

**Before the  
United States Department of Commerce and  
United States Department of Agriculture  
Washington, D.C.**

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American Recovery and Reinvestment ) Docket No. 090309298-9299-01  
Act of 2009 Broadband Initiatives )  
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By electronic filing:

National Telecommunications and Information Administration (NTIA)  
U.S. Department of Commerce

Rural Utilities Service (RUS)  
U.S. Department of Agriculture

**COMMENTS OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION**

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## Executive Summary

The NTIA/RUS broadband initiatives offer a significant opportunity to foster the migration from analog, voice-centric 9-1-1 and emergency communications systems, into a 21<sup>st</sup> century, next generation, IP broadband-based emergency services model that embraces a wide range of voice, video, and data applications. As NTIA and RUS establish their respective broadband initiatives, it is important that the agencies place a clear priority on the need for investment in the infrastructure, services and applications for safety organizations that will enable their effective and vastly expanded use of broadband networks. Providing access to broadband networks is important, but as critical, is the need for programs that enhance the *use of* current and future broadband networks. Also, while it is important to ensure individual emergency responders in the field have access to wireless broadband, it is also essential that NTIA and RUS place significant emphasis on enabling connectivity and the use of broadband - primarily wired networks - for emergency response agencies.

A specific percentage of the NTIA broadband grants should not be allocated for each category of eligible use, but strong credit should be given to projects that directly and indirectly improve emergency communications. In establishing the eligibility and evaluation criteria for grants/loans, projects that bring multiple parties together and simultaneously address several purposes in innovative proposals should be strongly encouraged. NTIA should closely confer with states during the establishment and implementation of the grant/loan programs, but states should not be the gatekeeper of all funds to be allocated within each state. The views of the states should thus be seriously considered, but NTIA must also ensure that innovative state, regional or local projects of value, but not specifically endorsed by a state, are also properly considered.

NTIA should closely adhere to the Recovery Act requirement that only proposals that would not have been implemented without federal assistance receive funding. However, “pre-existing funding source” needs to be carefully defined so it does not eliminate the possibility of the most innovative and sustainable broadband projects for education,

healthcare and safety. Additionally, in prioritizing proposals that serve unserved or underserved areas, NTIA should not simply consider the terms “unserved” and “underserved” to include geographic areas, but also should consider categories, such as 9-1-1 centers and other emergency response agencies, that have historically lagged, and continue to lag, behind the rest of the economy in terms of access to and use of broadband.

While discussions on mapping are typically focused on the individual consumer’s access to broadband, the Recovery Act offers a significant opportunity to also map the broadband service availability for emergency response organizations. Regardless of the ultimate structure of the mapping initiatives, all counties should be mapped to determine broadband availability, including the characteristics of such offerings, for all emergency response agencies, including 9-1-1 centers.

NTIA and RUS must closely coordinate. There may be projects that are appropriately within the scope of NTIA’s BTOP or exclusively within the realm of RUS. However, some projects may include several elements that could or should be funded by each agency. This should be enabled by effective coordination among the agencies and calls for a streamlining of the application process to make the process as similar as possible among the agencies. The agencies need to establish a process to identify any projects that have been submitted to both agencies and make an initial determination as to whether the proposal best fits the requirements of the NTIA or RUS broadband initiatives, or whether the proposal can be funded by both agencies without duplication. This process must be explicit and understood by all parties in advance.

## Introduction

The National Emergency Number Association (“NENA”)<sup>1</sup> hereby submits the following comments in response to questions raised in the joint request for information (RFI) by the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS).<sup>2</sup> NENA appreciates the opportunity to assist NTIA and RUS as they take steps to implement the requirements of the American Recovery and Reinvestment Act of 2009 (“Recovery Act”). The NTIA/RUS broadband initiatives offer a significant opportunity to foster the migration from analog, voice-centric 9-1-1 and emergency communications systems, into a 21<sup>st</sup> century, next generation, IP broadband-based emergency services model that embraces a wide range of voice, video, and data applications. Until all emergency response agencies and individual responders can access wired and wireless broadband connections and utilize the services and applications enabled by such networks, the migration to the next generation of truly integrated and interoperable emergency communications will remain a mere vision.

