

Before the
DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration
and the
DEPARTMENT OF AGRICULTURE
Rural Utilities Service

In the Matter of the

**Broadband Initiatives Program
and Broadband Technology
Opportunities Program**

)
)
)
) **Dkt. No. 0907141137-91375-**
) **05**
)
)
)

COMMENTS OF EDUCATIONAL SERVICES NETWORK, CORP.

Paul C. Besozzi
Patton Boggs LLP
2550 M Street NW
Washington, D.C. 20037
(202) 457-5292

Felix M. Santiago CMC
President
Educational Services Network,
Corp.
Box 1570
Juncos Puerto Rico 00777
(787) 852-5045

Dated: November 30, 2009

II. EDNET'S INTEREST IN THE BIP/BTOP PROGRAMS

EdNet is a Puerto-Rico-based company that provides educational services through the integration of technology, Internet access and related broadband services to schools, libraries, government entities and others. EdNet's senior administrators have over 25 years of combined experience in the technology arena and federal funds administration. EdNet as an entity has been providing services over the last 5 years, helping schools, libraries and governmental entities, implement their E-Rate proposals and technology plans. The main objectives of these projects are to support children and adult education through the use of Internet and technology, create technological environments to improve broadband services and help close the gap between rural areas and developed municipalities throughout Puerto Rico by providing services and technological tools to help the less advantaged population.

EdNet provides services to more than 85 libraries in at least 25 municipalities throughout the island, 6 private schools and 4 specialized schools in Science, Math, Technology, Arts, Family Literacy among others. EdNet's services impact nearly 600,000 residents, including but not limited to students, parents and teachers. Some of said population would otherwise have limited or no access to Internet and other technology-related services. As a local company, EdNet has the mission to help the less advantaged population create opportunities to improve their quality of life and economy by bringing closer the Internet and education technology closer to them. Through the use of the Internet and technology they acquire the tools, information and knowledge required to succeed, as they continue their college education or decide to develop their own business.

III. EDNET'S COMMENTS ON SPECIFIC JOINT REI TOPICS

EdNet's comments focus is on questions posed relating to (a) the program definition of "remote" and (b) the timing of the next NOFA.

A. The Program Definition Of “Remote Area” Does Not Account For Geographic Realities

The RFI appropriately notes that there have been a number of comments regarding the definition of “remote area” adopted in the original NOFA. Concerns about this definition arose even before the applications under that NOFA were accepted. They were raised not only by potential applicants, but Members of Congress responsible for overseeing the program. Those concerns continue and must be addressed in the NOFA for the next round of applications.

The fact is that a “one-size-fits-all” definition of “remote area” ignores geographic realities. As the RFI suggests, such a definition does not allow consideration of “geographic barriers” that make an area that is much less than 50 miles from the limits of a non-rural area qualify as “remote.”

Under the current definition there is no opportunity to consider the geography or topography that might lie between those limits and the area proposed to be served with new broadband infrastructure. Thus, intervening mountains or other topological occurrences can isolate an area and render it “remote” even though as the crow flies it is less than 50 miles from the limits of a non-rural area.

The geography and topography of Puerto Rico, where EdNet is considering proposing infrastructure applications, provides a good example. The island is no more than 100 miles at its widest point, and almost all areas would be within 50 miles of what might be defined as non-rural areas. Yet there are many areas that because of the mountains that are in the center of the island that are decidedly remote and unattached to the more populated communities. The current definition of “remote area” does not take into account these kinds of factors and as a result, what otherwise might be meritorious infrastructure proposals are potentially rendered ineligible for certain assistance.

The RFI indicates that the purpose of the “remote area” standard was to ensure that the “most isolated, highest-cost to serve, unserved communities could receive the benefit of up to 100 percent grant financing.” The rigid definition is having the potential opposite effect of excluding qualifying communities based solely on an arbitrary distance. EdNet strongly believes that this should be adjusted in the next NOFA and greater flexibility must be provided to permit addressing individual circumstances resulting from geographic and topographic factors.

B. Timing Of Applications Under The Second NOFA

Although not specifically raised by the RFI, the RFI does provide the opportunity to comment on “other changes.” In addition, since the release of the RFI there have been growing reports about the timing of announcement of awards under the initial NOFA and a potential delay in completion of that process until possibly February of 2010.

The identity of initial BIP and BTOP grantees clearly has a potential impact for the decisions of applicants for the second NOFA. Those applicants presumably would not want to be proposing duplicative facilities or projects to those approved/not approved under the first round.

Therefore, EdNet assumes that the second NOFA will not call for applications until all first round results are fully announced and potential second round applicants have access to that information. Otherwise there is a potential risk of duplicative or overlapping applications that involve the expenditure of resources by both the applicants and NTIA and RUS.

The application date under the second NOFA should provide potential applicants a reasonable interval to be able to consider the results before being required to submit their applications.

IV. CONCLUSION

EdNet strongly urges the NTIA and RUS to revise the definition of “remote areas” in a way that provides greater flexibility and the ability to address geographic and topological

characteristics that render areas remote even though less than 50 miles from the limits of non-rural areas. Applications for the second NOFA cannot be required before potential second round applicants are aware of and had a chance to review the results of the first round.

Respectfully submitted,

EDUCATIONAL SERVICES NETWORK, CORP.

By: 

Paul C. Besozzi
Patton Boggs LLP
2550 M Street NW
Washington, D.C. 20037
(202) 457-5292

Felix M. Santiago CMC
President
Box 1570
Juncos Puerto Rico 00777
(787) 852-5045

Dated: November 30, 2009