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Subject: Broadband Opportunity Council
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[Broadband Opportunity Council Comments- FINAL.pdf](#)

Hello,

Please find attached a joint submission by the National League of Cities, National Association of Counties, and National Association of Telecommunications Officers and Advisors for the Broadband Opportunity Council Notice and Request for Comment.

Please let me know if you have any questions.

Thanks,
Julia

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**Before the
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION,
DEPARTMENT OF COMMERCE
Washington, D.C. 20554**

In the Matter of)
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Broadband Opportunity Council Notice and) Docket No. 1540414365-5365-01
Request for Comment)
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June 5, 2015

**COMMENTS OF THE NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION
OF COUNTIES, AND NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS**

I. INTRODUCTION

The National League of Cities (“NLC”), National Association of Counties (“NACo”), and National Association of Telecommunications Officers and Advisors (“NATOA”) (collectively “Commenters”) hereby file these comments in response to the National Telecommunications and Information Administration’s (“NTIA”) request, released April 29, 2015, in the above-captioned proceeding.

Commenters commend President Obama and the Administration for establishing the new Broadband Opportunity Council (“Council”) that engages 25 federal agencies to accelerate broadband deployment and promoting technology’s adoption across the country. Commenters applaud this multi-departmental approach to increasing broadband access as well as ensuring its effective adoption and application.

The proceeding sections address the questions most relevant to the work of our organizations and our respective memberships.

II. OVERARCHING QUESTIONS

Question 1: How can the federal government promote best practices in broadband deployment and adoption? What resources are most useful to communities? What actions would be most helpful to communities seeking to improve broadband availability?

As suggested by the National Broadband Plan, one action the Council should take is the establishment of a national clearinghouse that “would promote best practices and collaboration among those involved in programs aimed at boosting broadband adoption and utilization.”¹ The creation of a “nationally recognized” online source could provide all stakeholders – especially local governments – with data-based and results-oriented information that would be helpful to communities seeking to improve and expand broadband access and use. However, Commenters believe such a clearinghouse should also provide information on “worst practices;” that is, provide communities with information on specific broadband deployment and adoption initiatives that have been proven to be unsuccessful and of little assistance in spanning the digital divide.

NLC, NACO, and NATOA’s memberships span a wide swath of local government stakeholders ranging from elected officials to key city staff. For many of our members, our organizations are the first point of contact on how to meet their local technology needs and our organizations can be a valuable tool in dissemination of information. Commenters urge the Council to work more closely with our groups to help share both best and worst practices in broadband deployment and adoption.

Question 2: How can the federal government best promote the coordination and use of federally-funded broadband assets?

One step that the federal government can take to promote the coordination and use of federally-funded broadband assets is to establish an online inventory of such assets that may be easily accessed and used by both private and public entities seeking to deploy new services. If the asset

¹ National Broadband Plan, Recommendation 9.13

– and its location – is not readily available, the chances that it will be used in a particular community are greatly diminished.

Question 4: As the federal government transitions to delivering more services online, what should government do to provide information and training to those who have not adopted broadband? What should the federal government do to make reasonable accommodations to those without access to broadband?

State and local governments – and industry – are along in migrating more services online than the federal government. Today, many state and local government functions, such as drivers’ license renewals and utility and tax payments, are handled online. There is a growing trend to transition voter registration and elections to online services. Further, many employers, both public and private, only accept job applications online. Therefore, we believe it would be prudent for the federal government to examine how these services are delivered and used at the state and local levels and what steps have been taken to ensure these services are available to all residents.

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?

We strongly recommend that the Council work collaboratively with national associations such as ours in order to promote broadband deployment and adoption. As we have done previously with federal agencies such as the Federal Communications Commission and the NTIA, joint webinars are an easy, effective, and inexpensive means to “get the message out.” Our associations should be invited to participate in federal-level workshops and seminars, such as the upcoming White House broadband event, to share “our stories” of how communities have successfully deployed public and public-private broadband projects and promoted increased adoption.

III. ADDRESSING REGULATORY BARRIERS TO BROADBAND DEPLOYMENT, COMPETITION, AND ADOPTION

Question 8: What inconsistencies exist in federal interpretation and application of procedures, requirements, and policies by Executive Branch agencies related to broadband deployment and/or adoption, and how could these be reconciled? One example is the variance in broadband speed definitions.

