



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

November 30, 2009

Broadband Technology Opportunities Program (BTOP)
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:

The City of Houston, as represented through the regional coalition (the "Coalition") of public entities from the Houston, Harris County region of Texas, whose sole purpose is to serve the public interest, associates itself with the Comments filed by the National Association of Telecommunications Officers and Advisors in this matter and submits these comments to offer our specific endorsement of the need to make changes in the BTOP program. Our comments are consistent with the enclosed comments the Coalition submitted on April 13, 2009, regarding NOFA 1 RFI Docket No. 090309298-9299-01.

Members of the Coalition, which include the City of Houston, Harris County, Houston Community College System, Texas Medical Center System and the Harris County Department of Education, have joined together in the hopes of accelerating the day that broadband services are deployed and affordable for all of our nearly four million residents within the region. We offer these comments on behalf of these residents, our constituents, for whom we are in a unique position to understand what true broadband access might mean in their lives and that of their families. We urge the National Telecommunications and Information Administration ("NTIA") and the Rural Utilities Service ("RUS") (collectively "the Agencies") to distribute the American Recovery and Reinvestment Act of 2009 ("ARRA") grants in a way that, true to the law's vision, will bring the most benefit to the most people.

The Coalition's primary goal of these comments and those filed in Round 1 has been to encourage the Agencies to streamline the application process and to encourage NTIA to make broadband resources as available as possible in urban communities such as those represented by the Coalition. The Coalition, therefore, is most pleased with the tentative conclusions reached by the Agencies in the RFI to: streamline the process, support anchor institution networks and provide more than the statutory minimum amount of support for public computer centers. The Coalition's greatest concern is, however the continued reliance on incumbent broadband providers' data to determine the eligible status of applicants designated service areas. In these comments we encourage NTIA to offer BTOP applicants the ability to employ underserved metrics that are independent of incumbent broadband providers such as poverty levels and unemployment statistics.

I. Agencies Should Embrace Tentative Conclusions

We believe that the Agencies may best achieve this goal by changing the rules for Round 2 of the ARRA broadband grants, by first modifying your rules as tentatively concluded in the RFI. Specifically, the Agencies are correct.

- The application process must be streamlined to facilitate multiple submissions by one applicant and encourage more parties – especially private-public partnerships – to apply. It is impossible for a region as broad as that represented by the Coalition to limit itself to a single submission. The problem with the application process in Round 1 is that the amount of time it took to assemble an application made it difficult to submit additional applications.
- Greater transparency in the application process would enhance the public's support for the programs. The public availability of the executive summary of applications is a good first step, but the summary should not be the only new information made publicly available. Applicants should have the ability to review and rebut information submitted to the Agencies by an incumbent to challenge an application as well as any statements regarding the project made by a state agency.

Furthermore, we believe that the Agencies should consider in regard to the application and the process, the following:

- The Infrastructure application questions and requirements should be modified to also address middle mile proposals in support of municipal broadband networks.
- The provision of a self-scoring sheet for BTOP applicants similar to that used by RUS for the Broadband Initiatives Program (BIP) to ensure that applications promote the objectives of the Recovery Act and result in the strongest application possible.

II. Enhancing Private-Public Partnership Participation

The Agencies, in addition to adopting the preliminary conclusions outlined above could enhance the program's success by increasing the number of private-public partnerships applying for funding and better leveraging private funding to serve underserved consumers. Below are suggested steps to better achieve this goal.

- The Agencies should modify the requirement of providing historical financial statements because local governments often do not have such documents and alternative documentation would achieve the same purpose.
- The Agencies should amend the definition of "underserved area" by permitting applicants to establish the boundaries of the proposed funded service areas by means other than census blocks, and should permit reliance on metrics to show underserved areas that are not tied to data in the sole possession of incumbent broadband providers. One way that applicants could be permitted to show that service in an area is unaffordable would be by showing that 60% or more of the households in that area qualify under the income eligibility rules of the free or reduced school lunch program. Other metrics that may be employed are poverty line status or any metric that does not require reliance on incumbent "proprietary" data and is a reliable indicator of lower income residents.

III. How Best To Invest Round 2 Funds

A. Support Project Readiness & Sustainability

The RFI requests guidance on how it might best invest its resources in the second and final round. We believe the Agencies would achieve the best return on its investment funding by giving priority to those projects that exhibit a high degree of "shovel readiness", leverage other investments and have considerable matching funds in support of project sustainability.

B. Support Middle Mile Projects

We believe the Agencies would benefit the greatest number of consumers by not limiting middle mile proposals. Public entities working collaboratively with their local partners are uniquely positioned to have the greatest impact toward making broadband accessible to the underserved communities in large urban areas. Thus, priority of funding should be given to middle mile projects that bring essential public safety, health, and educational services to citizens that they would not otherwise have.

C. Support Anchor Institutions

We believe the Agencies would benefit a significant number of consumers by focusing on funding Anchor Institution Networks such as those served by municipal broadband networks as proposed in the RFI. We hope, however, in prioritizing such projects that NTIA does not make the focus on anchor institution networks exclusive. Some last-mile funding is required to serve underserved urban communities such as those serving public housing complexes and other projects, and where the infusion of broadband could spur significant economic development for local communities. We agree that anchor institutions should be a primary focus of the second round of funding. However, last-mile projects that deploy broadband to undeserved areas and would encourage economic development and job growth should not be ineligible under the next round's application rules.

D. Expand Support for Computer Centers

Furthermore, we believe NTIA should exercise the authority granted it by the Congress and make more funds available for public computer centers than the minimum required by law. Research continues to document that one of the leading factors preventing broadband adoption is ownership of a computer. Computer centers in locations frequented by the public such as libraries, community, recreation or employment centers are the most cost-effective means to address this challenge. In addition, most computer centers offer free broadband wireless connection, so individuals owning a computer but lacking broadband access are also served.