A significant focus of the economic stimulus legislation concerns investment in infrastructure and the promotion of broadband access for all Americans. There can be no more critical infrastructure than the 9-1-1 systems relied on by the public and the emergency communications systems used by those responding to emergencies. Similarly, while promotion of broadband access for the general public is an important investment, it is even more important for the future of 9-1-1 and emergency communications, which will increasingly depend on high bandwidth networks to effectively prepare for, and respond to, emergencies. Indeed, NENA believes that fostering greater availability and use of broadband for emergency services and healthcare will be a significant driver of improved broadband capabilities and deployment for other

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<sup>1</sup> NENA is *The Voice of 9-1-1*<sup>™</sup>. NENA promotes implementation and awareness of 9-1-1 as North America’s universal emergency number and is the leading professional non-profit organization dedicated solely to 9-1-1 emergency communications issues. NENA serves its nearly 7,000 members in 48 chapters across the U.S., Canada and Mexico through policy advocacy, establishment of technical and operational standards, Next Generation 9-1-1 development, certification programs and a broad spectrum of educational offerings. More information about NENA is available at [www.nena.org](http://www.nena.org).

<sup>2</sup> Joint Request for Information and Notice of Public Meetings, Fed. Reg. 10,716 (March 12, 2009).

community uses. Therefore, as NTIA and RUS establish their respective broadband initiatives, it is important that the agencies place a clear priority on the need for investment in the infrastructure, services and applications for safety organizations that will enable their effective and vastly expanded use of broadband networks. Ensuring access to broadband networks is important, but as critical, is the need for programs that enhance the use of current and future broadband networks. Doing so is consistent with the purposes of the Recovery Act and offers an opportunity for job creation and economic stimulus, while simultaneously improving the safety of all Americans.

## **NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

### **Purposes of the Grant Program**

Section 6001 of the Recovery Act establishes five purposes for the Broadband Technology Opportunities Program (BTOP)<sup>3</sup>. The legislation directly targets public safety by establishing that a specific purpose of BTOP grants is to “improve access to, and use of broadband service by public safety agencies.”<sup>4</sup> While this explicit recognition of public safety is an essential aspect of the statute, public safety concerns also can and should be incorporated into each of the other purposes as well.

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

In addressing the overall needs of the many parties interested in BTOP grants, it is nearly impossible to allocate a specified amount to each category. This is particularly true when one considers that grant applications may, and in fact should, simultaneously promote multiple uses identified in the Recovery Act. Therefore, a specific percentage should not be allocated to each category. Quotas for single purposes would reinforce single-purpose stovepipe uses, which is contrary to the promotion of projects that simultaneously benefit many stakeholders. Therefore, we oppose allocating a specific percentage to each category.

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<sup>3</sup> Recovery Act, Section 6001(b).

<sup>4</sup> Recovery Act, Section 6001(b)(4).

Given the critical importance of improving our nation’s emergency communications capabilities, and the many economic and health benefits that result from an effective emergency response system, we believe priority consideration should be given to projects that directly improve emergency communications. This should be true for those that specifically target public safety projects, as well as those that identify indirect benefits to public safety agencies. Such applications should be given a positive credit as part of the review process.

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

Yes. Applications should be encouraged to address more than one purpose. While the BTOP grant program is a significant amount of money, there is not nearly enough money to effectively address all of our nation’s broadband needs. Thus, projects that bring multiple parties together and simultaneously address several purposes in innovative proposals should be strongly encouraged.

***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?***

BTOP applicants should be rewarded for addressing one or more of the additional national priorities cited above in their proposals, and/or entering into partnerships with groups focused on those matters, especially if they do so for the purpose of sharing costs, improving interoperability, and the like. They should be encouraged to seek support from those sources of funding for related or expanded aspects of their projects. As demand from a multiplicity of application uses rises, broadband deployment will increase, its reliability, capacity and speed will increase, and costs will decrease. This directly addresses the “unserved” and “underserved” goals of the statute. Citizen uptake of broadband will increase as more valuable uses of it are deployed. There are strong use

and policy overlaps between each of the four purposes cited in the question: utilities, health IT, education, and transportation, and between each of them and the public safety, education, and healthcare priorities in the BTOP program. Applicants should be rewarded for increasing the policy overlaps in innovative and sustainable ways that are rapidly scalable across the country.

