

## **1. Middle Mile ``Comprehensive Community'' Projects.**

Should RUS and/or NTIA focus on or limit round 2 funding on projects that will deliver middle mile infrastructure facilities into a group of communities and connect key anchor institutions within those communities? Ensuring that anchor institutions, such as community colleges, schools, libraries, health care facilities, and public safety organizations, have high-speed connectivity to the Internet can contribute to sustainable community growth and prosperity. Such projects also have the potential to stimulate the development of last mile services that would directly reach end users in unserved and underserved areas. Additionally, installing such middle mile facilities could have a transformative impact on community development by driving economic growth.

RESPONSE: Yes, we here at the City of Westfield, Indiana have a need for funds that would allow for fiber optic infrastructure buildouts to our new Fire Station facilities, Water and Wastewater Treatment Plants, Public Safety Training facilities and schools. In 2010, we currently have plans to build one new Fire Station, one new state of the art Public Safety Training Center to be used county wide, and have 2 existing Water Treatment plants, 2 existing Wastewater treatment plants all of which have no access to our existing fiber network due to their remote locations. In addition all emergency operations would run off that fiber network. If other fiber companies are disabled due to a crisis or catastrophe, infrastructure and emergency operations would be a public safety concern.

Should we give priority to those middle mile projects in which there are commitments from last mile service providers to use the middle mile network to serve end users in the community? Should the agencies' goal be to fund middle mile projects that provide new coverage of the greatest population and geography so that we can be assured that the benefits of broadband are reaching the greatest number of people? Should we target projects that create ``comprehensive communities'' by installing high capacity middle mile facilities between anchor institutions that bring essential health, medical, and educational services to citizens that they may not have today? Should certain institutions, such as educational facilities, be given greater weight to reflect their impact on economic development or a greater need or use for broadband services? If so, what specific information should RUS and NTIA request from these institutions?

RESPONSE: The city of Westfield, Indiana has a dedicated fiber optic department that is focused exclusively on how to manage the fiber asset as both a public entity as well as private. We utilize our fiber infrastructure as an open access network to allow multiple carrier access in order to bring competition and economic development to the commercial sector, as well as serve our public safety, public works, and school needs. This two tier approach demands that we request federal funding in order to keep up with the growth of the network and local economy. The Public Network, named "WestfieldConnects" is currently open to 3 different Service Providers and is serving 5 commercial customers at this time, with 4-6 additional customers anticipated in 2010.

## **2. Economic Development.**

Should RUS and/or NTIA allocate a portion of the remaining funds available under the BIP and BTOP programs to promote a regional economic development approach to broadband deployment? This option

would focus the Federal broadband investment on communities that have worked together on a regional basis to develop an economic development plan. It would encompass a strategy for broadband deployment, and would link how various economic sectors benefit from broadband opportunities. Such a regional approach would seek to ensure that communities have the ``buy-in,`` and the capacity, and the long-term vision to maximize the benefits of broadband deployment. Using this option, NTIA and RUS could target funding toward both the short term stimulus of project construction and the region's longer term development of sustainable growth and quality jobs. For instance, rather than look at broadband investments in both rural and urban communities as stand-alone actions, should RUS and NTIA seek applications for projects that would systematically link broadband deployment to a variety of complementary economic actions, such as workforce training or entrepreneurial development, through targeted regional economic development strategic plans? Should funds be targeted toward areas, either urban or rural, with innovative economic strategies, or those suffering exceptional economic hardship? Should states or regions with high unemployment rates be specifically targeted for funding?

RESPONSE: The city of Westfield, Indiana fiber optic department and Economic Development Director work closely together to advertise and make public the offering of the fiber network to attract and retain commercial business for the purposes of economic development and job growth. Through a diverse and competitive open access network, WestfieldConnects has been able to drive down the cost of voice and data services to our businesses thereby providing a value and realized cost savings to their operations and an incentive to remain and locate their businesses here in our city. Since our network is an all single-mode fiber optic network, we believe that the 50 mile limitation as a definition for a "remote area" does not qualify, as this metric is easily overcome by the transport and switch technology that is available today.

