

**Before the
Department of Commerce
National Telecommunications and Information Administration
and the
Department of Agriculture
Rural Utilities Service
Washington, D.C.**

Joint request for information:)
American Recovery and Reinvestment Act of) Docket No. 090309298-9299-01
2009 Broadband Initiatives)

**COMMENTS OF THE
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
(Filed April 10, 2009)**

The Wisconsin Department of Public Instruction (WIDPI) is the state’s public school and public library agency. We appreciate this opportunity to comment on the broadband funding available in the American Recovery and Reinvestment Act of 2009 (ARRA). Our major recommendations are summarized immediately below followed by more detailed comments to select questions.

Summary of major recommendations from the Wisconsin Department of Public Instruction

- Grants that fit a State’s priorities should be given preference in funding. (*questions #1, 2, 4*)
- In determining the long-term feasibility of the investment, the NTIA should make fiber and its related infrastructure a grant priority. (*question #4*)
- Give further priority or preference to applications that:
 - Seek to expand existing programs and services. (*question #4*)
 - Show collaboration and partnerships between constituent groups. (*question #4*)
 - Demonstrate a large regional or statewide impact. (*question #4*)
- Grants addressing the education and training purposes are likely to be straightforward and thus lend themselves to a more streamlined application process. (*question #4*)
- The \$200 million minimum to expand public computer center capacity should be targeted at bringing fiber and related infrastructure to libraries and community colleges. (*question #6*)
- Even schools, libraries, higher education and museums that have sufficient broadband capacity—and thus are unlikely meet any definition of “unserved or “underserved”—should qualify to submit grants for education, awareness, training, access, equipment, and support. (*question #7*)

- Allow in-kind contributions to meet the required 20% funding “match”. Considering the economic conditions nationwide, considerable latitude should be given to applicants in this area. (*question #10*)
 - A single definition of the terms “unserved” or “underserved” is not realistic or workable. Furthermore, the legislation referencing these terms appears targeted at the consumer market and not to schools, libraries, or higher education. (*question #13*)
 - “Community anchor institutions” should be defined as local institutions that already offer no-fee Internet access to the public. Public libraries fit this definition but in Wisconsin so do most institutions of higher education, many museums, and some K-12 schools. (*question #13*)
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NTIA Questions

1. The Purposes of the Grant Program.

WIDPI Comment/Position:

- a. Priority should be given to applications on a State’s priority list. The \$200 million minimum to expand public computer center capacity should be targeted at bringing fiber and related infrastructure to libraries and community colleges.
- b-c. WIDPI has no issues with “encouraging” applicants to address more than one purpose or to address other broadband-related portions of the Recovery Act. But some grants simply do not lend themselves to doing this and thus this should not influence the grant evaluation or ranking process.

2. The Role of the States.

WIDPI Comment/Position:

- a-b. NTIA/RUS should indicate that States have the option to submit a list of priorities and any grants that fit these priorities should be given preference in funding.
- c. Preference to the State’s list is especially important for larger regional or statewide applications.
- d. Consider accountability of the applicant and experience in managing previous projects similar to what is being requested in its application.

3. Eligible Grant Recipients.

WIDPI Comment/Position:

Community Area Networks (CANs) operated or managed by the public sector, not-for-profits, or by the private sector should be eligible entities.

4. Establishing Selection Criteria for Grant Awards.

WIDPI Comment/Position:

- a-b. In addition to the specific criteria referenced in the Recovery Act, priority or preference in the grant ranking process should be given to:
 - Applications that support a State’s list of priorities

- Applications that provide long-term benefits (e.g., fiber)
- Applications that seek to expand existing programs and services
- Applications that show collaboration or partnerships, (e.g., Community Area Networks), and
- Applications that demonstrate a large regional or statewide impact.

In regard to the above preferences, WIDPI strongly support the comments filed in this same docket by WiscNet – Wisconsin’s Research, Education, and Public Service Network.

d-e. See our comments at 1, b-c above.

f. Applications that seek to expand existing programs and services have already shown their ability to sustain broadband service.

g. WIDPI interprets the law’s technology neutral language to simply mean that the NTIA cannot support or prohibit any particular solution. However, in the same context this then means that applicants are free to propose the broadband technology they think will best meet their needs.

5. Grant Mechanics.

WIDPI Comment/Position:

a-b. Consider the experience in managing programs of the organization submitting the application. Give priority to applications that build on existing programs and services and that have a track record the applicant can document. Consider a more streamlined application process for grants requesting less than \$20,000. Grants focused on addressing the education and training purposes are likely to be very straight-forward and thus this purpose lends itself to a streamlined application process. Have reasonable limits on the length of the grant application, like a 10 page maximum with 20 page maximum for supporting documentation. (The NTIA TOP grant program had a 7 page maximum.) Consider using the questions asked in the TOP application.