Additionally, NTIA should look to other existing NTIA programs and responsibilities related to the purposes of the Recovery Act and combine efforts where appropriate. For example, the ENHANCE 911 Act of 2004<sup>5</sup> established an E9-1-1 Implementation and Coordination Office (ICO), a joint program between NTIA and the National Highway Traffic Safety Administration (NHTSA). NTIA, as part of the ICO, was tasked in the NET 911 Improvement Act of 2008 with issuing a plan for “migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.”<sup>6</sup> Access to broadband by public safety organizations is essential to meet this goal previously established by Congress. Thus, NTIA should ensure that implementation of the Recovery Act is consistent with its existing authority and responsibilities, and enables the implementation of the goals established by Congress in related legislation.

### **Role of the States**

State agencies can play an invaluable role in coordinating projects within their boundaries and providing important information to NTIA as it establishes the BTOP and awards grants. However, the traditional funding mechanisms involving the federal government and states for safety have tended to provide little focus on the national (not federal) level activities that are required to enable full inter-organizational, shared broadband use by state and local systems. The views of the states should thus be seriously considered, but

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<sup>5</sup> Pub. Law. 108-494.

<sup>6</sup> Pub. Law. 110-283.

NTIA must also ensure that innovative state, regional or local projects of value, but not specifically endorsed by a state, also are properly considered.

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

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

NTIA should closely confer with states during the establishment and implementation of the BTOP. States can provide critically important information on the current broadband capabilities of communities within their boundaries and ensure that NTIA awards grants consistent with the current direction and ongoing broadband deployment and ongoing projects using broadband within the state. NTIA should consult with the states prior to the application review process. However, states should not be the gatekeeper of all funds to be allocated within each state. This is a federal grant program and decisions on funding should be made by NTIA, in consultation with the states as appropriate. In some instances, the state will be the direct applicant. It would be inappropriate in that case for the state to approve the projects it has included in its own application.

It may be appropriate for the states to have different roles depending on the nature of the project. For example, if multiple applicants propose to build a new broadband network in an unserved part of the state, then it may be appropriate for the state to be more directly involved in the application review process. On the other hand, a single project proposed by a regional consortium of counties within a state to share an emergency services IP backbone network to improve 9-1-1 and emergency communications might suggest a different role for the state. Finally, some grant applications may propose projects that are multi-state or national in nature, suggesting that the states should have little or no role in selecting the project.

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

Primarily, NTIA should look to the direct language of the statute to determine which proposals best further the specific purposes it articulates. Preference should be given to innovative proposals that would not be funded but for the BTOP grant program, that are scalable and that are sustainable after the period of the grant. Also, as previously discussed, applications that provide any direct or indirect public safety benefits should be given a positive credit as part of the application review process. For example, if two applications propose similar requests, but one of the proposals would offer access to a broadband network for public safety agencies at a discounted rate or ensure effective priority access on the network for public safety, all other things being equal, that proposal should be preferred by NTIA. In addition, deference should be afforded to states, municipalities, and tribal governments that identify public safety related projects or support public safety related applications.

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

As with any proposed projects, it is essential that NTIA ensure transparency and accountability for all grantees. NTIA should establish reasonable but rigorous reporting requirements to ensure that all projects are going ahead as planned and that grant dollars are being appropriately managed. Every application should be required to have a clear project plan, with measurable goals, objectives, and budgets and adherence to all proper accounting safeguards.

**Establishing Selection Criteria for Grant Awards**

When reviewing grant applications, Section 6001(h) of the Recovery Act requires NTIA to consider the extent to which an application ***increases the affordability and subscribership of broadband*** services for all users in an area, ***improves broadband speeds***, and ***enhances services for health care delivery*** to the greatest population of users in an area.

*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?*

A key element that NTIA should consider when developing selection criteria for grants is that increasing demand for broadband is equally important to the supply of broadband networks in meeting these goals. While building new transport networks in areas that lack broadband or where there is limited competition is important, it is equally important that proposals submitted, and NTIA, place a significant emphasis on fostering the use of broadband. A driving force for increasing affordability, subscribership, and speeds, and therefore enhancing health care delivery, is to get more individuals and organizations to use broadband. This is particularly true in the case of emergency communications which has traditionally lagged behind the rest of the economy in terms of using broadband capabilities.