#### 4. Other Changes.

To the extent that we do target the funds to a particular type of project or funding proposal, how if at all, should we modify our evaluation criteria? How should we modify the application to accommodate these types of targeted funding proposals? For example, should any steps be undertaken to adjust applications for satellite systems that provide nationwide service, but are primarily intended to provide access in remote areas and other places not served by landline or wireless systems? Are there any other mechanisms the agencies should be exploring to ensure remaining funds have the broadest benefit? How might the agencies best leverage existing broadband infrastructure to reach currently unserved and underserved areas? Are there practical means to ensure that subsidies are appropriately tailored to each business case? For example, should the agencies examine applicant cost and revenue estimates, and adjust the required match accordingly? Could elements of an auction-like approach be developed for a particular class of applications or region? If so, how would the agencies implement such an approach in a manner that is practical within program constraints and timeliness?

RESPONSE: The city of Westfield has been working on plans to deploy a next generation WiMAX system for high-speed wireless access to support Public Safety, school and also for residential use. The system would be full 4G

mobile WiMAX to include mobile handsets if deployed by Sprint/Clearwire. Cost for this system range from \$250K on the low end (for municipal system only) to upwards of \$1.2 million for a commercial grade system. This initiative is the number one goal of the fiber department for year 2010 and has been designated as a primary economic development driver for the City of Westfield and the greater Hamilton county area.

#### B. Program Definitions.

Section III of the NOFA describes several key definitions applicable to BIP and BTOP, such as ``unserved area,'` ``underserved area,'` and ``broadband.'`\9\ These definitions were among the most commented upon aspects of the NOFA.

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\9\ Id. at 33108.

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For example, a number of applicants have suggested that the definitions of unserved and underserved are unclear and overly restrictive; that they kept many worthy projects, particularly those in urban areas, from being eligible for support; that there was insufficient time to conduct the surveys or market analyses needed to determine the status of a particular census block area; and that they discouraged applicants from leveraging private investment for infrastructure projects. In what ways should these definitions be revised? Should they be modified to include a specific factor relating to the affordability of broadband service or the socioeconomic makeup of a given defined service area, and, if so, how should such factors be measured? Should the agencies adopt more objective and readily verifiable measures, and if so, what would they be? How should satellite-based proposals be evaluated against these criteria?

With respect to the definition of broadband, some stakeholders criticized the speed thresholds that were adopted and some argued that they were inadequate to support many advanced broadband applications, especially the needs of large institutional users. Should the definition of broadband include a higher speed and should the speeds relate to the types of projects? Should the agencies incorporate actual speeds into the definition of broadband and forego using advertised speeds? If so, how should actual speeds be reliably and consistently measured?

The NOFA defines ``remote area'` as an unserved, rural area 50 miles from the limits of a non-rural area.\10\ The rural remote concept aims to address the prohibitive costs associated with broadband deployment in communities that are small in size and substantially distant from urban areas and their resources. The definition adopted in the NOFA was intended to ensure that the most isolated, highest-cost to serve, unserved communities could receive the benefit of up to 100 percent grant financing. The geographic factor upon which an area was determined to be eligible was its distance from a non-rural area; in this case, 50 miles. RUS heard from many interested parties, including members of Congress, on this definition. Many believed it was overly restrictive, thereby eliminating too many areas that were not 50 miles or more from a non-rural area but were nonetheless a fair distance away and unserved. Comment is requested on the definition of remote area, as well as whether this concept should be a factor in determining award decisions. Should factors other than distance be considered, such as

income levels, geographic barriers, and population densities?

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\10\ Id. at 33109.

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C. Public Notice of Service Areas.

Section VII.B of the NOFA allowed for existing broadband service providers to comment on the applicants' assertions that their proposed funded service areas are unserved or underserved.\11\ Some stakeholders have suggested that this rule may reduce incentives for

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applicants to participate in the BIP and BTOP programs because of the risk that their applications may be disqualified from funding on the basis of information submitted by existing broadband service providers that they have no means to substantiate or rebut. How should the public notice process be refined to address this concern? What alternative verification methods could be established that would be fair to the applicant and the entity questioning the applicant's service area? Should the public notice process be superseded where data becomes available through the State Broadband Data and Development Grant Program that may be used to verify unserved and underserved areas? What type of information should be collected from the entity questioning the service area and what should be publicly disclosed?

RESPONSE: The city of Westfield and WestfieldConnects has a comprehensive Business Plan already in place that is designed to provide an OSPN (Open Service Provider Network) for the purposes of Economic Development, job growth, business attraction and retention, and Service Provider competition. For this reason, we believe that the Public Notice requirements are not necessary or at minimum, should be reduced.