



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
FAX (434) 591-1911
www.co.fluvanna.va.us

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clawton@co.fluvanna.va.us

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swright@co.fluvanna.va.us

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ajones@co.fluvanna.va.us

April 13, 2009

Ms. Bernadette McGuire-Rivera, Associate Administrator,
Office of Telecommunications and Information Applications

VIA Email: BTOP@ntia.doc.gov

RE: Federal Register Vol. 74, No. 47 March 12, 2009

Dear Ms. McGuire-Rivera:

We are providing comment on two issues associated with the American Recovery and Reinvestment Act of 2009 Broadband Initiatives as published in the Federal Register.

Our first comments pertain to eligible grant recipients. It is our recommendation that greater consideration be given to proposals submitted by local government in collaboration with a broadband company. It is important for local government to be able to protect the stability of broadband service once it is made available to the community. In the event private service providers fail or sell to another company they would be free to liquidate their assets by disassembling and moving the network to another location or selling the infrastructure components. Without safeguards in place, business and citizens who come to rely on broadband may find themselves with no service and no prospect for another provider. Infrastructures supported by grant funds should justly be expected to operate at reasonable rates and remain in operation. Local governments need to be able to obtain rights to first refusal for subsidizing a system whose provider fails until another service provider can be secured. If a grant subsidized system is sold, local government needs to be able to ensure that stipulations for reasonable rates and right of first refusal conveys with the sale. Our position is that local governments should always be considered first as applicants, and only if a local government is completely disinterested in a potential project where need has been determined should a private entity be considered. Even then, grant requirements should impose safeguards for continued availability of service and reasonable cost until such time that the competitive market brings two or more providers to the area whereby normal competition will prevail.

Our second set of comments pertains to broadband mapping. We recommend several questions be raised about what is represented by the maps. Are the areas noted by the mapping show where coverage could be versus where current service is actually available? We have seen mapping that suggests service is available where we know it is not. The capability to offer it may be, but presumably the market has not supported actually offering the service as of yet.

If the mapping will be used to determine where best to utilize grant funding it is critical that the mapping show only where actual service is provided, not the potential for

service. The potential for service should be clearly differentiated from actual service. A second map could be developed that allows companies to declare an interest in providing service to certain areas, but even then it would be best to apply limitations to the time horizons. Is the interest in one year, five years, fifty years, etc? It should not be presumed that having the potential for service is the same as having an interest in providing service within a reasonable timeline. It is important to ensure that these maps do not become an effort to protect future markets; rather they should be a tool to map where lack of service exists, today. Steps should be taken to avoid excluding a locality from eligibility because the maps depict an area as having more coverage than is actually present.

We are grateful for the opportunity to submit comments on an issue that is key to the future economic health in rural areas. Without broadband, rural business and education will falter. Without grant opportunities, broadband will not reach rural areas.

Yours truly,

Manuel Rodriguez, Director of Information Technology

Patricia Groot, Grants Administrator