Therefore, proposals that effectively demonstrate that they will foster greater use of broadband by 9-1-1 and emergency response organizations should be viewed as a positive selective criterion. Emergency response agencies need to see the significant capabilities, efficiencies and potential cost savings made possible because of broadband. Emergency response agencies need to be involved in a process that demonstrates the benefits of the use of broadband and that demonstrates how connectivity to broadband networks, coupled with standardized applications and services made possible because of broadband, improve information sharing capabilities for all emergencies. If this happens, broadband use will increase, which necessarily results in increased subscribership at affordable rates at ever increasing speeds. If this happens, it means that the related Recovery Act efforts to develop electronic health records (EHRs) can be put into action by enabling emergency response agencies to share this information, as authorized, in real time to save lives.

In terms of concern over private sector displacement, one key challenge that emergency response organizations have had in the past is that some of the key elements that need to be developed to enable advanced, integrated emergency communications systems have not been seen as profitable by the private sector. NTIA should positively view applications that seek funding for projects that will significantly increase the use of broadband, in which the private sector alone is not likely to invest.

***c. How should the BTOP prioritize proposals that serve underserved or unserved areas? Should the BTOP consider USDA broadband grant awards and loans in establishing these priorities?***

9-1-1 and emergency response agencies are generally “unserved” and “underserved” by broadband. Where there are connections, they are often for administrative use, not real-time safety communications. The lack of broadband capabilities is sometimes due to a lack of access to physical networks, but it is more often a lack of resources needed to pay the high recurring costs to access networks, or a lack of understanding of the benefits and need for broadband. Voice-centric safety systems of the past did not require high-speed broadband networks. That is no longer the case, and broadband is now essential for 9-1-1 and emergency communications. Yet, the challenge still remains to get everyone to use broadband. Thus, in prioritizing proposals that serve unserved or underserved areas, NTIA should not simply consider the terms “unserved” and “underserved” to include geographic areas, but should also consider categories, such as 9-1-1 centers and other emergency response agencies, that remain unserved and underserved. By any measure, the nation’s emergency communications infrastructure and those who rely on it are vastly underserved. Therefore, proposals that demonstrate the ability to effectively serve 9-1-1 and all public safety agencies should be given a priority.

NTIA and RUS must closely coordinate. There may be projects that are appropriately within the scope of NTIA’s BTOP or exclusively within the realm of RUS. However, some projects may include several elements that could or should be funded by each agency. This should be enabled by effective coordination among the agencies and calls

for a streamlining of the application process to make the process as similar as possible among the agencies.

***d. Should priority be given to proposals that leverage 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, priority should be given to proposals that leverage other Recovery Act projects. As described above, BTOP applicants should be rewarded for addressing one or more of the Recovery Act priorities in their proposals, or entering into partnerships with groups focused on those matters, especially if they do so for the purpose of sharing costs, improving interoperability, and the like. Similarly, priority also should be given to projects that further existing NTIA responsibilities and authority found in other related statutes.

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

Again, a clear priority should be given to projects that foster the use of broadband and increase the demand for services and applications enabled by broadband. Such projects are just as important and necessary as those that propose to construct new networks. Projects that make possible and demonstrate the services and applications enabled by broadband are essential to encouraging the sustainable adoption of broadband services.

One key question for judging proposals should be whether there are ongoing budgets that will support the new broadband uses funded by the grant. Will the grant encourage the redirection of existing funding to more efficient uses that would be supported in the future? For example, will innovative training of emergency responders using broadband, instead of traveling to a central location in a state, make the state safety training program

a financial supporter of a new emergency services/healthcare broadband network in the future?

## **Grant Mechanics**

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

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

One of the barriers to strong growth in the use of broadband by anchor community institutions, such as safety, healthcare, and education, has been that traditional federal and state grant and loan mechanisms have often tended to reinforce stove pipes. Police get funded through Justice grants. Fire agencies are funded through fire grants. Health Alert Networks are designed for health alerts, rather than having a general alerting system in which health alerts is a key component. Traditional grant and loan programs tend not to encourage the kinds of highly flexible architectures needed to deliver interactive health, safety and learning capabilities to a very wide diversity of organizations. Public safety is primarily local/regional, but it can benefit greatly from the latest innovations in cloud computing (off-site, hosted computing services), for example. Where is the national process to bring together all emergency response professions around common standards? How can we provide regional backbone networks shared by healthcare, safety and education? In each of these three cases, and many more, there are not existing institutions that would typically receive federal grants or loans for these shared purposes. We may need to form new structures, innovative consortia, to deliver on the extraordinary promise here. NTIA and USDA should encourage new organizational thinking to deliver innovations in broadband deployment and use.

