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April 13, 2009

National Telecommunications and Information Administration
United States Department of Commerce
1401 Constitution Ave., NW, Room 4812
Washington, DC 20230

Rural Utilities Service
United States Department of Agriculture
1400 Independence Ave., SW, Room 5135
Washington, DC 20250

EMAIL: BTOP@ntia.doc.gov

RE: Docket ID No. 090309298-9299-01
74 Fed. Reg. 47, 10716-10721 (March 12, 2009)
American Recovery and Reinvestment Act of 2009 Broadband Initiatives

To Whom It May Concern:

The American Farm Bureau Federation (AFBF) submits the following comments to the United States Department of Agriculture Rural Utilities Service (RUS) and the United States Department of Commerce National Telecommunications and Information Association (NTIA) in response to their joint request for information (RFI) and notice of public rule meetings regarding the broadband initiatives mandated by the American Recovery and Reinvestment Act of 2009 (ARRA). (74 Fed. Reg. 47, 10716-10721, March 12, 2009).

AFBF believes that broadband services have great potential to bring business, education and other opportunities to rural Americans. AFBF represents more than 6 million families who live and work in rural America, many of whom are unable to access the same educational, medical, business and government services as Americans living in more populated areas.

The RFI seeks comment on specific questions for both NTIA's new Broadband Technology Opportunity Program (BTOP) and RUS broadband programs. Below are AFBF's replies to specific questions.

NTIA:

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

Section 6001 of the ARRA states the purposes of the BTOP program. The first two of these are to: "(1) provide access to broadband service to consumers residing in unserved areas of the United States; (2) provide improved access to broadband service to consumers residing in

underserved areas of the United States;...” It is clearly Congress’ intention that the program’s primary objective is to connect unserved and underserved areas of our nation. Since these areas are predominately in rural America, the vast majority of funds appropriated for BTOP should be allocated to connecting rural communities to high-speed, affordable broadband services.

1. 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?

Rural communities often lack access not only to modern telecommunications infrastructure, but also to technologically advanced electric, health, education and transportation infrastructures. These same communities often lack access to the capitol necessary to address infrastructure needs. BTOP funds should be available to rural communities that receive grants and loans from other federal agencies, including those administered by USDA.

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

States that seek to connect unserved and underserved rural communities to high-speed, affordable broadband services should be given funding priority.

4. 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?

Yes, service characteristics should be considered in the awarding of BTOP grants. Rural Americans deserve equitable access to modern, affordable broadband networks. Without some technology parameters, the BTOP program could become a vehicle for unscrupulous vendors to off-load obsolete or dated technologies on communities desperate for broadband service.

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

Retail price should be one of the primary considerations when awarding BTOP funding. In rural areas where broadband service is available, Farm Bureau members have reported that the service is beyond the financial means of many residents of their communities. BTOP recipients should be required to provide service that is affordable for the majority of businesses and residents in the areas designated for BTOP funding.

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

Community colleges are usually not located in most rural towns or easily accessible for many rural residents. Some rural communities do not have libraries. Additionally, many rural libraries do not have adequate access to computing technology to serve their communities or the funding to extend staff hours to accommodate evening users. Therefore, eligible recipients should include community facilities including those funded by the USDA Rural Housing Service’s Community Facilities Grant and Loan Program.

8. 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)?

The nationwide broadband map should be comprehensive, indicating reliable service capability and availability down to the street and individual household. Consumers should be able to see if service is available to their homes and businesses and if so, the types of service available and the name of the service provider.

12. 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)?

Proposals encompassing both rural and non-rural areas should be funded only if the projects deploy broadband equitably between the two areas including equity in technology and price. Additionally, rural areas should derive equal or greater economic benefits from such projects.

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

“Unserved area” should be defined as an area that does not have access to broadband networks to accommodate state-of-the-art telemedicine, education and business applications.

“Underserved area” should be defined as an area that has access to broadband networks that can accommodate state-of-the-art telemedicine, education and business applications, but has a low percentage of subscribers.

13. b. (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?

Yes, BTOP should establish threshold transmission speeds. The ARRA clearly states that funds for broadband deployment are intended for economic development purposes. In order to attain and sustain economic viability, rural communities need access to health, education and business applications which often require high transmission speeds.

13. b. (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)?

Threshold speeds should be set at standards that will support state-of-the-art telemedicine, education and business applications. Speeds should be measured and evaluated in such a way that consumers will know if a provider’s advertised speed is comparable with the speeds typically available to consumers.

13. 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?

The terms “Community anchor institution” and “community support organizations and entities” should be defined. The definitions should be written to ensure that entities receiving BTOP funding are fiscally sound, established community leaders that can administer the grant in a way that provides maximum access to all community members and increases broadband use in their areas.

RUS:

2. 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?”

RUS should define “without sufficient access needed for economic development” as rural areas with no access or limited access to broadband networks that can accommodate state-of-the-art telemedicine, education and business applications. This is in line with definitions for “unserved” and “underserved” areas suggested in response to question 13. a.

3. a) How should RUS define “rural economic development?” What factors should be considered, in terms of job growth, sustainability, and other economic and socioeconomic benefits?

To be economically viable, rural areas need access to health care, government services, educational and business opportunities. For many rural communities access can only be gained by using broadband services and sophisticated technologies that require high speed connections. RUS should evaluate projects based on applicants’ ability to provide access and to update the broadband network as technology changes. America’s farmers and ranchers need viable rural communities for the goods and services required for their agricultural operations. They also need affordable high speed broadband service to access markets, weather reports, and government agencies. RUS should consider the contributions of American agriculture and rural businesses to our overall economy when evaluating the necessity of broadband access and service to rural communities.

3. b) What speeds are needed to facilitate “economic development?” What does “high speed broadband service” mean?

“High speed service” should refer to broadband networks that can accommodate state-of-the-art telemedicine, education and business applications.

3. 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)?

If RUS creates economic development incentives in areas that are less than 25 percent rural, the objective of the incentives must be to aid the economic development of a rural area contiguous to a more populated area. However, if RUS is assisting an “area rural in character” as defined by the Food, Conservation, and Energy Act of 2008, the objective should be the same as for less populated areas.

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.

The highest values should be placed on priorities 1 and 2 (give end-users a choice of internet service providers and serve the highest proportion of rural residents that lack access to broadband service). Additionally, RUS should give priority to projects that will deploy high-speed transmission broadband networks that can accommodate health, education and business applications.

AFBF appreciates this opportunity to comment on these important programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Maslyn". The signature is fluid and cursive, with the first name "Mark" and last name "Maslyn" clearly distinguishable.

Mark Maslyn
Executive Director
Public Policy