

**Comments for Consideration:**

My comments are primarily based from two points or perspectives. The first is the history or perceived history of Government doing business with the private sector under grant programs; and the second is a coordinated Government Agency effort to establish efficiency for the BTOP application process.

U.S. Secretary of Agriculture Tom Vilsack in a March 10<sup>th</sup> meeting emphasized USDA will be first and foremost on creating a transparent and participatory process.

**Comment Inquiry:**

The public understands the process is new and is subject to mistakes and delays, while forming. Can the BTOP program be more aggressive in disclosure of information that comes from public and private communications and meetings. Because the public meetings are public and recorded, transcribing should be a simple matter to post on the web site. There should be a short turn around process of 24 hours. I am only able to find one transcript of the March 10th, meeting, no archived video or other related meeting information.

**Comment Inquiry:**

In the spirit of open transparency or full disclosure the names, affiliation of attendee's and all parties submitting proposals, application or request for process, procedures, rules or those receiving grants and loans should be disclosed prior to any awards being approved. Actually, these names and specific information should be disclosed within days of the communication being made with the agency. The disclosures should be made almost immediately, disclosing the dates of submission, dates of attendance of any meeting and or any comments made. Let me explain the problem in this manner;

**Department of Commerce NTIA Meeting March 10, 2009 10:00 - 11:30 a.m.**  
**ADMINISTRATOR GOMEZ:**

*AUDIENCE MEMBER: My name is Steven, I'm with world innovative networks. What you're trying to do is nothing new. In the past we have come up with solutions where we're integrating both municipal, public, public safety, and energy networks in together. My question for you is, the only way you can really pull that off is with a true broadband wireless type infrastructure to provide both fixed and local access, to provide these applications and services. Does the FCC have any plans under the new administration to either increase the power, the frequencies that are available. The 4.9, 3.65 gigahertz or to provide new frequencies that would not go to auction to actually allow this implementation in rural environments.*

*MR. DEUTCHMAN: I believe that question is ongoing at the FCC. I don't know the answer to your question. I'll speak closer to the microphone. That question is specific with regard to proceedings that are ongoing at the FCC. I'm happy to get you touch with the right folks – get you in touch with the right folks, but I don't have an answer for you at this time.*

**AUDIENCE MEMBER:** *Thank you, my name is Gaylen Updike. I'm with the state of Arizona, broadband manager there, and we have lots of questions with regard to a number of different things. I think that one of the big questions is will the states be allowed to consult separately with NTIA as a body or individually? Can we schedule meetings with you on that?*

**MODERATOR:** *Let me answer the state 1 meeting first, then I'll turn the mapping over to Scott. Many of you saw our March 2nd, that was when public meetings were going to start. There's a correction to that coming out. We had over 2,000 people sign up for individual meetings, and I calculated that I would be here until 2012 having all those meetings. So we have moved to this process of trying to get folks to come to consensus and sit on these round tables to give us their best thoughts. The time pressure is such that we really have to move quickly, and we need to get your best ideas. Also, however, we know that statute says we're supposed to reach out to the states. So we're going to do our best to meet those goals of the statute. I'm not sure, and I can't promise that we're going to have time to sit down with each of the 50 states and the territories and the District of Columbia individually to discuss through their proposals. We have until September 20 30th, 2010 to get this money out. I believe there will be ongoing conversations with folks who submit proposals that meet the requirements and the I further guidance sort of thing. So I think that's the best answer I can give you right now.*

**Comment Inquiry:**

There is great concern that the open comments and proposal process are a new means of research for the ILEC-Cable Franchises to obtain intellectually property idea's, where the ILEC-Cable will maximize their current weight, lobbyist influence, and status as the so-called experts; giving the ILEC-Cable greater influence to define the RFP process. From the meetings thus far, as exemplified by the comments made from agency heads, the ILEC-Cable groups have conducted ex parte, private and secret communications and or held private meetings with the agencies. This is a means of unfair competition, which along with their lobbyist influence the FCC, USDA, Dept of COM, NITA. These subliminal influences, which will be listed as "standards", will the drafting of the RFP/NOFA, influencing a slant that only the ILEC's can fulfill. If the RFP seeks to pose questions or set up criteria that aligns with ILEC-Cable deployment models, the RFP/NOFA will be more costly and not in the best interest of the people or the country's upgrading infrastructure. All though Government leadership has changed, our most recent events (i.e. AIG, ERON, B of A) prove that Corporate America has not and will not change from their strategy of using underhanded, behind closed doors influence to tilt the grant and deployment process in their favor, unless those career persons in Government, change with the new leadership, by not forgoing quality or standards, but conducting reviews to understand what works and has been proven to work,....not just the King has new clothes concepts.

