From:	Lynn Merrill
To:	BOCrfc2015
Cc:	Karen Hanson; Denise.Scott1@wdc.usda.gov
Subject:	Broadband Opportunity Council Comments
Date:	Tuesday, June 09, 2015 6:23:28 PM
Attachments:	BROADBAND_OPPORTUNITY_COMMENTS.pdf

Dear Karen and Denise:

Please find attached our comments in regard to the Broadband Opportunity Council.

If you have any questions, please feel free to contact me at the address below. Also, if you would, please, send a reply indicating the comments were received.

Sincerely,

Lynn R. Merrill, P.E.
President and CEO
Monte R. Lee and Company
100 N.W. 63rd Street, Suite 100
Oklahoma City, OK 73116
405-842-2405

Before the

Departments of Agriculture Rural Development

And

Department of Commerce NTIA

In the Matter of	)	NTIA Docket No. 1540414365-5365-01
Broadband Opportunity Council	)	

COMMENTS OF MONTE R. LEE AND COMPANY

Monte R. Lee and Company (MRL) appreciates the opportunity to offer comments on the above captioned proceeding. The Broadband Opportunity Council established by the Presidential Memorandum entitled Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training is a step in the right direction to advancing broadband in the rural areas.

The Councils four objectives are to (i) engage with industry and other stakeholders to understand ways the government can better support the need of communities seeking to expand broadband access and adoption; (ii) identify regulatory barriers unduly impeding broadband deployment, adoption or competition; (iii) survey and report back on existing programs that currently support or could be modified to support broadband competition, deployment of adoption; (iv) take all necessary actions to remove these barriers and realign existing programs to increase broadband competition deployment and adoption.

BACKGROUND

MRL is a consulting engineering firm providing engineering designs to Rural Broadband Service Providers. MRL specializes in outside plant fiber design, RF designs and inspection services. MRL also completes for its clients Broadband and Traditional Telephone loan applications. MRL has five registered professional engineers covering 30 states. On a daily basis, MRL works with Federal, State, County and Local agencies while developing plans and obtaining permits for fiber or wireless construction projects.

The following is our response to Question #5. How can the federal government best collaborate with stakeholders (state, local, and tribal governments, philanthropic entities, industry, trade associations, consumer organizations, etc.) to promote broadband adoption and deployment?

I. RUS provide staff to consult with Standards Groups

RUS needs to be actively involved in the standards bodies to ensure requirements specific to rural broadband are considered during the specification development stage. The standards bodies currently have few or no members from rural industry which are necessary to inject rural design requirements to future specification. By RUS placing one staff member on critical standards groups, RUS would be able to, during the standard development phase, indicate how a particular setting or design parameter would impact rural design and costs for construction. Most specifications for FTTH are designed around suburban designs. Having a rural voice at standards bodies would help extend the design limits to include rural areas and make products used in the rural areas efficient for plant design, thus reducing the overall cost of construction and operation.

The rural operators are a test bed for manufacturer's new products. The small service providers have one or two technicians making it easy for manufacturers to train. The service and order management systems and alarm monitoring systems are also much simpler to modify to accommodate new products. The rural carriers small size make it easy for new manufacturer's products to be implemented, versus the stringent test lab requirements placed on manufacturers before they are allowed to enter the larger service provider markets.

RUS is the perfect vehicle for staffing standards bodies. RUS staff understands both technical engineering issues for FTTH placement, along with the economic issues facing rural providers. Coupling the rural operator's receptiveness for FTTH product test beds with new RUS staffing of standards bodies would create a great advantage in developing broadband products for use in both the rural and suburban areas. The extra investment in staff by RUS for standards work would directly impact rural network cost by reducing excessive amounts of capital being spent for products designed strictly for suburban environments.

II. Develop a Shot Clock for Permits Approvals

Too many projects are being untimely delayed due to no deadlines set for agency responses and for poor or lack of communication back to the applicant. Once a permit has been filed for the placement of facilities on Federal lands, the Council should consider making a recommendation on setting "shot clocks" to obtain a timely response on the status of the permit. Federal agencies involved in the permitting process should be required to respond back to an applicant within 30 days to avoid unnecessary delays in the project construction timeline. If additional environmental surveys are required, the Federal permitting agency should indicate the specific requirements in their initial response, as well as an anticipated completion date. Additionally, the Federal permitting agency should be required to report back to the applicant every 30 days on the progress of the surveys to ensure broadband construction can be completed in a timely manner.

III. Develop Suggested Standards for State, County and Local Permit Fees for Broadband Communications

States, Counties and Local governments are looking for ways to raise revenues to support the local governments. Use of permit fees is one such source for additional revenue. Service providers willingly file permits to cross or parallel roads. However the fees being charge are creating an economic hardship on the construction to individual homes or business. Permit fees to cross roads to place drops to broadband subscribers has risen to as high as $500 per filing. In many cases, when this cost is applied it becomes unfeasible to economically provide broadband service to a rural customer and, likewise, becomes a determining factor in deciding who does and does not get broadband. The Council should analyze fees charged and how they directly impact the placement of broadband in rural areas. The council could provide a recommended guide for the permit fees for communications facilities. The guide would help local governments understand the impacts of fees, giving them a better understanding on how to base requirements.

IV. RUS Loan Funding Changes

RUS has a limited amount of funds available within the Broadband program. The funding for the program has been greatly reduced from the years prior to the BIP program. RUS's traditional Telephone Loan Program has a large amount of unused funds. The traditional Telephone loan funds will be under used until the FCC finalizes on a method for ROR carriers to cover the costs on future broadband investment. Once the FCC finalizes on a method where ROR carriers can project with certainty revenue recovery, the demand for loan funds will increase to exceed the current level of funding.

The unused Telephone Loan Program funds could easily be used today if the duplication of services definition was changed. The Telephone Loan Program funds are set for a distinct purpose where duplication of phone service is not allowed. In many rural areas phone service is available but broadband at the speeds identified by RUS are not. RUS should change the duplication of service rule to

cover only broadband speeds and not voice service as in the past. Making this small change would open up new areas for construction loans using the traditional telephone program where the traditional funds were not available for use.

CONCLUSION

The four items covered clearly meet the Broadband Opportunity Council's objectives (i) to better support the needs of communities seeking broadband adoption through RUS serving on standard bodies to better designed products for rural areas equating to lower facility costs, (ii) identify regulatory barriers unduly impeding broadband deployment with unduly delays created by not having a "shot clock" in obtaining permits on federal lands, and (iv) taking necessary action to remove barriers by creating a recommend guide for permit fees for communications facilities for consideration by State, County and local governments and redefining the duplication of service in the Telephone Loan Program from voice to broadband. The acceptance of these four comments would greatly help to bring timely and economically feasible broadband services to the rural areas.

Respectfully Submitted,

By: Lynn R. Merrill
President/CEO
Monte R. Lee & Company
Consulting Engineers
100 NW 63rd Street, Suite 100
Oklahoma City, OK 73116
405-842-2405