The variance in broadband speed definitions is troubling. As pointed out in the Notice, the FCC currently defines broadband as 25 Mbps/3 Mbps, while the USDA uses 4 Mbps/1 Mbps as its definition for rural service areas. We believe that the Council should recommend that all federal agencies, especially when determining federal funding eligibility, use the latest speed definition adopted by the FCC, unless the agency has adopted a higher speed. This is especially important in rural communities where the use of the 4 Mbps/1 Mbps speed definition only serves to continue funding for slow speed services. Further, the slower speed acts to define many areas of the country as “served” while in reality the speed is insufficient to support the services consumers, students, and businesses need and deserve.

Question 11: Should the federal government promote the implementation of federally-funded broadband projects to coincide with other federally-funded infrastructure projects. For example, coordinating a broadband construction project funded by USDA with a road excavation funded by DOT?

Our associations agree that, whenever possible, federally-funded broadband projects should be coordinated with other federally-funded infrastructure projects. The concept of “dig once” has proven to be an effective and efficient means by which taxpayer dollars can best be used to provide more conduit and fiber while avoiding repeated – and expensive – rights of way excavations.

IV. PROMOTING PUBLIC AND PRIVATE INVESTMENT IN BROADBAND

Question 12: How can communities/regions incentivize service providers to offer broadband services, either wired or wireless, in rural and remote areas? What can the federal government do to help encourage providers to serve rural areas?

One way to incentivize service providers to offer wireless or wired broadband services in rural and remote areas is to encourage public and public-private broadband projects – and to ensure such projects have access to federal funding and grants. History has shown, and operators have

acknowledged, that private industry will not deploy advanced services in these areas because it simply does not make business sense. The rate of return on investment just is not there. However, public and public-private projects will not necessarily be subject to the same fiscal requirements and shareholder concerns.

V. ISSUES RELATED TO STATE, LOCAL, AND TRIBAL GOVERNMENTS

Question 18: What barriers exist at the state, local, and/or tribal level to broadband deployment and adoption? How can the federal government work with and incentivize state, local, and tribal governments to remove these barriers?

In addition to private sector efforts, local government leadership has been successful in increasing broadband deployment as a way to stimulate and support economic development and job creation. But such efforts by the public sector have seen barriers in some states by laws that prohibit or restrict municipalities from engaging with private broadband providers, or developing themselves, if necessary, advanced broadband infrastructure. These barriers will impact a local government's ability to provide vital broadband services that would stimulate local businesses development, foster work force retraining, and boost employment in economically underachieving areas.

Broadband access has empowered citizens and local communities by increasing civic participation, facilitating learning, and strengthening neighborhood businesses. For these reasons, Commenters have steadfastly advocated for an increase in broadband access and have underscored the role local governments can play in this. In 2014, NLC passed a resolution titled "Local Government Support of Community/Municipal Broadband Networks"² that acknowledges the crucial role local governments can play in increasing broadband access and deployment and calls on the federal government to support these initiatives. Additionally, NLC passed another resolution titled "Broadband Access: A Call for Universal Availability,

² 2015 NLC National Municipal Policy, page 189-190:
<http://www.nlc.org/Documents/Influence%20Federal%20Policy/NMP/2015%20National%20Municipal%20Policy%20Book%20-%20Final.pdf>

Affordability, and World-Class Quality”³ that recognizes the value of locally owned and operated broadband networks in promoting ubiquitous broadband access across the country.

NACo, too, recognizes that increased broadband deployment will enhance the ability of county governments to respond to the needs of county residents: “Faster computer networks, wireless Internet access, enhanced broadband services... and technologies not yet deployed, will make the county of the future more responsive and meaningful to county residents.”⁴ Like NLC, NACo also has policy that recognizes the importance of local choice in broadband deployment and “...opposes efforts to restrict or prohibit, at state and federal levels, county or municipal ownership of communications facilities.”⁵

NATOA has long advocated for increased broadband deployment and adoption and recognizes that public and public-private networks may be the best, and perhaps only, option that some un- and under-served communities have to bring advanced services to their residents and businesses. Where private providers, for whatever reason, cannot or will not provide the broadband services that a community needs for economic growth, civic engagement, and education and health services, states must encourage “self help” and not stand in the way of communities to better the lives of their residents.

