

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

COMMENTS OF YOURTEL AMERICA, INC.

Comments

On November 16, 2009, the Rural Utilities Service ("RUS") and the National Telecommunications and Information Administration ("NTIA") released a joint Request for Information ("RFI") requesting public comment on various issues related to the implementation of the Broadband Initiatives Program ("BIP") and the Broadband Technology Opportunities Program ("BTOP"). In this filing, YourTel America, Inc. provides response to two of the issues raised in this RFI.

In Section C., Public Notice of Served Areas, the RFI seeks comment on Section VII.B, which allows "...for existing broadband service providers to comment on the applicants' assertions that their proposed funded service areas are unserved or underserved."¹ As summarized, other parties have suggested this process may have a chilling effect on BIP and BTOP participation as disqualification of applications may occur based on information for which no means to rebut or substantiate exists. In response to this gap, YourTel respectfully requests any and all information, data or comment provided by an existing broadband provider in association with another applicant's submission be provided to the applicant. In addition, the applicant should be provided with a reasonable amount of time to provide additional data to substantiate the original application and/or rebuttal information before any decision is

¹ 74 Fed. Reg. at 58943.

made on the application. With the goal of these programs being nothing less than the provision of broadband to all, it would be less than fair if a unique approach were to be vetoed by an outmoded perception.

In Section E. Sale of Project Assets, NOFA Section IX.C.2's purpose is described as prohibiting the sale or lease of broadband facilities funded by an award unless certain conditions are met. Those conditions are "...the agencies may approve a sale or lease if it is for adequate consideration, the purchaser agrees to fulfill the terms and conditions relating to the project, and either the applicant includes the proposed sale or lease in its application as part of the original request for grant funds or the agencies waive this provision for any sale or lease occurring after the tenth year from the date the grant, loan, or loan/grant award is issued."² YourTel agrees with others who have pointed out this requirement as a disincentive to participate on the BIP or BTOP programs. Companies like YourTel need the ability to remain flexible in its future plans and an essential part of that would be the leveraging of any and all capital assets for future expansions as well as utilizing those assets to trade up to more advanced equipment.

Respectfully yours,



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² *Id.* at 59844.