IV. Additional Changes Are Required

In addition to the changes outlined above, we believe the following additional changes are needed:

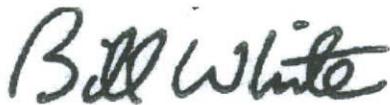
- “Advertised” speed should not be used to determine whether a proposed service area is unserved and underserved. Instead, guaranteed minimum speeds in both directions to the individual premise must be the criteria.
- Applicants must have the ability to review and rebut information submitted to the Agencies by an incumbent to challenge an application.

V. Conclusion

The Coalition urges the NTIA and RUS to implement Section 6001 of the American Recovery and Reinvestment Act of 2009 in a manner consistent with the intent of the Act and that preserves the Act's public interest principles so that the greatest number of Americans is served.

If you have any questions regarding these comments, please feel free to contact Houston Mayor Bill White's office at 832-393-1000 or via email at mayor@cityofhouston.net. Thank you for your consideration of these comments.

Sincerely,



Bill White
Mayor, City of Houston



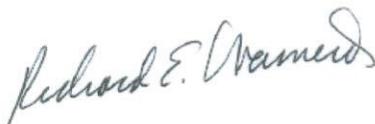
Ed Emmett
County Judge, Harris County



John E. Sawyer, Ed.D
County School Superintendent
Harris County Department of Education



Mary Spangler, Ed.D
Chancellor, Houston Community College



Richard E. Wainerdi, Ph.D
President, Texas Medical Center

Enclosure



Texas Medical Center

April 13, 2009

The Honorable Gary Locke
Secretary, U.S. Department of Commerce
1401 Constitution Ave, N.W.
Washington, D.C. 20230

The Honorable Tom Vilsack
Secretary, U.S. Department of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

The Honorable Anna Gomez
Acting Assistant Secretary, Deputy Assistant Secretary for Communications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave, N.W.
Washington, D.C. 20230

RE: American Recovery and Reinvestment Act of 2009 (ARRA) Broadband Technology Opportunities Program

Dear Secretary Vilsack, Secretary Locke, and Assistant Secretary Gomez:

We represent a regional coalition (the "Coalition") of public entities from the Houston, Harris County region of Texas, whose sole purpose is to serve the public interest. The Coalition appreciates this opportunity to provide comment to the Department of Commerce National Telecommunications and Information Administration (NTIA) and the Department of Agriculture Rural Utility Service (RUS). Members of the Coalition have a vested interest in the deployment and accessibility of broadband services for all residents. Specifically we seek to ensure that the Broadband Technology Opportunities Program benefit the more than 400,000 residents living in underserved communities across our region.

We believe the following recommendations to be vitally important for consideration by the NTIA and the RUS in formulating the Broadband Technology Opportunities Program:

The Coalition recommends that the NITA and the RUS when considering the definition of “underserved area”, should factor the speed and capacity, usefulness, affordability, accessibility, and net neutrality of available Internet services. We believe that these factors will help to qualify projects that are focused on increasing broadband adoption in impoverished communities across the United States. Assisting these communities will further the purposes of the ARRA by using broadband funding to create jobs, promote economic recovery and to assist those most impacted by the recession.

The Coalition also recommends that the NTIA and the RUS when considering *affordability*, be consistent with other federal agencies’ use of the established poverty guidelines¹, such as the U.S. Department of Health and Human Services and any other expansion of eligibility criteria made possible under the ARRA.

The Coalition recommends that the NTIA and the RUS seek to maintain a nationally competitive process in its consideration of the role of State agencies in the grant selection process. We recommend that the grant process is not strictly an intra-state competition, so that the opportunity for nontraditional but effective ways of making broadband accessible to all underserved communities is realized.

The Coalition recommends the NTIA and the RUS consider that qualified institutions which serve underserved and vulnerable populations be eligible for grants for expanding public computer center capacity in addition to community colleges and public libraries.

The Coalition recommends the NTIA and the RUS ensure that the qualification criteria of private entity grant applications are consistent with the public interest goals of the Act. Though we recognize the value of private entities in the effective delivery of broadband services, we believe that governments and non-profit organizations have the unique purpose and capacity to act in the public interest as their primary mission.

Broadband serves as an engine of economic growth, enabling communities to develop and expand job-creating businesses and institutions; but, where broadband is inaccessible because it is unaffordable or lacks the speed and capacity necessary to functionally transfer information, the nation as a whole, and our region in particular, lags behind in the global marketplace. Large urban regions like ours have an extraordinary challenge to reduce digital inequities that contribute to educational barriers, unemployment and underemployment, and a continuous cycle of poverty. The NTIA should give special consideration to projects that provide broadband access, with the greatest speed, to the greatest number of people, particularly those who are low income. Public entities working collaboratively with their local partners are uniquely positioned to have the greatest impact toward making broadband accessible to the underserved communities in the fourth most populous city in the nation.

In furtherance of our purpose to serve the public interest, the Coalition endorses the Comments of the National Association of Telecommunications Officers and Advisors (NATOA), as filed and have attached as an appendix.

We respect the due diligence of the NTIA and the RUS and appreciate the diverse public positions that must be considered. We urge the NTIA and the RUS to sincerely consider our recommendations in its development of grant selection criteria and the overall grant process.

If you have any questions regarding these comments, please feel free to contact my office at 832.393.1000 or via email at mayor@cityofhouston.net.

Sincerely,



Bill White
Mayor, City of Houston



Ed Emmett
County Judge, Harris County



John E. Sawyer, Ed.D
County School Superintendent
Harris County Department of Education



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