

MODERATOR: The meeting will be beginning in just a moment.

So if everyone could turn off their cell phones.

Let's begin.

It's 1:00.

And welcome to the roundtable on the role of the states involved in the stimulus program.

My name is Bob Atkinson.

I am the Director of policy research at the Columbia institute for teleinformation, a research institute at the Columbia business school in New York.

As a quasi-accuse deemic, I am not an employee of NTIA or RUS or any other government agency.

So any comments I may make are strictly my own.

So the topic is the role of the states in the broadband stimulus program.

And we have representatives from a number of key stakeholders that will

be participating in a roundtable discussion.

Each of the panelists will make brief opening comments and then we will have a roundtable discussion amongst the panelists, and with about 30 minutes to go in the program, the last 30 minutes, we will open up to questions or comments from the audience.

We are at the Department of Commerce auditorium or from the webcast or from the conference call.

The questions from the webcast and conference call will come in over e-mail and we will ask those questions during the question-and-answer period.

I would like to observe this is the third day of ROUNDTABLES that I have moderated.

There have been two additional ROUNDTABLES, one in Nevada and one in Arizona last week.

This is all part of a very open and

transparent process developed by RUS and NTIA to get the input, thoughts, ideas, recommendations, suggestions from people who are trusted in the overall topic of broadband and bringing broadband to unserved and underserved areas with the ARRA American recovery and reinvestment act.

RUS and NTIA issued a request for information a couple weeks ago.

That's a document that I recommend to anyone interested in this topic that lays out a number of issues that NTIA and RUS are wrestling with.

And provides explanation of the statute in terms of laying a basis for their questions and issues.

RFI responses are due on April 13.

I recommend that you take a look at that RFI and respond as best can you and provide any inputs on the topics of the RFI or other things that you think RUS and NTIA should take into

consideration.

Let me introduce the roundtable participants.

First, to my immediate left is not Fred Butler.

Who of you who know, that is Brad Rams Y. Fred couldn't come down from New Jersey so Brad is that the associate counsel for NARUC which represents the state commissions in Washington and various government, and Brad is General Counsel in the leadership position in NARUC, so Brad will be filling in for Fred Butler.

Next to Brad is David Parkhurst, he serves as staff Director and legislative counsel of the national governor's association.

He holds a degree from DePaul university and masters in public administration from the Syracuse university.

To David's left is Wes Rosenbalm, the president and CEO of Bristol

Virginia utilities.

Where he serves on the board of directors.

Wes manages all aspects of the electric, water, waste water, broadband, cable TV and broadband which includes a 70 million dollars budget and 196 full time employees.

To Wes's left is sandy Markwood, sandy is the CEO of the National Association of area agencies on aging.

N 4-A.

It represents 650 area agencies on aging and serves as a champion for more than 240 title 6 native American aging programs.

Area agencies on aging were established under the Older Americans Act in 1973 to address the needs of Americans 60 and over and every community in the country through services and supports including senior citizen programming, home cooked meals, and

home care.

To sandy's left is Russ Frisby.

Russ is the partner in the law firm of Fleischman and Harding which specializes in telecommunications and energy law and is a member of the advisory board for minority Meadian telecommunications council.

He is former chairman of the Maryland public service commission and vice chair of NARUC's telecommunications committee as well as former president of the competitive telecommunications association.

And our last speaker, but not least, is Diana Bob.

Diana is a member of is an attorney for the national Congress of American Indians.

She manages a state and tribal relations project and provides legal counsel to the telecommunications subcommittee and other legal analysis on other regulatory

matters.

The reason we have this session on this roundtable on the role of the states is because it's a major part of the ARRA and the stimulus program.

As you know the overall implementation of the broadband stimulus program is a huge effort. NTIA and RUS are working very hard under very tight deadlines to develop rules, contracts, solicit proposals, review those proposals, select the best that meet the goals of the ARRA and award criteria, and the list goes on and on.

So there is a tremendous amount of work that the agencies have to do to implement the act and our purpose today is to give these agencies the NTIA and RUS the considered thoughts and suggestions of these experienced experts as well as thoughts and suggestions from members of the audience.

So the NTIA and RUS can accomplish their tasks as quickly and effectively as possible.

What is the role of the states in broadband stimulus.

It's an important subject because the ARRA authorizes NTIA to consult with the states including the District of Columbia and territories with respect to two topics.

