



City of Phoenix

OFFICE OF THE CITY MANAGER

By E-mail to broadbandrfi@ntia.doc.gov

November 30, 2009

Broadband Technology Opportunities Program
National Telecommunications and Information Administration
U.S. Department of Commerce
HCHB Room 4887
1401 Constitution Avenue, N.W.
Washington, DC 20230

RE: NOFA 2 RFI Docket No. 090309298-9299-01

Dear Administrator Strickling:

Thank you for the opportunity to provide comments for the second Notice of Funds Availability (NOFA) for the National Telecommunications and Information Administration's (NTIA) Broadband Technology Opportunities Program. The City of Phoenix appreciates the efforts to improve the broadband program and application process, and offers the following recommendations to assist in the creation of a program which meets the laudable intentions of the American Recovery and Reinvestment Act (ARRA).

1. Provide Funding for Public Safety Broadband Projects

Section II.A. of the RFI asks for input regarding funding priorities and objectives. As mandated by the American Recovery and Reinvestment Act, a central purpose of the broadband program is to "improve access to, and use of, broadband service by public safety agencies." Section II.B – 2 (BTOP Priorities) of the initial NOFA further specifies that the Broadband Technology Opportunities Program "will seek to serve the highest priority needs for federal investment—particularly projects that offer the potential for economic growth and job creation, and provide benefits to education, health care, and **public safety.**" Based on the aims of the program as stated in the Recovery Act, the upcoming NOFA should identify funding for public safety broadband projects as a key program objective.

Creating or improving broadband infrastructure for public safety institutions can have a major impact on their ability to serve the community. For instance, broadband access can improve dispatch systems for first responders, helping police, fire, and medical services respond more quickly in an emergency. Broadband technology could also improve public safety through

increased situational awareness, greater communication, or through increased access to training opportunities via the internet.

Public safety is a cornerstone of every community, and drives many funding decisions for local and state governments. Broadband funding for improvements for public safety purposes can also be leveraged for other community uses. Finally, for those communities most impacted by the recession, the innovative use of broadband technologies can provide efficiencies to help maintain a level of public safety necessary for stability and long-term economic development. High crime levels, fires and natural disasters, or other threats to public safety can hinder economic development and drain much needed resources from municipalities.

2. Consider More Than Unemployment Rates in Determining Economic Need

Section II.A.2. of the RFI asks “Should states or regions with high unemployment rates be specifically targeted for funding?” While the evaluation process should definitely include consideration of local economic conditions as a primary selection factor to ensure that ARRA funding gets to those areas with the greatest need, the complex and expansive nature of the recession makes reliance on a single indicator problematic when considering funding targets. The Government should ensure optimal allocations to address economic need by considering other economic indicators, such as job loss rates, falling per capita income, foreclosure rates, and rates of family homelessness. When taken together, these additional factors present a far more accurate picture of the level of economic stress in a locality.

3. Clarify Nondiscrimination and Interconnection Obligations

Section II.D. of the RFI asks if any adjustments should be made to interconnection and nondiscrimination requirements. Clarifying the applicability of these obligations to public sector broadband projects will enable States and localities to determine how to structure applications for projects to advance public purposes.

For example, applying the obligation for interconnection to municipal applicants would deter localities from pursuing funding for worthwhile projects that have the potential to improve access to broadband services for many underserved populations. Accordingly, the NOFA for the second round should clarify that localities need not open private broadband networks used exclusively for public purposes to interconnection with private carriers or other private entities. Further, please clarify that the nondiscrimination obligation will not override Acceptable Use policies that State and local governments adopt for their employees and public computing site users.

4. Give Greater Access to Application Data

Section I.B. of the RFI asks if the Government should give greater access to application data to other applicants, policymakers, and the public. In keeping with the Recovery Act’s stated goal of maximizing transparency, the City of Phoenix urges the Government to make as much information public as possible from successful first round applications, consistent with legislative restrictions on the release of trade secrets and confidential business information. Releasing such information will enable potential applicants to make better decisions about

whether to apply, and to prepare better applications when they do decide to submit an application. In turn, the government will benefit from getting more proposals that better align with program goals, and fewer proposals that have no chance of securing funding.

Deployment of broadband projects to achieve the program's goals requires a community and regional approach. Greater transparency of project information will help to achieve regional broadband goals by providing awareness of other broadband initiatives in the region.

5. Revise The Definitions of Unserved and Underserved

Section II.B. of the RFI stated that applicants have voiced concern that restrictive definitions of "unserved" and "underserved" have made worthy projects in urban areas ineligible for support. Defining "un-served" and "underserved" based on proximity to existing network connections unduly restricts funding of projects within the intent of the Recovery Act. The availability of services that large segments of the population within the service area cannot afford does little to enhance educational opportunity or promote economic development. The Government should open the application process to projects that will bring the benefits of broadband to those who cannot afford computers or access to existing services. Shifting more funding to public computing centers than required under the Recovery Act will increase availability of broadband within populations persistently under-served because of low income levels, unaffordable rates, limited computers and lack of basic computer skills. Not only will these populations obtain greater access to computers and broadband, they can also get the training needed to put that access to use effectively: to enhance education, find employment and otherwise enrich their lives.

6. Projects Which Include Some Supplanting of Existing Services Should Be Allowed

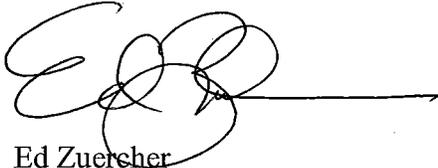
Section II.A. of the RFI asked if the NTIA should consider the extent of the geographic footprint as well as any overlap with existing service providers for comprehensive community projects. The Government ought to consider funding for projects which might supplant some existing broadband services. While projects which simply duplicate existing broadband service should not qualify for grant funding, the Government might consider projects in instances where duplication will result in much needed redundancies for critical systems, foster competition or otherwise enable local governments to lower costs and reallocate limited public funds.

7. Projects Spanning Two or More Project Categories Should be Eligible

Section I.A of the RFI asks "How should NTIA link broadband infrastructure, public computer center and sustainable adoption projects through the application process?" The initial NOFA states: "BTOP funds are available through three categories of eligible projects: Broadband Infrastructure, Public Computer Centers, and Sustainable Broadband Adoption." In order to allow for the greatest diversity in project proposals, and to encourage creativity and innovation among applicants, the Government should confirm that applications spanning multiple categories will be accepted for consideration under the Broadband Technology Opportunities Program.

The City of Phoenix urges the NTIA to implement the program in accordance with the intent of the Recovery Act, and in a manner that best serves the public interest. We thank you for the opportunity to contribute to the successful implementation of the program.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Ed Zuercher
Assistant City Manager