



April 9, 2009

Anna Gomez, Deputy Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., NW Washington, DC 20230

David J. Villano, Assistant Administrator for Telecommunications
Rural Utilities Service
U.S. Department of Agriculture
STOP 1590
1400 Independence Avenue, SW
Room 5151
Washington, DC 20250-1590

Subject: Broadband Technology Opportunities Program
Joint NTIA/RUS Request for Information
Docket No. 090309298-9299-01

Dear Ms. Gomez and Mr. Villano:

On behalf of the American Council of Engineering Companies (ACEC) – the business association of the nation’s engineering industry – I appreciate this opportunity to submit comments regarding the implementation of the Broadband Technology Opportunities Program under the American Recovery and Reinvestment Act (ARRA).

ACEC is a federation of 51 state and regional councils representing over 5,700 firms, and more than 300,000 engineers, architects, land surveyors and other technical specialists throughout the nation.

In response to the subject Request for Information (RFI), ACEC recommends that NTIA and RUS require the use of licensed professional engineers to perform engineering services for ARRA grantees or borrowers and to certify that projects funded with Recovery Act monies meet the intent of the program. The Council makes these recommendations for the following reasons:

1. **Public Safety** – the fundamental postulate of registration of professional engineers in all 50 states is “...to safeguard life, health, and property and to promote the public welfare...”

2. **Reliability** – broadband systems have become just as much a lifeline as traditional telephone service. Competent, comprehensive system design is the first step in constructing reliable broadband infrastructure.
3. **Efficient, effective, and fair** – professional engineers are skilled in project management, establishing milestones and managing timelines, bidding and contract administration procedures, construction observation and progress reporting. This will help keep projects on-time and within budget while dealing fairly with contractors and vendors.
4. **Enhanced compliance** – registered professional engineers are often called upon to certify compliance with various codes, standards, and construction practices, and could make appropriate certifications regarding the design and construction of broadband infrastructure.
5. **Transparency** – registered professional engineers are required by state laws to follow strict codes of ethics including avoidance of conflicts of interest.
6. **Accountability** – if a registered professional engineer does not perform up to recognized standards of care he or she may be fined or his or her license may be revoked.

Current RUS regulations state that borrowers must use an independent, state-licensed, and properly insured professional engineer or obtain RUS certification of a member of the borrower's staff. We believe NTIA should implement the same standards, and that these standards should apply to all projects funded by the Recovery Act.

ACEC also supports the more detailed comments of the Association of Communication Engineers (ACE) submitted in response to the subject RFI.

Public health and safety, and stewardship of public funds cannot be compromised. We therefore urge NTIA and RUS to require the use of professional engineers in broadband infrastructure programs funded by the Recovery Act.

Sincerely,



David A. Raymond
President & CEO