June 15, 2012

The Honorable Larry Strickling
Administrator
National Telecommunications and Information Administration
U.S. Department of Commerce HCHB Room 4812
1401 Constitution Avenue, N.W.
Washington, DC 20230

      RE: NTIA Docket Number 120509050–1050–01

Dear Administrator Strickling:

On behalf of Connected Nation, Inc., I am pleased to submit comments in response to NTIA's Request for Information on Development of the State and Local Implementation Grant Program for the Nationwide Public Safety Broadband Network (PSBN), required by Section 6302 of the Middle Class Tax Relief and Job Creation Act of 2012 (Act).[1] Connected Nation is a nationwide nonprofit that is focused upon promoting the access, adoption, and use of broadband technology. Connected Nation is the designated entity for eight NTIA State Broadband Initiative grants and, pursuant to these grants and contracts with other state and territorial governments, has extensive experience in providing broadband infrastructure mapping and planning services.

About Connected Nation. Connected Nation has been working to inventory broadband service offerings and infrastructure for eight years, beginning with our efforts to generate the first broadband infrastructure map in Kentucky in 2004 and quickly expanding to other states. These pioneering efforts led to the passage of the Broadband Data Improvement Act of 2008 (BDIA),[2] the statute that created the NTIA's current State Broadband Initiative (SBI) grant program.

Connected Nation is currently the largest SBI grant recipient and is responsible for these mapping, planning, technical assistance, and capacity building programs in eight states – Alaska, Nevada, Minnesota, Iowa, Texas, Michigan, Tennessee, and South Carolina. We are also a key mapping and planning contractor to SBI state agency designated entities in Ohio and the Territory of Puerto Rico. All told, the broadband data collected by Connected

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    [1]   Pub. L. No. 112-96, 126 Stat. 156 (2012).
    [2]   Pub. L. No. 110-385, 122 Stat. 4097 (codified at 47 U.S.C. §§ 1301-04).

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Nation for the NTIA cover 29% of the population of the United States and Puerto Rico and 37% of its surface area.

In addition, in many of these states, Connected Nation is building public-private partnerships that have the mission of bridging the digital divide, in all of its manifestations. From designing and being the catalyst of construction of a 14-county, government-funded fixed wireless network in western Kentucky, to working with state library associations to organize and host state broadband summits, and to mobilizing an extensive digital literacy training campaign at over 250 library and community college locations in Ohio, Connected Nation has been at the forefront of closing broadband access, adoption, and use gaps in the United States.

Connected Nation has a simple, common-sense perspective on the construction of the public safety broadband network: construction is needed to improve public safety, but it is also an opportunity to vastly improve the communications infrastructure in many costly-to-reach areas of the country. For many communities, the rising of a tower is not an eyesore, and the digging of a trench for fiber is not a rush hour inconvenience – they instead herald the arrival of an economic lifeblood and offer the opportunity and promise of a more-connected future. For too many communities, construction of the PSBN may be the only communications infrastructure investment they see for years. As such, it is imperative to identify those areas now and start building public-private partnerships that will identify and promote secondary uses of the PSBN's infrastructure. It is an opportunity that cannot be missed.

The Importance of Broadband Infrastructure Mapping to the PSBN. The purpose of the State and Local Implementation Grant Program is to assist state, regional, tribal, and local jurisdictions to identify and plan the most effective way to utilize and integrate the PSBN in ways that will "satisfy the wireless communications and data service needs of that jurisdiction, including with regards to coverage, siting, and other needs."[3]

This is a broad purpose and mandate. However, its basic construct – to identify gaps and plan solutions – is similar to the Broadband Data Improvement Act process that created the NTIA's State Broadband Initiative grant program.[4] Connected Nation believes that its experience in the SBI program of mapping infrastructure and building

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[3]   Act at §6302.

[4]   Indeed, Section 106(e) of the BDIA specifically notes that the state grant recipients are to "provide a baseline assessment of statewide broadband deployment," "identify gaps in service", and to "create local technology planning teams." 47 U.S.C. §1304(e).

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public-private partnerships to close gaps identified by those maps can be of significant value to state, regional, Tribal and local jurisdictions in the PSBN planning grant process. Equally as important, the inventory product that the SBI program has already generated will be of significant value to the First Responder Network Authority (FirstNet) in building the PSBN.

