

**Before the
DEPARTMENT OF COMMERCE NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
and the
DEPARTMENT OF AGRICULTURE RURAL UTILITIES SERVICE
Washington, D.C.**

In the Matter of)	
)	
American Recovery and Reinvestment Act of)	Docket No. 090309298-9299-01
2009 Broadband Initiatives)	
)	
)	
Joint Request for Information by)	
National Telecommunications and)	
Information Administration, U.S.)	
Department of Commerce, and Rural)	
Utilities Service, U.S. Department of)	
Agriculture)	
)	

COMMENTS OF THE CITY OF BOSTON

Submitted on Behalf of the City of Boston by:

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PART ONE:

EXECUTIVE SUMMARY

The City of Boston is pleased to submit answers to questions posed by NTIA.

We offer the following context to the answers we have provided. Boston welcomes national broadband policy that will result in advanced true high speed broadband that is affordable for all of America's citizens. As we look forward to that future reality for America, Boston believes we need to do all we can in the interim to provide good quality broadband service, technical training and equipment to targeted populations in their homes, to public safety agencies, neighborhood small businesses and to the community anchor organizations that serve our citizens. Boston intends to apply for broadband stimulus funding, including infrastructure funding, to accomplish those objectives.

Accordingly, it is particularly critical that NTIA properly define **UNDERSERVED** and **BROADBAND** so that Boston and other cities and the worthy projects we will propose are eligible for all categories of BTOPS funding, including broadband infrastructure.

We direct NTIA's attention to Boston's answer to Q 13 (a) regarding the definition of **UNDERSERVED**. In that answer, Boston urges NTIA to define **UNDERSERVED** in a way that reflects urban reality and does not render Boston and other major urban areas ineligible for infrastructure funding. As explained and documented in detail in that answer, in Boston and much of urban America, it is not an access issue but an affordability issue that renders our cities **UNDERSERVED**.

We also direct NTIA's attention to Boston's answer to Q 13 (b), the definition of **BROADBAND**. While Boston has already extended 100mbps fiber connectivity to all our schools, libraries, police and fire stations and other government buildings, it is simply cost prohibitive for the City to extend fiber to the homes of our residents and community anchor organizations that serve them. With that reality in mind and with the imperative that we simply must give our citizens of need broadband connectivity and the training and equipment necessary to understand its value in their lives, we urge NTIA to define **BROADBAND** in a way that credible speed, reliable wireless broadband projects can qualify for BTOPS infrastructure funding.

PART TWO:

NTIA QUESTIONS and CITY OF BOSTON ANSWERS:

1. The Purposes of the Grant Program: Section 6001 of the Recovery Act establishes five purposes for the BTOP grant program:
 - a. Should a percentage of grant funds be apportioned to each category?

No. NTIA should give itself maximum flexibility to fund the projects that best accomplish the goals of BTOPs. NTIA's plan to have three rounds of funding should be implemented to allow projects that were not funded in a previous round to roll over to the next round if they are of sufficiently high quality. It may well be that one round has an abundance of riches so that the funding is quickly used up. High quality applications that can't be funded in one round ought to be considered in the mix of applications received in the subsequent rounds.

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

Yes. Multiple purpose applications should be encouraged but failure to address more than one purpose should not be an automatic disqualifier. If an application with a singular purpose had unique value, then it should not be ranked lower than another application that incorporates multi-purposes.

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 could leverage its grant funds by valuing more highly BTOP applicants who demonstrate that they are also applying for and utilizing the other available Recovery Act grants and loans programs and have plans to maximize value of synergies of those projects. For example, if a municipality applies for BTOP funding for a community wireless broadband network deployment and also informs NTIA how that application will benefit public safety, career/workforce development, related municipal health information technology/health services delivery and education funding which they have received or for which they are applying, that municipality's BTOP application should be credited for helping to maximize benefit to other funded programs. Again, however, NTIA should not consider a truly superior application less worthy of funding simply because it does not show multi-grant application synergies.

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. The Recovery Act also requires that, to the extent practical, the BTOP award at least one grant to every State:

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

State priorities should be valued by NTIA but complete deferral to state preferences would not be appropriate. Additionally, not all states have equal expertise or commitment to advanced broadband policy. States should apply

for funding in the same manner as local governments, which may have their own preference because of the unique needs and limited resources. States that have shown receptivity to the priorities of its municipalities, not just to the state-level objectives, should be encouraged.

