

April 13, 2009

Broadband Technology Opportunities Program
U.S. Department of Commerce
Room 4812
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Docket No. 090309298-9299-01

American Recovery and Reinvestment Act of 2009 Broadband Initiatives

To Whom It May Concern:

On March 12, 2009, the National Telecommunications and Information Administration (NTIA) and the US Department of Agriculture (USDA), Rural Utilities Service (RUS) of the US Department of Agriculture (USDA) issued a joint Request for Information (RFI) seeking comments regarding the NTIA's implementation of the Broadband Technology Opportunity Program (BTOP) and the USDA's Distance Learning, Telemedicine, and Broadband (RUS) Program of the ARRA of 2009. New York State is pleased to provide our comments which are organized according to the notice.

The ARRA provides \$7.2 billion in stimulus funding for broadband deployment. The statute requires the National Telecommunications and Information Administration to establish a Broadband Technologies Opportunities Program. Also, the Act authorizes the Rural Utilities Service of the United States Department of Agriculture to make grants and loans for the deployment and construction of broadband systems.

New York's responses are consistent with the position of the National Association of Regulatory Utility Commissioners (NARUC) which requests the NTIA and RUS recognize and use the knowledge and capabilities of the states to increase broadband deployment in the administration of the BTOP and RUS programs. The states have "up close" comprehensive knowledge of the regional communications environment, geographical and digital divide needs and priorities throughout the state. States that already have a broadband strategy, an effective governance structure representing key stakeholders, a statewide mapping initiative underway and a program management capability in place, are best able to accelerate the expansion of broadband infrastructure and programs.

The States with these capabilities (strategy, governance, broadband map, and proven program management) and knowledge should be utilized for prioritizing and evaluating broadband proposals submitted to NTIA/RUS. The State's role in this process will ensure alignment with state broadband

strategies; will leverage public/private partnerships across geographical regions based on areas with the greatest need; and will increase effective deployment oversight to make sure compliance with federal requirements are met for high accountability and transparency.

Also, **New York requests the NTIA and RUS establish a minimum floor of 768 kbps for a threshold speed which can be applied flexibly with a goal of encouraging broad competition in unserved and underserved communities.** The threshold should not serve to eliminate providers with proven technology, when those providers are the only ones willing to deploy and maintain services in a given area or community. The threshold should encourage providers to deploy broadband but also enable increasing adoption rates.

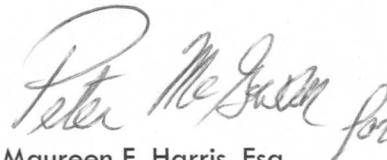
New York proposes "underserved" be defined broadly to address a variety of service level issues and needs as determined by the applicant and the types of applications to be deployed on the broadband network. Such issues and needs include such examples as: inadequate speed for particular resource-consuming applications such as telemedicine, academic research and development, supercomputing private development and commercialization, economic development initiatives, expansion of e-government services; increase of technology adoption and affordability; inadequate digital literacy skills and training; or workforce development training distanced learning programs. These should be matched against priorities of the states respective broadband strategies and alignment with federal broadband policy.

Our team is available to provide additional information regarding our broadband initiatives in New York State. We appreciate the opportunity to submit our comments on this important matter and look forward to future discussions.

Sincerely,



Melodie Mayberry-Stewart, Ph.D.
New York State Chief Information Officer &
Director of the Office For Technology



Maureen F. Harris, Esq.
Commissioner
Public Service Commissioner