There is little doubt that a comprehensive broadband inventory is a crucial first step in the construction of the PSBN. FirstNet is required to leverage existing infrastructure "to the maximum extent economically desirable," including communications infrastructure and federal, state, tribal, local or other communications infrastructure.[5] In addition, the Act specifically contemplates that there will be "public-private arrangement[s] to construct, manage and operate" the PSBN that will lease network capacity, dark fiber, equipment or infrastructure for secondary, non-public safety uses.[6] Moreover, the consultation process required by Section 6206 of the Act must include consultation with regional, state, Tribal, and local jurisdictions on the placement of towers, network coverage areas, and local training needs.[7] As a result, FirstNet will need to undertake these responsibilities with as much information as possible on the status of broadband infrastructure and availability in every state and territory, with data that has been collected in a collaborative fashion with government and the private sector.

Fortunately, as recognized by the RFI, FirstNet will not be starting with a clean slate. The existing State Broadband Initiatives (SBI) grant program administered by NTIA can and should serve as the starting point for this important and massive set of tasks. The SBI program does not only collect information on the availability and quality of commercial fixed and mobile broadband service from private and government providers, but the SBI program also collects the specific location of middle mile fiber access points and the location of and connectivity to community anchor institutions, including public safety agencies and government offices. In its SBI work, Connected Nation also conducts extensive field tests and assessments that validate availability data and which frequently involves inspection of cell sites towers, and signal quality.

This dataset is not collected for its own sake – it is used to fuel the public-private partnerships that are also part of the SBI program. Many of these initiatives are focused

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[5]   Act at § 6206(c)(3).
[6]   *Id.* at § 6208(a).
[7]   *Id.* at § 6206(c)(2)(A).

on extending the reach of broadband networks to unserved and underserved areas. These public-private partnerships, incubated in the SBI program, may one day lead to and identify important secondary users of the PSBN, in ways that ill benefit and improve commercial broadband service in many hard-to-serve areas of the country.

Stated simply, the infrastructure mapping and public-private outreach started by the NTIA's SBI program can serve as a critical and important launching pad for the extensive infrastructure assessment and consultation process that the Act requires for the construction of the PSBN. NTIA should structure the State and Local Implementation grant program to allow grantees to (a) incorporate the expertise gained from these existing SBI programs, (b) fund the collection and validation of additional commercial and government infrastructure data that would add to and complement the existing SBI data collection effort, (c) facilitate the use of that information in the creation of public-private partnerships aimed at expanding broadband access in hard-to-serve areas, and (d) present, support, and inform the Section 6206 consultation process.

Connected Nation's Responses to Certain Specific Questions

Questions 1 and 3 (data collection for consultation)

Connected Nation believes that as part of the State and Local Implementation grant program, state and territorial governments should compile a comprehensive inventory of communications and other infrastructure from both government and commercial sources. This data collection effort should build upon the last-mile, middle-mile, and community anchor institution data already collected pursuant to the SBI grant program. It should also extend to other infrastructure information, such as tower locations, public and private rights-of-way, utility poles, other vertical assets (such as water towers), and planned road and other infrastructure construction.

The experience gained by grantees in the existing SBI program can serve as the foundation of this effort. Connected Nation and other SBI grantees have shown that information of this sort can be collected and mapped from a number of sources in a reasonably short period of time.   The first National Broadband Map was published within two years of the passage of the Recovery Act, but grantees like Connected Nation were providing the NTIA with broadband availability and infrastructure data within one year of the grant award and began providing interactive state-specific maps shortly thereafter.

Question 5. How should States and local jurisdictions best leverage their existing infrastructure assets and resources for use and integration with the nationwide public safety broadband network?
a. How should States and local jurisdictions plan to use and/or determine the suitability of their existing infrastructure and equipment for integration into the public safety broadband network?
b. What technical resources do States have available to assist with deployment of the nationwide public safety broadband network?
c. How will States include utilities or other interested third parties in their planning activities?
d. Should NTIA encourage planning for the formation and use of public/private partnerships in the deployment of the nationwide public safety broadband network? If so, how?

Connected Nation has learned that leveraging existing infrastructure assets to support network construction depends first and foremost on a complete and accurate knowledge of *all* infrastructure in an area. Connected Nation has designed last-mile wireless networks for communities in several states, and this process almost always emanates from its broadband infrastructure mapping and engineering assessments. This engineering assessment frequently reveals opportunities for a public-private partnership, which can be as simple as identifying a commercial partner willing to expand infrastructure in collaboration with a local government initiative.

Connected Nation recommends that NTIA take a similar approach for the PSBN by encouraging the formation of public-private partnerships. FirstNet has a mandate to leverage existing infrastructure "to the maximum extent economically desirable," and using public-private partnerships to expand and upgrade existing infrastructure is fully consistent with that mandate. Indeed, the Act specifically contemplates that public-private partnerships will be involved in the PSBN and will be able to lease components of the network for secondary, non-public safety uses. By providing additional revenue to FirstNet through such leases, successful public-private partnerships will lower the cost of building the PSBN.