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

The actual selection of projects belongs to NTIA, even though it may “consult” with the State for certain aspects of the BTOP funding. However, as noted above, states should apply for funding in the same manner as local governments. Nevertheless, if a state is organizing partnerships with other public entities and/or with private partners, NTIA should welcome a joint application from those entities.

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

Perhaps one way to resolve competing priorities is to have the representatives for the governor and the capital city to present a “consensus” to NTIA.

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

NTIA should publish standardized reporting requirements for how each entity that receives an award must demonstrate achievement of the objectives that form the basis for the successful application. The reporting should occur at intervals during the project timeline so that NTIA has the option to intervene if a project is not meeting its goals in a timely fashion.

The statute provides no separate classifications for grants based upon the credentials of the applicant. Therefore NTIA must examine projects proposed by States under the same terms and conditions as those filed by local governments and non-governmental entities. All grants should have the burden of providing well-executed, worthwhile and measurable results. The only exception to this rule can be found in the statute’s direction that private sector funding requests must meet a separate public purpose test.

3. Eligible Grant Recipients: The Recovery Act establishes entities that are eligible for a grant under the program. 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 determine whether it is the public interest that entities other than those described in Section 6001(e)(1)(A) and (B) should be eligible for grant awards?

The statute makes clear that certain grant applicants, i.e., those listed in Section 6001(e)(1)(A) and (B) such as local governments and nonprofits are

deemed automatically eligible as their only reason for existence is to meet a public good. Congress also recognized that public partnerships with for-profit entities may also serve the statute's goal of increasing employment and enhancing broadband deployment so long as the profit motive to limit interconnection and access is defeated by means of specific open access obligations. Strictly private applicants (not part of a public/private partnership) should not be deemed in the public interest if there are enough public or non-profit applications of equal merit to utilize all the available funding in the particular round of funding. NTIA will need to be especially vigilant with private applicants that federal funding is not displacing private funding that was otherwise likely to be expended.

4. Establishing Selection Criteria for Grant Awards: The Recovery Act establishes several considerations for awarding grants under BTOP. In addition to these considerations, NTIA may consider other priorities in selecting competitive grants.
 - a. What factors should NTIA consider in establishing selection criteria for grant award? 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?

NTIA needs to pay close attention to the applicant's proposed population to be served. NTIA can determine that a federal funding need exists and that private investment is not displaced by referencing historical investment patterns in the targeted region with special attention to the prices and hence the affordability of the privately funded broadband alternatives. An urban area, for example, with two broadband providers but low take rates among the targeted population whose demographics strongly support an inference that affordability will deterred utilization, would show that private investment will not be displaced. SEE ANSWER TO Q 13 for more detailed elaboration of this issue, including links to evidence in support regarding distressed community indicators. Public or non profit entities which propose to offer free or very inexpensive good quality broadband, targeting lower income populations that are undersubscribed to commercial offerings should be valued since such offerings have not and likely will not be made and offered at low/no cost by private investment and hence are not displacing such private investment. The need for federal funding could also be demonstrated by evidence of applicants past credible but unsuccessful attempts to privately fundraise to accomplish free or low cost broadband deployment.

In order to judge the long-term feasibility of the investment, applicants should offer credible evidence that the network to be deployed will be maintained by the applicant and uses equipment that can be expected to provide reliable, low ongoing operations and maintenance service for the foreseeable future.

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

NO ANSWER ON WEIGHTING OF CRITERIA

- 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?

BTOP should prioritize proposals that serve underserved areas recognizing “affordability” as a key criterion and by giving great value to applications that offer affordable broadband service to populations where it is apparent that current commercial offerings are undersubscribed and likely too costly. See ANSWER to Q 13 for a more detailed elaboration of this issue.

BTOP should also consider the reputation and staying power of the applicant; the number of people proposed to be served; the degree of need of the population targeted; the magnitude of the benefit broadband access will confer to that community.

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

Yes. Applicants who can demonstrate an intelligent linking of projects within and outside of BTOPS should be favored. For example, an affordable broadband deployment proposal coupled with broadband education/tech training/computer distribution to the targeted population, could reasonably be favored over proposals that only offer one of the above. Applicants who propose to utilize BTOPs funding to advantage other Recovery Act projects such as public housing, public safety, health/IT/community health centers, should likewise be given “extra credit” by BTOPS.