In establishing the eligibility and evaluation criteria for the BTOP program, applicants should be encouraged to submit innovative solutions that address the broadest possible set of criteria specified in the statute, including public safety needs. NTIA should allow

for any entity to qualify for ARRA public safety funding under Section 6001(b)(4). Not only should state, local and Tribal governments be able to apply directly, but public-private partnerships should be encouraged under the BTOP program to address public safety needs.

### **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.

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

First, we hope this standard of innovation encouraging sustainable adoption is applied to all grants under the broadband program. As stated above, proposals that effectively demonstrate that they will foster greater use of broadband by 9-1-1 and emergency response organizations should be strongly considered. Emergency response agencies make, in the aggregate, significant expenditures each year on information and communications technology. Those funds could achieve far better outcomes and efficiencies. But emergency response agencies, and their local/state governments, need to see the significant capabilities, efficiencies and potential cost savings made possible by modern broadband-enabled information and communications technology.

Demonstrations are needed to show how connectivity to broadband networks, coupled with standardized applications and services made possible because of broadband, improve information sharing capabilities for all emergencies. Projects should be encouraged that effectively educate users and demonstrate the benefits of broadband, in a scalable manner that can be replicated elsewhere after the life of an individual grant.

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

A measure of success should include the extent to which an innovative project successfully reached the target audience and engaged that audience in an effective and educational process demonstrating the benefits of broadband, and whether those involved intend to utilize broadband where available. Other measures should include whether an innovative project is scalable beyond the initial focus of the grant and whether it can be sustained after the life of the project. Also, a measure of success is how easily the project can be replicated elsewhere, with or without BTOP grant funds. Finally, independent economic cost and benefit review of a project should be well received.

### **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.<sup>7</sup> While discussions on mapping are typically focused on the individual consumer's access to broadband, the Recovery Act offers a significant opportunity to also map the broadband service availability for emergency response organizations. Regardless of the ultimate structure of the mapping initiatives, all counties should be mapped to determine the broadband availability, including the characteristics of such offerings, for all emergency response agencies, including 9-1-1 centers.

Some factors to be considered include, but are not limited to:

1. Does broadband capability exist at ALL emergency response locations? (For example, for 9-1-1 systems, not just at a 9-1-1 Public Safety Answering Point (PSAP), but also other public safety locations, such as administrative offices where centralized 9-1-1 database control systems might be placed). Note: the

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<sup>7</sup> Recover Act, Section 6001(l).

- definition of public safety needs to include all entities involved in the process of preparing for, responding to, and recovering from emergencies of all magnitude.
2. What bandwidth is available at each location and points of presence in general? Is it symmetrical (same capacity for both send and receive)? If not, what are the limitations?
  3. What degree of network diversity exists, both physically and logically? Are there at least two physically diverse paths available at each location?
  4. Is there redundancy across more than one vendor, more than one technology, more than one equipment supplier?
  5. Are broadband services capable of being managed per application needs and do they support the privacy of data (at least VPNs, encryption, etc)?
  6. What is the availability of the broadband network? Does the wired broadband network meet a minimum reliability of 99.995%, with a goal of attaining five 9s (99.999 % uptime)?
  7. Are IP networks that run on the broadband capacity secure, able to support access controls?
  8. What technology is used – what broadband services can be supported (frame, ATM, MPLS etc)?
  9. Who are all of the broadband service providers for each location (commercial and state/municipal owned) and what are the geographic area/regions with their historical reliability levels?
  10. What are the network operations center (NOC) capabilities for each broadband provider?
  11. For each public safety location, are they capable of two physically separate entry points for broadband network connectivity?

Emergency response organization mapping could either be a fundamental requirement for any general mapping initiatives that are funded, or such specific mapping could be a separate standalone mapping initiative focusing only on public safety needs. This is a complicated set of issues. NENA stands ready to offer assistance to any organization undertaking the mapping to perform this part of the project.

Finally, 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, the best way for NTIA and the FCC to work together to meet these requirements would be to establish a public Memorandum of Understanding (MOU) between the agencies outlining the clear responsibilities of each agency. As it relates to public safety, the agencies should rely upon the FCC's significant involvement in data collection and efforts to determine public safety broadband needs (particularly wireless broadband). The Public Safety and Homeland Security Bureau should be integrally involved in the planning for broadband mapping of emergency response agencies.

