



# City of West University Place

*A Neighborhood City*



Recycled Paper

By E-mail to [broadbandrfi@ntia.doc.gov](mailto: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:

The City of West University Place, Texas 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 BTOP program. We offer these comments on behalf of 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.

## **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 encourage more parties – especially private-public partnerships – to apply.
- 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.

## **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 Anchor Institutions**

The RFI requests guidance on how it might best invest its resources in the second and final round. We believe the Agencies would benefit the greatest number of consumers by focusing on funding Anchor Institution Networks as proposed in the RFI, but not make the emphasis 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 would deploy broadband to undeserved areas and would encourage economic development and job growth should not be ineligible under the next round's application rules.

### **B. 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 City of West University Place 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.

Sincerely,

A handwritten signature in blue ink that reads "Michael Ross". The signature is written in a cursive style with a large initial "M".

Michael Ross, City Manager