Question 19: What federal barriers do state, local, and tribal governments confront as they seek to promote broadband deployment and adoption in their communities?

One of the most often-cited federal barriers to broadband deployment is the multiple agency review process a project must go through. The ability to transverse federal lands can be a time consuming and costly endeavor – especially for a public or public-private project that may have limited financing. The Council should develop a streamlined permitting process that, at a minimum, clearly outlines the permitting process and the steps necessary to obtain final approval. Local governments are subject to numerous timeframes within which they must act on

³ 2015 NLC National Municipal Policy, page 191-192:

<http://www.nlc.org/Documents/Influence%20Federal%20Policy/NMP/2015%20National%20Municipal%20Policy%20Book%20-%20Final.pdf>

⁴ NACo, “The American County Platform and Resolutions 2014-2015, page 152:

<http://www.naco.org/legislation/Documents/American-County-Platform-and-Resolutions-2014-2015.pdf>.

⁵ *Ibid.*

infrastructure applications. The Council should consider recommending that federal agencies, too, comply with clearly delineated timeframes in order to expedite broadband deployment.

Question 20: What can the federal government do to make it easier for state, local, and tribal governments or organizations to access funding for broadband?

The first step the federal government can take to make it easier for local governments to access funding for broadband projects is to simplify the applicable application process. In a recent proceeding dealing with E-rate funding, for example, the FCC took steps to simplify the application process in response to numerous comments submitted by local communities that the process was time consuming and overly complex, often resulting in the need to hire outside consultants (necessitating the use of limited financial resources) or simply deciding to forego seeking such funds. Federal agencies should carefully examine their current funding processes and streamline them wherever possible to ensure all localities, regardless of size, have the ability to access federal funding opportunities.

VI. ISSUES SPECIFIC TO RURAL AREAS

Question 24: What federal regulatory barriers can Executive Branch agencies alter to improve broadband access and adoption in rural areas?

In rural areas, the need for robust broadband is even more pronounced. Due to geographical and topographical challenges, rural areas have experienced broadband deployment in a delayed fashion compared to their urban and suburban counterparts. Further, Commenters rural communities are at a greater disadvantage because economic activity has and will continue to move to an online marketplace. As such, NACo strongly supports legislation and administrative policies that help counties attract broadband services regardless of population or technology used⁶, a position that NLC and NATOA also support for their respective memberships. Expansion of current federal programs like those offered through the U. S. Department of Agriculture would help increase the availability of broadband in rural areas.

⁶ NACo, “The American County Platform and Resolutions 2014-2015, page 155: <http://www.naco.org/legislation/policies/Documents/Telecommunications%20and%20Technology/TT-Platform-and-Resolutions-2014-2015.pdf>.

Additionally, as mentioned above, the federal government should ensure that federal funding be fully open to public and public-private broadband projects and that rural area projects should be subject to the current FCC definition of 25 Mbps/3 Mbps, or faster, for federal funding eligibility.

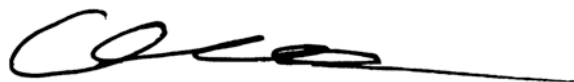
VII. CONCLUSION

As the Federal Communications Commission noted in challenging broadband providers and state and municipal community leaders to come together to develop at least one gigabit community in all 50 states by 2015: “The U.S. needs a critical mass of gigabit communities nationwide so that innovators can develop next-generation applications and services that will drive economic growth and global competitiveness.” To be able to compete in a global economy, advanced communications networks and providing education to develop skills to use these networks is the responsibility of all stakeholders, including local governments.

These comments underscore the value of the role of local governments in working to increase access and adoption because our members best understand the day to day activities and needs of their citizens. Broadband networks allow city leaders to improve the way they engage with their residents, enhance public services such as public safety, education, libraries and other public facilities, and foster innovation and local economic development. Commenters urge the Administration to work more closely with our organizations to better understand the federal challenges they face in increasing broadband access and adoption.

We look forward to working with all stakeholders as NTIA considers these petitions.

Respectfully submitted,



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