### **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.<sup>8</sup> The Recovery Act also requires that applicants demonstrate that their proposals would not have been implemented during the grant period without federal assistance.<sup>9</sup> The Recovery Act allows for an increase in the federal share beyond 80 percent if the applicant petitions NTIA and demonstrates financial need. When determining if an applicant has demonstrated "financial need" necessary to receive more than 80 percent of a project's cost in grant funds, NTIA should consider the following factors:

1. The need for broadband for emergency response has historically received much less attention than the general need for broadband for consumers. Thus, the need for broadband for emergency response agencies is significant.
2. The emergency response community is consistently underfunded, and where funding is provided, it is almost always for purposes other than access to and use of broadband, one the Recovery Act's fundamental purposes.

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<sup>8</sup> Recovery Act, Section 6001(f).

<sup>9</sup> Recovery Act, Section 6001(e)(3).

3. Improving emergency communications has the direct effect of improving the general welfare, health and safety of the public. An obvious, but overlooked point, is that people/industries are less likely to move to or invest in communities with third rate public safety and emergency medical response. Thus, there is an indirect economic benefit to the entire community for any proposal that effectively improves emergency response.
4. Special consideration should be given to non-profit organizations that lack funds to provide a twenty percent match for a grant, particularly where the purpose of a non-profit proposed project will benefit numerous other parties and other proposed BTOP projects.

NTIA should adhere to the Recovery Act requirement that only proposals that would not have been implemented without federal assistance receive funding. Projects with a preexisting funding source should not be funded through a BTOP grant. However, projects that are ongoing or planned to begin through the voluntary efforts of individuals and organizations, and therefore slowly progressing due to a lack of funding but could be greatly accelerated with a grant, should receive consideration. For example, for 9-1-1 centers to utilize broadband networks for the receipt of text and video communications from the public and to make possible the sharing of that information with other emergency response agencies, significant standards and requirements development must be completed. To effectively enable this “use of” broadband, funding could be made available to rapidly complete requirements and standards development that will have untold benefits for tens of thousands of emergency response agencies. Such requirements/standards development may ultimately be completed absent federal funding, many years from now, but BTOP grants could ensure the rapid completion of such efforts, which will have economic benefits for all parties involved, potentially including other BTOP grant proposals.

“Pre-existing funding source” needs to be carefully defined so it does not eliminate the best hope of broadband sustainability in education, healthcare and safety. All of these groups now spend significant funds on information and communications technology.

Broadband-delivered services allow the replacement of these in whole or in part with far more efficient and information rich alternatives. Those alternatives will primarily be paid for out of a pre-existing “funding source”, providing a long term source for sustainability.

For example, a local 9-1-1 center might devote a portion of its budget that was previously a sinking fund accruing revenue to pay for a new geographic information system (GIS), to paying for a monthly subscription for a hosted GIS service, accessed by broadband. This would allow the best GIS technology to be made available to the smallest rural agencies in the state, as long as they could access the non-local hosted service via broadband. But the payment for such a service would need to be able to be counted as part of the 20% match. 9-1-1 centers don't have the ability to invent new revenue sources to provide a match, but they can reallocate funds for that purpose.

### **Timely Completion of Proposals/Reporting and Deobligation**

The most effective way to ensure that proposals can be implemented and completed within the two year period required by the Recovery Act is to institute strict requirements that applications have clearly defined goals, objectives, milestones and budgets against which the progress of the project can be measured. While establishing strict requirements, NTIA also should have some flexibility to address unforeseeable situations that arise which impact the ability of a project to be completed on schedule. NTIA should be willing to make reasonable adjustments for delays that result from a natural disaster or unforeseeable state or federal legal/regulatory issues that occur and delay a project.

Grantees should be required to adhere to generally accepted accounting and government contract practices. All grantees should be subject to random audits and NTIA should conduct, and make known publicly, the results of such audits. NTIA and RUS should jointly establish an expedited Compliance Review Group in some fashion that would be available to quickly answer compliance questions to prevent wasteful spending before it occurs and also to review claims of wasteful spending as they arise. Importantly, this process and all general project accounting and other compliance requirements should be

the same for NTIA and RUS wherever possible. Grantees should make their projects and progress as transparent to the public as possible.

