, That priority shall be given for project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers: Provided further, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: Provided further, That priority for awarding such funds shall be given to project applications for activities that can be completed if the requested funds are provided: Provided further, That priority for awarding such funds shall be given to activities that can commence promptly following approval: Provided further, That no area of a project funded with amounts made available under this paragraph may receive funding to provide broadband service under the Broadband Technology Opportunities Program: Provided further, That the Secretary shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

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1. What are the most effective ways RUS could offer broadband funds to ensure that rural residents that lack access to broadband will receive it?

For funds allocated by the RUS, project preference can be placed on projects aimed at providing broadband service in rural areas. The map described under number 8 can be used to identify such areas. According to the map, rural areas would be defined as low population density areas with no existing broadband coverage.

For a number of years, RUS has struggled to find an effective way to use the Agency's current broadband loan program to provide broadband access to rural residents that lack such access. RUS believes that the authority to provide grants as well as loans will give it the tools necessary to achieve that goal. RUS is looking for suggestions as to the best ways to:

- a. Bundle loan and grant funding options to ensure such access is provided in the projects funded under the Recovery Act to areas that could not traditionally afford the investment;
- b. Promote leveraging of Recovery Act funding with private investment that ensures project viability and future sustainability; and
- c. Ensure that Recovery Funding is targeted to unserved areas that stand to benefit the most from this funding opportunity.

2. In what ways can RUS and NTIA best align their Recovery Act broadband activities to make the most efficient and effective use of the Recovery Act broadband funds?

In the Recovery Act, Congress provided funding and authorities to both RUS and the NTIA to expand the development of broadband throughout the country. Taking into account the authorities and limitations provided in the Recovery Act, RUS is looking for suggestions as to how both agencies can conduct their Recovery Act broadband activities so as to foster effective broadband development. For instance:

(a) RUS is charged with ensuring that 75 percent of the area is rural and without sufficient access needed for economic development. How should this definition be reconciled with the NTIA definitions of ``unserved'' and ``underserved?''

For the sake of drawing a connection between the verbiage used in both the RUS and NTIA broadband initiatives, "without sufficient access needed for economic development" should be the equivalent as underserved.

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While defining a data rate needed for economic development is a subjective criteria, both departments should essentially have the same criteria in defining the need of a project. Thus, both terminologies should represent equivalent thresholds.

(b) How should the agencies structure their eligibility requirements and other programmatic elements to ensure that applicants that desire to seek funding from both agencies (i) do not receive duplicate resources and (ii) are not hampered in their ability to apply for funds from both agencies?

With each proposal, the proposer will need to indicate all funding sources applied for. For such projects that have applied to both the NTIA and the RUS for recovery act broadband funding, the two agencies should maintain a shared database that enables both the NTIA and the RUS to track the progress of projects seeking funding from both agencies. This will enable both the RUS and the NTIA to avoid funding the same project twice.

3. How should RUS evaluate whether a particular level of broadband access and service is needed to facilitate economic development?

The required access needed for economic development is an incredibly subjective statement. Access should be defined as a minimum threshold data rate value. Broadband connectivity speeds at this rate should be sufficient to provide connectivity needed for economic development, which above and beyond non-broadband alternatives such as dial-up and ISDN connectivity.

Seventy-five percent of an area to be funded under the Recovery Act must be in an area that USDA determines lacks sufficient ``high speed broadband service to facilitate rural economic development.'' RUS is seeking suggestions as to the factors it should use to make such determinations.

(a) How should RUS define ``rural economic development?'' What factors should be considered, in terms of job growth, sustainability, and other economic and socio-economic benefits?

(b) What speeds are needed to facilitate ``economic development?'' What does ``high speed broadband service'' mean?

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High Speed broadband service should be equivalent to the FCC standard of 768 kbit/s. For all intensive purposes this rate should be sufficient to facilitate "economic development".

(c) What factors should be considered, when creating economic development incentives, in constructing facilities in areas outside the seventy-five percent area that is rural (i.e., within an area that is less than 25 percent rural)?

- *Level of current broadband coverage*
- *Percentage of time current network operates above capacity*
- *Population density of area*
- *Average data rate of existing network*
- *Percentage of area without sufficient coverage*

4. In further evaluating projects, RUS must consider the priorities listed below. What value should be assigned to those factors in selecting applications? What additional priorities should be considered by RUS?

Priorities have been assigned to projects that will: (1) Give end-users a choice of Internet service providers, (2) serve the highest proportion of rural residents that lack access to broadband service, (3) be projects of current and former RUS borrowers, and (4) be fully funded and ready to start once they receive funding under the Recovery Act.

5. What benchmarks should RUS use to determine the success of its Recovery Act broadband activities?

The Recovery Act gives RUS new tools to expand the availability of broadband in rural America. RUS is seeking suggestions regarding how it can measure the effectiveness of its funding programs under the Recovery Act. Factors to consider include, but are not limited to:

- a. Businesses and residences with ``first-time'' access.
- b. Critical facilities provided new and/or improved service:
 - i. Educational institutions.
 - ii. Healthcare providers.
 - iii. Public service/safety.
- c. Businesses created or saved.
- d. Job retention and/or creation.
- e. Decline in unemployment rates.
- f. State, local, community support.

Status: Interested parties are invited to attend the public meetings and to submit written comments. Written comments that exceed five pages should include a one-page executive summary. Submissions containing ten (10) or more pages of text must include a table of contents and an executive summary. NTIA will coordinate the reception of written comments for both RUS and NTIA programs.

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