

**DEPARTMENT OF AGRICULTURE  
Rural Utilities Service**

**DEPARTMENT OF COMMERCE  
National Telecommunications and Information Administration**

In the Matter of )  
 )  
Broadband Initiatives Program and ) Docket No. 0907141137-91375-05  
Broadband Technology Opportunities )  
Program )

**EXECUTIVE SUMMARY**

As part of the RUS's and NTIA's ongoing effort to streamline the application and funding consideration for Round 2 of the BIP and BTOP funding, Caption Colorado and Barling Bay provide observations and comments on the following key items:

- Applicants should be allowed to recover costs associated with preparing applications much sooner in the process, at least as of the date of the November 16 RFI or earlier, as the agencies have been encourage applicants to prepare now for the coming NOFA;
- For certain Sustainable Adoption proposals, only existing businesses should be considered, based on the type of targeted population they plan to serve and their experience related thereto;
- For Sustainable Adoption grants no service area should be required since everyone with access to broadband will have access to the services being offered;
- Certain business information should be allowed to be kept confidential and proprietary for a specified period of time;

- If NTIA uses Expert Reviewers, for proposals that will serve certain targeted populations, experts with experience with those targeted populations should be used for specific applications, such as for services for the deaf and hard of hearing;
- Specific populations should be the target of funding decisions, such as the deaf and hard of hearing communities, rural students, etc;
- The definition for “unserved” and “underserved” for Sustainable Adoption grants should be focused on vulnerable and end user populations, not geography or delivery technology; and
- The focus of the use of funds should include recognition of the importance of video and related services on the Internet and enhancing the user experience on the Internet.

#### **COMMENTS OF CAPTION COLORADO AND BARLING BAY, LLC**

Caption Colorado (“CC”) and Barling Bay, LLC (“BB”) by its undersigned representatives, hereby submit comments in response to the November 16, 2009 joint Request for Information (“RFI”) of the Rural Utilities Service (“RUS”) and the National Telecommunications and Information Administration (“NTIA”) relating to implementation of the RUS Broadband Initiatives Program (“BIP”) and the NTIA Broadband Technology Opportunities Program (“BTOP”). CC and BB submitted comments in April 2009 in response to the agencies’ first joint RFI. CC and BB chose not to submit an application for funding in Round 1 given the challenge of responding under the then in effect rules and guidelines, although we still maintain that the deaf and hard of hearing communities, rural students and other populations in the United States are in desperate need of assistance for

gaining more access to services via broadband. If the rules for Round 2 funding are not too onerous we fully intend to use our extensive experience and resources to submit an application to bring sustainable broadband adoption to the large deaf and hard of hearing communities and rural student populations in the country. CC's and BB's following comments are informed by our review of the Round 1 process and our many in depth discussions with entities who participated in the Round 1 process to submit their own applications.

## **I. The Application and Review Process**

A. *Streamlining the Application.* There is no question that the application process in the first funding round appeared to be challenging. By our calculation, proper preparation of a successful application would have taken several hundred hours, not the few hours the application book claimed according to OMB guidelines. The previous NOFA for Round 1 allowed applicants to recover preparation costs as of the date of the NOFA, not as of the date of the first RFI. We believe that since applicants were encouraged to start preparing for the coming Round 2 funding early, that they should be allowed to recover eligible costs much earlier than the date of the coming NOFA issuance. If a successful application requires serious investment on our part in terms of preparation, coalition building, partnering, legal, technical design, etc, then all those costs should be allowed as of November 16 date of the RFI or earlier.

As for recognizing New Entities, NTIA should look to an entity's history of delivery for targeted vulnerable populations or technical services. It is more likely that a long-standing ongoing business enterprise will make better use of funds since they have already absorbed overhead costs and other inherent business costs associated with running a

business. Sustainable Adoption funds should be used as a kick-start for new ideas and technologies for targeted populations, not a pig-in-a-poke for new entrants. For specific populations long-standing relationships, trust and experience are required. No amount of money can buy that goodwill. We have nearly 20 years of working with the deaf, hard of hearing and rural communities and our experience in the marketplace cannot be purchased by a new entity seeking federal funds. For purposes of the Sustainable Broadband Adoption funds for targeted populations like the deaf and hard of hearing, it should be limited to existing businesses who can demonstrate past performance and substantial expertise and relationships in the field of servicing the population. These funds are too important to waste by any other approach.

No limit should be put on the pool of funds made available for Sustainable Adoption grants. NTIA should set aside a minimum pool of funds for Sustainable Adoption, but then provide no upper boundary so as to encourage deployment of multiple worthy ideas. This would require the flexibility of allowing NTIA to transfer funds between pools for infrastructure, Computer Centers and Sustainable Adoption programs.