- 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. Applicants who can demonstrate that broadband deployment will benefit community anchor organizations as well as citizen in their homes and schools should be valued. Priority should be given to proposals that leverage other Recovery Act projects, projects that seek to enhance public safety and projects that seek to link community anchor institutions. Projects should be highly valued if they propose to serve populations which face clusters of stress points in health, safety , student achievement gap, drop out risk, etc

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

Evidence of government commitment to the service and willingness to support ongoing operation and maintenance; evidence that the applicant has the support of community anchor organizations; evidence that broadband education and computer training and availability are planned for the targeted community, in addition to infrastructure deployment.

- 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?

Because community broadband will often use unlicensed spectrum, it must be fairly evaluated to determine if the speeds offered meet the need of the populations being served. If the population is unable to afford commercial offerings, then broadband speeds that are offered to this population by an applicant should be highly valued even if the speeds are not at the high levels that commercial broadband may offer. Wireless broadband in the 1-3mbps download speed offered by a municipality free of charge should be highly valued, for example, even though it is of a lesser speed than commercially available offerings that are priced beyond the reach of the targeted population.

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

The lower the price, the more likely there will be wide usage in distressed urban areas in particular. But quality of the offering will clearly affect usage and so the application must be judged not just on the price but the speed and reliability. Additionally, network deployment that is supported by training and computer distribution programs will significantly influence usage.

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

NTIA and USDA, in addition to traditional grant and loan programs, should ensure that applicants have sufficient advance notice of the requirements for application and sufficient time to prepare and submit – two months seems about right.

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

In addition to community colleges and public libraries, local governments are established in the statute as eligible institutions for public computer center funding. Across municipal government, there are often computer tech centers in public housing authorities, computer center capacity in municipally controlled youth and family centers, and certainly in the public schools. Additionally, public or private non-profit community health centers should also be considered eligible recipients.

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.

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

NTIA should evaluate the experience of the applicant in running demonstrably successful programs in the past; the relationship of the applicant to community anchor organizations and/or the public schools; whether the proposed program is family-centric; whether the proposed program has a plan to help students/families/seniors acquire computers at low cost.

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

The measures for determining if such programs have succeeded should include the increase in the percent of targeted individuals and families who have affordable broadband available to them.

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?

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

- 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)?

These maps should utilize GIS layers and overlays to identify the locations (ideally specific addresses) without broadband service, including addresses that have broadband service available but do not subscribe; the type of broadband access actually subscribed to including the bandwidth, price, competitive options available to that household; the type of device utilized to access broadband;

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

Census tract preferred; zip code acceptable.

- d. What other factors should NTIA take into consideration in fulfilling the requirements of the Broadband Data Improvement Act, Pub. L. No. 110-385 (2008)?

Solutions that produce data in open, standards-based formats should be favored. Moreover, all data collected via the broadband mapping solution should be made as accessible as possible to the public.

The Broadband Data Improvement Acts refers to a requirement to periodically refresh the data values (location, price, vendor, etc) but an even better idea would be to produce a real-time broadband map that takes in data feeds from vendors regarding location, price, etc. A real-time mapping solution should be preferred.

- e. Are there State or other mapping programs that provide models for the statewide inventory grants?

California Broadband Project:

http://www.calink.ca.gov/taskforce/appendix_maps.asp

New Zealand Broadband Map: <http://broadbandmap.govt.nz>

VirginiaTech eCorridors project: <http://www.ecorridors.vt.edu>

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

Vendor name; service type; data rate; address; lat/lon; pricing; wired/wireless; frequency range;

- g. What technical specifications should 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 website no later than February 2011?

Data-standards such as OGC, GeoXML, etc should be used exclusively when providing the data to the public.

h. Should other conditions attach to statewide inventory grants?

All collected data should be free and easily accessible to the public. Where possible, data should be mapped.

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

j. The Recovery Act and the Broadband Data Improvement Act (BDIA) imposes duties on both NTIA and FCC concerning the collection of the 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?

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. The Recovery Act also requires that applicants demonstrate that there proposals would not have been implemented during the grant period without Federal assistance. 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?

Factors NTIA should consider include a showing of reasonable if unsuccessful efforts to generate the non-federal match for an otherwise qualified project coupled with substantial "in kind" contributions that validate the commitment of the applicant

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

This should apply to private applicants and pertain when it is apparent that the project planned will benefit that private entity and be a potential profit center.