6. Grants for Expanding Public Computer Center Capacity.

WIDPI Comment/Position:

a. The nation’s 16,500 public libraries are the quintessential institutions that already provide public access computing. Results of a November 2008 survey by the American Library Association (ALA) show that *71.5% of Wisconsin’s public libraries report that the library offers the only free Internet access in their communities*. This same survey showed that 66.4% of our libraries report not having sufficient broadband capacity to meet the needs of patrons or staff.* These figures for Wisconsin are typical for libraries in many other states too. Considering the critical role that public libraries have in offering free public access computing—and the issues a majority of libraries have with insufficient bandwidth—WIDPI strongly believes that much of the “Public Computer Center Capacity” funding should be targeted at a “Fiber to the Library” initiative. While many smaller libraries do not now need fiber, they will. In brief, fiber gets our libraries to the future, faster. If needed, the \$200 million should be increased to meet the demand for a national library fiber program.

* ALA staff have confirmed these statistics but they are not yet publically available.

Libraries should also be eligible to apply for the funding available in the “Large broadband deployment” category.

b. Priority should be given to fund existing institutions, like our libraries and community colleges, which already have a long history of serving the public before awarding funds to other institutions or organizations without such a history.

7. Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service.

WIDPI Comment/Position:

a. (We assume that the education, training, etc., purpose will be considered as part of the \$250 million in innovative funding.) An important purpose of the Recovery Act that is often overlooked is Section 6001(b)(3), which includes funding for broadband education, awareness, training, access, equipment, and support to facilitate greater use of services requiring sufficient broadband capacity. Our educational institutions and libraries are in permanent education and training modes as they routinely assist students, staff and library patrons with their needs related to accessing Web-based applications and services. The statute makes no connection or requirement between being unserved or underserved and being eligible to apply for funding stated in Section 6001(b)(3). Therefore, even educational institutions and libraries that have sufficient broadband capacity—and thus are unlikely to meet any definition of “unserved or “underserved”—should qualify to submit grants for education, awareness, training, access, equipment, and support.

8. Broadband Mapping.

WIDPI Comment/Position:

The results of any mapping must be fully transparent and open for public review. To be most useful, any mapping should be done at the more granular census block level rather than the broader census tract level. In general, WIDPI supports the more extensive comments provided by the Wisconsin Public Service Commission.

9. Financial Contributions by Grant Applicants.

WIDPI Comment/Position:

a-c. Allow in-kind contributions to be considered as the “match”. If applicants have not budgeted for the proposed project, that should satisfy condition “c”. With state/local budgets under severe strain considerable latitude should be given to applicants in this area, including petitions to waive the match. We disagree with some organizations that suggest requiring an “exhaustive list of documentation”[†] to show that a proposal will not be implemented without federal assistance.

[†] FreePress 2009 report, “Putting the Angels in the Details: A Roadmap for Broadband Stimulus Success” p.4, http://www.freepress.net/files/Angels_in_the_Details.pdf.

10. Timely Completion of Proposals.

WIDPI Comment/Position:

a-b. Make the application and reporting process, brief and straight-forward. Additional reporting requirement should not be imposed beyond those referenced in the statute.

11. Reporting and Deobligation.

WIDPI Comment/Position:

No position.

12. Coordination with USDA's Broadband Grant Program.

WIDPI Comment/Position:

a-b: Both agencies should have the same grant application process. The agencies can then decide what source (NTIA, RUS) the grant funds are allocated from based on the purpose and intent of the application. Schools and libraries are very unlikely to borrow funds and thus we encourage the RUS to use most of its funding for grants.

13. Definitions.

WIDPI Comment/Position:

- a. We submit that a single definition of “unserved” or “underserved” is not realistic or workable. Furthermore, the legislation referencing these terms appears targeted at the consumer market. Thus we do not think these terms should apply to schools, libraries and higher education.
- b. Any definition of “broadband service” must be placed in the context of the user. In other words, one definition definitely does not fit all users. For example, in a 2007 ALA survey, 63.9% of public libraries nationwide had 1.5Mbps connectivity or less.[‡] This may currently be adequate for many residential users but is woefully inadequate for libraries or schools.
- c. Use the FCC’s Network Principles, released September 23, 2005, as minimal obligations by the applicant and all the parties it represents.
- d. “Community anchor institutions” should be defined as those local institutions that already offer free Internet access to the public. Public libraries fit this definition but in Wisconsin so do our institutions of higher education, many museums, and some K-12 schools. WIDPI believes that ensuring robust broadband connectivity to anchor institutions will require substantial infrastructure build out which will help in bringing robust connectivity to businesses and residential users too.

14. Measuring the Success of the BTOP.

WIDPI Comment/Position:

a-b. Require periodic reports and grant completion benchmarks based on the applicant’s proposed evaluation and data required by NTIA/RUS.

[‡] “Libraries Connect Communities...” Figure C15, <http://www.ala.org/ala/aboutala/offices/ors/plftas/0708report.cfm>.
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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.

WIDPI Comment/Position:

No other comments.

RUS questions

WIDPI Comment/Position:

No comment. Our comments to the NTIA questions address our main concerns and issues.

Thank you again for the opportunity to comment on this important issue. The Wisconsin Department of Public Instruction looks forward to the Notice of Funds Available announcement and publication of specific information on the grant application process.

Sincerely,

A handwritten signature in black ink that reads "Richard Grobschmidt". The signature is written in a cursive style with a large, stylized initial "R".

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