B. *Specification of Service Areas.* For purposes of certain targeted populations in the Sustainable Adoption program, such as the deaf and hard of hearing, who live everywhere in the U.S, no service area should have to be specified. Creative and useful solutions for the deaf and hard of hearing will require sustainable financial models, value-added services and recognition of specific needs those populations have, not geographic descriptions. Also, we envision a program that invites participants to enter our program if we are successful in securing funding under the program. While we intend to secure coalition and supporting partnerships for our application, when it comes to individual end

users rather than investing time in identifying certain users prospectively, it will be more efficient to open up the opportunity to deaf and hard of hearing recipients, rural school districts, etc, through a sub-grant component for eligible entities or people who meet criteria identified in our application to the government. In other words we would propose and come to agreement with NTIA on the types of service offerings we will provide, then put notices out through public means so as to open the opportunity to all deaf and hard of hearing, rural school districts, etc, to compete for our services that would be funded under the program. This would open the opportunity for all targeted end users, not just those that we contacted before submitting our application. This maximizes the long term growth, sustainability and flexibility of the model. The agencies should consider this as an eligible way to manage the use of funds for Sustainable Adoption grants.

B. *Transparency and Confidentiality.* Because applicants for Sustainable Adoption programs will be proposing business ideas, models, technology ideas and other proprietary information, they should be allowed to identify all such information they deem relevant as “Confidential” and “Proprietary”. Successful applications for such projects should be made public *after* they receive notice of funds and *after* the use of those funds is complete so as to allow for proper public review and accounting while still allowing the companies to pursue their proprietary business ideas without unfair practices being used against them by unscrupulous competitors.

D. *NTIA Expert Review Process.* For purposes of the Sustainable Adoption program, NTIA should separate applications based on the targeted populations to be served and have specific groups of experts review those separated applications. For example, if CC and BB submit an application serving the deaf and hard of hearing communities, a group of

experts in deaf and hard of hearing issues should review the proposal, along with a financial expert to review the business model and a technology expert to review the technical design and merits. This will insure that targeted populations will be represented as some groups, such as the deaf and hard of hearing, have specific needs known only to experts in those populations. The same would go for services for the blind, Sustainable Adoption models for Tribes and Tribal Members, etc. People who are experts in a particular subject area for targeted vulnerable populations will know more than “random” experts about the purported value of a Sustainable Adoption proposal.

## **II. Policy Issues Addressed in the NoFA**

### *A. Funding Priorities and Objectives*

Priorities under the Sustainable Adoption program should focus on targeted and vulnerable populations and should include a cogent focus on the nearly 30 million deaf and hard of hearing Americans in the United States and rural students spread across the country. This would require the development and deployment of new services, new services offerings and job creation across a variety end uses for this population. This is a population in need, and with the aging population of the U.S., it is a population that grows annually as hearing related problems grow among older Americans. CC and BB intend to offer for NTIA review a suite of services offerings for this and other populations that will be affordable, compelling and sustainable.

Specifically, CC and BB propose that project sponsors who are in fact small businesses, as recognized under the SBA 8a program, should get greater credit in the review process, while project sponsors who merely contract with small businesses should be limited

to lesser points. Sponsors that have no small business SBA 8a component in their applications at all should receive the fewest points.

B. *Program Definitions.*

(1) Definition of “Unserved”. We have followed with some interest the ongoing debate surrounding the use of the terms “unserved” and “underserved” as it relates to the Recovery Act funding for broadband. We were happy the agencies took our April 2009 comments to heart by defining for purposes of the Sustainable Adoption program end users and populations such as the deaf and hard of hearing, rural students, etc, not simply a limited geographic location. We urge the agencies to maintain this position. Specifically we believe for the purposes of the Sustainable Adoption funding the definitions of “unserved” and “underserved” should focus on groups not traditionally receiving services over the Internet and the types of improvements that can be made. In addition, users can be unserved if their access to services is not of a similar experience to those in urban areas, or from the perspective of students, similar to other students in a larger or better funded school setting.

For example, in the deaf and hard of hearing communities innovative technologies can be deployed to provide access to mobile applications and uses that heretofore have not been available to them. Further, innovative technologies should be supported to provide deaf students with a better in-class educational experience in a more efficient manner.

In addition, for rural students in poor school districts, or in those districts that are so small that they lack the resources to provide specialized classes for students seeking advance placement to college courses, we firmly believe they remain “unserved”. This may not be due to a lack of physical broadband, but rather due to a lack of creative and

innovative funding options to more effectively use broadband for the benefit of those students.

The main point of these and other examples is that for purposes of the Sustainable Adoption proposals the terms “unserved” and “underserved” should not be limited to geographic location or the way in which broadband is delivered. Rather, the definition should be expanded to include a review of the possible end user to decide whether they are unserved from a basic or value-added service perspective, especially populations such as the deaf and hearing impaired and rural students.

#### *G. Other Considerations*

##### Enhancing the Internet Experience and Usefulness

Applicants should have to demonstrate their innovative proposal enhances user experiences while also increasing the usefulness of the Internet. Specifically we believe special consideration should be given to service ideas that enhance and encourage mobile broadband, again on a carrier and hardware neutral basis. Also, innovative proposals that seek to specifically bring new or expanded services to traditionally ignored groups, such as the deaf and hard of hearing populations, rural students, etc, should automatically be considered as eligible for funding under this specific grant pool.

##### Recognizing the Emergence of Video as the Next Main Internet Medium

Grant applicants who fail to recognize and incorporate into their proposals a major focus on the delivery and use of video across the Internet should not be eligible for Sustainable Adoption funding consideration over those proposals that focus on video. The coming growth and spread of video across the web is soon to dwarf all other traffic combined. Therefore, successful grant applicants should demonstrate their proposals will