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

For cities, grant applicants that can show that municipal budgets are insufficient to cover the capital outlay costs for the proposed network should satisfy this demonstration. Additionally, private vendor funding requests should receive funding only if NTIA does not find enough worthy projects among public or public/private partnership applicants.

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

NTIA through its grant application process can act to ensure that projects are completed not only within 2 years of the grant, but also consistent with the applications timetable. NTIA could employ the same benchmark system employed in the private sector for construction projects by releasing some percentage of funds upon acceptance and then withholding funds until a project demonstrates that is not in arrears in the project timeline, with the ability to deobligate funds if it appears a project is irretrievably behind schedule.

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. The Recovery Act permits NTIA to de-obligate the 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.
- a. How should NTIA define wasteful or fraudulent spending for purposes of the grant program?

Wasteful spending should be defined to include spending that is outside the identified scope of the application or significantly over the projected budget.

Whether this amounts to fraudulent spending would depend on the facts specific to each situation.

- b. How should NTIA determine that performance is at an “insufficient level?”

NTIA should determine that performance is at an “insufficient level” if the project time lines are routinely missed or if the network deployment testing reveals actual performance significantly below the projected network capabilities.

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

If such spending is detected, NTIA should quickly intervene to deobligate the remaining funding for that project.

- 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. 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)?

NO ANSWER FOR THIS QUESTION

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

For purposes of BTOP, NTIA in consultation with the FCC, should define an UNDERSERVED AREA to include urban or other areas where the population demographics support a strong inference that commercial broadband offerings are unaffordable by significant segments of targeted populations. It is essential for NTIA to acknowledge this issue of affordability of broadband in areas such as most American cities where there usually are more than one commercial broadband provider. This affordability issue should be viewed in tandem with the need of these populations for broadband access. This is essential to enable American cities to qualify for stimulus funds to improve wireless (or wireline) broadband in their cities. The funds provide an opportunity for cities to improve public safety by providing police, fire and emergency medical vehicles with timely access to critical information. Funds will also prioritize the access needs of city neighborhoods and housing developments left behind in today's information society. Cities must improve this access and provide inner city residents with free or low cost broadband access at home, in addition to libraries and other community anchor organizations. Indicia of unaffordable should include: % of schoolchildren eligible for free or subsidized school lunches; median income of households in an area compared to the statewide median and national median; findings by state regulators or other credible, objective entities that affordability is a barrier to broadband access; analyses by credible media that populations do not have broadband because it is unaffordable; reports from school officials, community anchor organization leaders or other credible, knowledgeable entities that the populations they are serving are without broadband due at least in part to the unaffordable commercial offerings. NTIA should rely on common sense and objective assessments to judge why such populations do not have broadband. Funding municipal wireless broadband enhances the private investment by developing the understanding and valuation of broadband by a population which is currently unable to avail itself of that commercial service because it is unaffordable.

Unless NTIA intends to exclude most American cities from eligibility for BTOPs broadband infrastructure funding, it is essential that the concept of "underserved" be properly defined to include the concept of "unaffordable." For urban America, when it comes to broadband, it is not typically an "access" issue, it is an affordability issue.

The FCC and NTIA need to expressly acknowledge this well-documented urban reality: many citizens in urban areas simply cannot afford the commercial broadband offerings that are available in their neighborhoods. The mere presence of broadband is meaningless if the local population cannot afford to purchase the connection. Addressing the urban digital divide needs to be front and center for NTIA and is a threshold issue in defining UNDERSERVED.

Business Week Reporter Arik Hesseldahl has offered an excellent documentation of the fact that many urban residents have no broadband service because they simply cannot afford the broadband products of the incumbent DSL and cable modem providers. He concludes that "... to make good on a pledge to prioritize high-speed Internet access, President-elect Obama must address inner cities, where many go without a connection." Business Week, 12/31/08: "Bringing Broadband to the Urban Poor." <http://www.businessweek.com/print/technology/content/dec2008/tc20081230015542.htm>

Sharon Gillett is a nationally recognized broadband expert who has studied this affordability issue. Ms Gillett serves as Commissioner of the MA Department of Telecommunications and Cable and also served on Boston Mayor Tom Menino's 2006 Wireless Broadband Task Force. In August, 2007, Ms Gillett gave eloquent testimony as to why large segments of Boston's citizenry are without broadband service at home:

"We learned in the Boston process that 80% of Boston public school children had no broadband in their homes. It's not an access issue; it's an affordability issue. That's a huge number – way too big. The intent [with the Boston municipal wireless initiative] is to see what happens when you try and make this much more accessible, price-wise, to lower income communities." Boston Globe, August 12, 2007)
http://www.boston.com/business/globe/articles/2007/08/12/the_push_is_on_to_bring_broadband_to_whole_state/.