**Presidential Announced Directive March 20<sup>th</sup>:**

**<http://www.cnn.com/video/#/video/politics/2009/03/20/bts.first100days.03.20.cnn?iref=videosearch>**

Guidelines for what constitutes an acceptable use for taxpayer money. The President stated, all decisions will be based upon merit. And that meetings with all lobbyist will require that prior to any meeting, that lobbyist will submit their thoughts in writing, and that those submissions and the meeting results and comments will be posted on the internet for public accessing.

**Comment Inquiry:**

Great words used by the President. However, he never expressed where these posted lobbyist submissions are to be listed. What web site, Recovery.gov, or some other,..the FCC, NTIA or RUS?

In this announcement, not only should listing comments include "lobbyist", but the statement of guidelines should close the loophole's ability to evade the term "lobbyist", by certain parties having personal, "attorney", "third party" or "straw men" make contacts. This should include any person, group or party that seeks a private meeting, and individual meeting or communications of any kind. Notice and full disclosure should be established with full identification. The current directive, which we have not been able to find leaves open to many loop holes.

The problems of the ILEC's, such as Qwest in New Mexico with a \$221 Million default, or Verizon Red lining its Fios fiber deployments, is just an example of misuse of the taxpayers spectrum for ill-gotten unjust enrichment from the monopoly of these large corporations. Another is a Cable Franchise "best effort offering". If Comcast who is the largest franchise, can offer "Comcast pro", but the subscriber on-any-given-day, receives less than 45% of the bandwidth they pay for, this model does not work to address the preliminary outlined purposes expressed in the BTOP. If the ILEC-Cable cannot upgrade a quality carrier class offering to those neighborhood's who can more afford higher pricing, then how do they assure providing quality bandwidth and services to rural and economically disadvantaged areas? They will not and therefore should not be permitted to influence the RFP and process. Let some other alternative models be equally considered, with at least demonstrating a proven model or proof of concept.

**Question:**

What will NTIA and RUS do to assure the selection process is fair and that no undisclosed or private communications have taken place with those who have lobbyist or third parties?

Are there options to make the transcripts of meetings available in a more timely manner on the NTIA, FCC or RUS web site. At this time, we only see the March 1, 2009 transcript.

**Comment Inquiry:**

This is not a problem that can be solved using one technology, or one perspective of deployment such as Cable or ILEC model. A combination of current infrastructure and alternative architecture will maximize

the country's flexibility to merge into 4G upgrade to every square mile both wired and wireless.

We believe it would be more cost effective, if those proposals, which demonstrate their "proven" ability to be inclusive of more than one aspect of the ARRA, to include public safety, education, medical to merge with rural and disadvantage areas will serve the greater need. While \$7 billion sounds like a lot, it is not when considering 50 states.

*David Villano, the Assistant Administrator of the Telecommunications Program for the U.S. Department of Agriculture, mentioned during the March 10, 2009 meeting in transcript, actual page 26, thru 27; Within 60 days of the public comments, we plan to publish a series of notices of funding availability, NOFAs, similar to NTIA. The first NOFA, as I mentioned, should be published within the next 60 to 90 days, and then we'll be publishing subsequent NOFAs thereafter. They will explain the whole application process, and the time frames that applicants would need to submit those applications. We will lay out all the scoring criteria and the evaluation criteria, and the reporting requirements that the applicants have to abide by to receive these grants.*

**Comment Inquiry:**

As much as possible, under the terms and conditions of BTOP, where the goals and objectives are almost the same, is it possible for a coordinated effort to utilize the same procedures, understanding that the application or proposals can ID those aspect of difference for each agency, but distribute the same criteria and guidelines for the BTOP.

Is the process the same in terms of time lines for release of NOFA for USDA, FCC and NTIA or will this release by NTIA be the process for all involved?