### **Coordination with USDA's Broadband Grant Program**

Although the purposes are not exactly the same, NTIA and RUS grant programs have many similar purposes, namely the promotion of economic development based on deployment of broadband service and technologies. Conceivably, projects focused on public safety, will be regional in nature, or even state-wide. Thus, some aspects of the project may have very rural aspects and other aspects of the same project may be related yet not limited to a rural area. The agencies need to establish a process to identify any projects that have been submitted to both agencies and make an initial determination as to whether the proposal best fits the requirements of the NTIA or RUS broadband initiatives, or whether the proposal can be funded by both agencies without duplication. This process must be explicit and understood by all parties in advance.

### **Definitions**

NTIA should take the needs of 9-1-1 and all emergency response organizations into consideration when defining the following terms:

Unserved and Underserved: As stated above, 9-1-1 and emergency response agencies are generally unserved and underserved by broadband. Where there are connections, they are often for administrative use, not real-time safety communications. Thus, in prioritizing proposals that serve unserved or underserved areas, NTIA should not simply consider the terms "unserved" and "underserved" to include geographic areas, but should also consider categories, such as 9-1-1 centers and other emergency response agencies, that remain unserved and underserved. By any measure, the nation's emergency communications infrastructure and those who rely on it are vastly underserved.

Community Anchor Institution: 9-1-1 centers and all emergency response organizations should be considered “community anchor institutions” for purposes of the Recovery Act.

Broadband Service: NTIA should establish a definition for broadband for public safety needs that acknowledges that public safety generally needs **both** fixed and mobile broadband service at data rates above what would be considered acceptable for residential use. While we decline to suggest how those data rates should be defined at this point, it is important for NTIA to consider establishing separate definitions for emergency communications purposes in consideration of the unique needs of emergency response organizations.

Network Interconnection Obligations: NTIA and RUS should embrace public policy and existing federal laws and rules applicable to interconnection as a condition of grants and loans. Grant recipients should be required to adhere to technology neutral, open, and non-discriminatory interconnection policies consistent with applicable laws and regulations and the pro-competitive objectives of the Communications Act.

## **RURAL UTILITIES SERVICE**

Unlike the BTOP, the purposes of the RUS grant and loan making authority do not include a specific reference to public safety. However, the general purposes of the RUS grants/loans are similar in terms of the objective of increasing the availability and use of broadband, particularly in rural areas. Therefore, the comments above concerning the NTIA BTOP should be equally applicable to the RUS broadband initiatives.

As discussed in response to questions concerning the BTOP, NTIA and RUS must closely coordinate. There may be projects that are appropriately within the scope of NTIA’s BTOP or exclusively within the realm of RUS. However, some projects may include several elements that could or should be funded by each agency. This should be enabled by effective coordination among the agencies and calls for a streamlining of the

application process to make the process as similar as possible among the agencies. Although the purposes are not exactly the same, NTIA and RUS grant programs have many similar purposes, namely the promotion of economic development based on deployment of broadband service and technologies.

As previously stated, projects focused on public safety are likely to be regional in nature, or even state-wide. Thus, some aspects of the project may have very rural aspects and other aspects of the same project may be related yet not limited to a rural area. The agencies need to establish a process to identify any projects that have been submitted to both agencies and make an initial determination as to whether the proposal best fits the requirements of the NTIA or RUS broadband initiatives, or whether the proposal can be funded by both agencies without duplication. This process must be explicit and understood by all parties in advance.

Also, like NTIA, RUS should look to other existing RUS authority related to the purposes of the Recovery Act and combine efforts where appropriate. Specifically, RUS, should connect its responsibilities under the Recovery Act with its existing authority to provide low-interest loans through the “9-1-1 Access Program” established under Section 6107 of the Food, Conservation, and Energy Act of 2008.<sup>10</sup> The loan program gives RUS authority to make loans to state or local governments, Indian tribes, or other public entities for facilities and equipment to expand or improve in rural areas “9-1-1 access, integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services, homeland security communications, transportation safety communications, or location technologies used outside an urbanized area.” By looking toward this authority when establishing Recovery Act loan and grants, RUS will modern, broadband-enabled emergency information and communications technology deployment in rural areas. In summary, like NTIA, RUS should ensure that implementation of the Recovery Act is consistent with its existing authority and responsibilities, and enables the implementation of the goals established by Congress in related legislation.

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<sup>10</sup> Pub. Law. 110-246.