In addition, public-private partnerships and collaboration would be particularly important in rural areas. Wherever it is expensive to build the PSBN, it is just as expensive to build a commercial broadband network. For these areas, construction of the PSBN is an important opportunity – because of their small size or remoteness, fiber may not get pulled and towers may not be built in these communities for several years.

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Construction of the PSBN may be the only such opportunity these communities have in a generation to upgrade the commercial infrastructure that serves consumers, businesses, and anchor institutions in that community. This is the moment to begin to identify and promote the formation of public-private partnerships that will share the cost of the PSBN infrastructure (either directly through secondary use leases or indirectly through "dig once" policies). Such public-private initiatives will not only make the PSBN construction more cost-effective, they may also represent the last, best hope that many of these hard-to-reach communities will have of seeing commercial broadband upgrades for many years.

8. What type of activities should be allowable under the State and Local Implementation grant program?

Connected Nation believes that allowable activities by the grantee (or contractors to the grantee) should include, but not be limited to –

- Collection of commercial and non-commercial infrastructure information as described above, either by the government or through contractors,
- Validation and verification of the infrastructure information,
- Mapping, visualization, and analysis tools,
- Analysis, assessment, and dissemination of the infrastructure information collected, validated, verified, and mapped, and
- The formation, management, coordination, and work product of public-private partnerships that are designed to identify cost-saving infrastructure partners and potential lease-paying secondary users of the PSBN.

9(a). Should data gathering on current broadband and mobile data infrastructure be considered an allowable cost?

Connected Nation believes that data gathering on current broadband and mobile data infrastructure must be considered an allowable cost. The very purpose of the State and Local Implementation grant program is to identify and plan the most effective way for regional, state, local, and Tribal governments to utilize and integrate the PSBN in ways that will "satisfy the wireless and communications and data services needs of that jurisdiction."[8] There is no way for a regional, state, local, Tribal, or territorial government to undertake those plans *without* a comprehensive knowledge of its

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[8] *Id.* at 6302(a).

existing broadband and mobile infrastructure. Moreover, given the requirement in the Act that FirstNet use existing infrastructure "to the maximum extent economically desirable," FirstNet needs to collect comprehensively and analyze this data regardless, and so should welcome state and territorial initiatives that take on this task.

The State and Local Implementation grant program is a logical place to gather that data, as it could build off of the work already achieved by NTIA State Broadband Initiative grant program.

12. In 2009, NTIA launched the State Broadband Initiative (SBI) grant program to facilitate the integration of broadband and information technology into state and local economies.
a. Do States envision SBI state designated entities participating or assisting this new State and Local Implementation grant program?
b. How can the SBI state designated entities work with States in planning for the nationwide public safety broadband network?

Connected Nation is an NTIA State Broadband Initiative (SBI) grant program designated entity in eight states – Alaska, Iowa, Nevada, Minnesota, Michigan, Tennessee, Texas, and South Carolina. It also works closely as a contractor with the SBI designated entities in Ohio and the Territory of Puerto Rico. As described above, Connected Nation as an SBI designated entity and contractor brings a wealth of expertise and knowledge to the process, including –

- Data collection and mapping services that will support the consultation and planning process,
- Existing relationships with wireless and wireline service providers, many of whom have already shared information such as tower locations and fiber access points,
- Analysis and assessments of broadband availability and challenges,
- Field validation services and engineering assessments,
- Knowledge of local communities and their broadband access challenges,
- Community engagement and public-private partnership building experience,
- Working relationships with state and territorial public and private stakeholders, including broadband task force members, and
- Experience with implementing relevant broadband policy initiatives and in overcoming hurdles to deployment.

These areas of expertise are clearly relevant to the State and Local Implementation grant program. Indeed, many SBI programs, including programs operated by Connected Nation subsidiaries, have created state broadband task forces that meet regularly. These task forces include representatives of state and local government as well as private industry and other important stakeholder groups. The public safety community is often represented on these task forces directly. These state broadband task forces could become very important tools in the State and Local Implementation grant and planning process for the PSBN. In addition, these existing task forces could serve as an important conduit of information between the single state designated officer or governmental body and the host of state, regional, Tribal, and local jurisdictions with which FirstNet is required to consult under Section 6206 of the Act.

Conclusion

Connected Nation appreciates the opportunity to offer these thoughts and is committed to assisting NTIA in the successful build-out of the PSBN. If you have any questions, please contact me, Tom Koutsky, Connected Nation Chief Policy Counsel, at (202) 674-8409/ tkoutsky@connectednation.org.

Respectfully submitted,

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