In July, 2006, Mayor Menino's Broadband Task Force Report concluded that less than 40% of Bostonians had broadband access at home. Over 60% had no internet access or dial-up only. (Task Force Co Chairs: James Cash, Retired Professor, Harvard Business School; Richard Burnes, Founder of Charles River Associates, a venture capital firm; Joyce Plotkin, President of the Massachusetts Technology Leadership Council.)

It is essential that "underserved" not be narrowly defined to defeat urban eligibility. Inner city residents need to have broadband access at home, in addition to libraries and other community anchor organizations. NTIA needs to thoughtfully examine urban applications for broadband infrastructure stimulus funding and apply reasonable standards and common sense to evaluating assertions that commercial offerings are not reasonably affordable by significant portions of urban residents.

- 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?

BTOP should not establish threshold transmission speeds for purposes of analyzing whether an area is “underserved.” For example, it may be true in most American cities that commercial providers offer broadband products that range in speeds from 1mbps to 10 or even 15mbps. It is certainly true that many citizens in those cities cannot afford those commercial offerings and hence are completely unserved which should qualify their cities as “underserved areas.” See ANSWER TO Q 13. To the extent that a municipal applicant proposes to deliver a free or low-cost broadband service to its populace in the low range of speeds commercially available, that service should be highly valued by NTIA since it will vastly increase broadband penetration and affordable access. Free or very inexpensive access to broadband to inner-city residents ideally will go hand in glove with intelligently designed programs to teach the value of broadband access if digital inclusion is to be achieved. Applications that combine both cost effective urban broadband deployment and technology training/computer supply should be highly valued.

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

Yes. This is essential. It is not realistic to believe that wired and wireless platforms will offer the same speed. For instance to establish a speed worthy of federal support for a wireline service, NTIA would have to establish a speed that is not realistic for a wireless platform. Additionally, NTIA should consider whether the applicant is using licensed or unlicensed spectrum, the price at which the service will be offered and the needs of the targeted population: for example, wireless community broadband at 1-3mbps download to an inner city community not currently able to afford commercial offerings is a highly valuable service even though the speeds do not rival the available commercial offerings.

BTOP should not establish rigid threshold speeds for different technology thresholds. But BTOP should acknowledge that municipal wireless deployments will have speeds well below fiber optic networks. Although these community wireless proposals may offer slower speeds, if they do so free of charge or affordably, these networks will be meeting a huge unfilled need for many urban households and should be highly valued.

(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)?

Ideal threshold speeds for wireless broadband using unlicensed spectrum should be in the 1 - 3mbps download range.

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

Threshold speeds need not be symmetrical, depending on the applicant, the cost of the deployment and the need that is being addressed. For example, if digital inclusion is the goal and if the targeted population is urban residents who cannot afford commercial offerings, a 3mbps download speed, available to them at home free of charge or at very low cost will be a huge advance over dial-up and hence should be highly valued by NTIA.

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

NO ANSWER PLANNED

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

NO ANSWER PLANNED

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?

Community Anchor Institutions should include public and private non-profit institutions whose mission is to service communities of need and vulnerable populations.

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

Retail price should be carefully considered by NTIA in defining whether an area is “underserved” even though there may be one or more commercial providers; additionally, applicants who propose to offer broadband service should face careful scrutiny of any price they propose to charge to retail customers. Municipal services will likely all be offered free of charge and competing proposals that have a retail price should not be favored unless clearly justified and superior in terms of type and quality of broadband service proposed.

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?

BTOP will, presumably, already have determined that a proposal meets statutory obligations before it is funded. Once funded, if it is implemented as proposed and meets projected timelines for deployment that is sufficient evidence of compliance.

- 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?

It is hard to imagine a set of common data elements that all projects could report to, unless those elements were extremely high level. NTIA needs to balance the value of such reporting against the burdens.

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.

NO ANSWER PLANNED