First, the identification of unserved and underserved areas; and second, the allocation of grant funds within the state for projects in or affecting the state.

I should also note that the ARRA also makes states and their political subdivisions, Indian tribes and native Hawaiian organizations eligible for NTIA Utop grants as a matter of law.

So why don't we begin our discussion this afternoon with Brad Ramsay.

Mr. Ramsay: Don't touch the microphone while speaking.



As I grab it as I come up here.

I am going to move it up a little higher here.

No, I am not Fred Butler.

And it's easy distinction.

He not only looks better than I do, and dresses better than I do, and sadly for everyone in this room, he also gives presentations better than I do.

He asked me today to do two things, in particular one he wanted to thank on behalf of our association, NTIA, secretary vil sak, assistant secretary, and all the crew to make sure NARUC had a role in so many of these panels and second he asked me to apologize for sending me to do his job.

The situation here, I guess where are we is the thing that comes to mind with me.

We were in a situation where NTIA and RUS have 18 months to do what those of us who have been watching

the federal government and states governments for many years would suggest is an impossible task.

They have to build a process.

They have to take all this public comment and get ready to get over 6 billion dollars out in less than 18 months.

Both of the agencies are obviously facing incredible challenges.

NTIA has fairly limited staff and during the most critical parts of the implementation phase they have to keep a strong focus on the DTE transition at least through June.

RUS their staff is fully occupied already with funds they received from harper's.

Neither can possibly complete this task without a very significant expansion of staff resources and even then it would be almost impossible for them to review the thousands of applications we are expecting them to get.

And also rank the proposals, dispose of some, simultaneously be reporting to Congress and arrange monitoring.

So two agencies simultaneously staffing up to handle thousands of applications, designing screening reporting and creating new application procedures while taking tons of written comments.

How should they receive them?

There aren't many options but one of the most significant choices they have to make is the one they are talking about today.

What is the state role and how could the states help?

There is no perfect solutions to any of this, but it's probably just as important to point out that we don't have time, even if there was a perfect solution to figure out what the perfect solution is.

What we have to do is find a solution that gives you the best possible outcome given the limited

timeframe that is available.

I put two questions up there on my slide.

And they are up there.

The two questions on my slide are the two most important questions.

The first one obviously is, should they go it alone or should they really make the states full partners in terms of reviewing the applications and second is, should they go on monitoring the programs in the state or let the on site cops help them out.

And the answer is pretty obvious.

If the agencies are looking for efficiency and looking for accountability, if they are looking for speed in deployment, there really is only one viable choice, that is let the states help.

In NARUC's perspective, the last time I spoke here which was last week sometime.

NARUC didn't have an official

position and I will be file it before the NTIN.

We are specifically suggesting that the states be given the task of ranking all of the applications for their individual state.

Congress is recognizing the legislation and previous legislation there is a J 4 in the package that recognizes the role that states need to play and others have pointed out that the states not only have the expertise the states in most instances know where the problems, and problem areas are.

So the biggest problem with NTIA and RUS and if they are going to rely on the states and can't get it done without the states, the biggest question for them is how do we ensure that the maximum number of states have the incentive to help them as much as possible.

NARUC has two suggestions here.

Again, I will be following this

detailed before the agency but the first one is when they do the rankings, the NTIA and RUS should take some percentage of the available funds and specify a standard state allocation.

This is not a block grant because the states never make final decisions on how the money is actually spent.

We suggested in a case of NTIA of being around 36 million which is, if you allocate it to the different jurisdictions would be less than half of the funds available to NTIA that there would be a standard state allocation that they could rank their proposals up to based on NTIA and RUS specified criteria.

Assuming that there was enough grant proposals that actually meet the criteria, then that would have at least the opportunity of there being allocations up to the standard state allocation.

The second thing NTIA could do to assure or help the states make a decision to help them with monitoring and with ever looking over these applications is that they could give them a little bit of the money that they were given in the case of NTIA it is 14% of the funds. They could give them some money to help them help the agency administer the program.

They could fund -- we have suggested two to four full time equivalents at the state level to do two things one, to help the state experts with evaluating the projects and two, to help the states do monitoring on an on-going basis after the grants have been approved and the funds dispersed by the two federal agencies.

There are a lot more details to this which will be in my filing but for now I think I will sit down and wait for the questions.

Thank you.

MODERATOR: Thank you.

And our next speaker is would be David Parkhurst.

MR. PARKHURST: Thank you, Bob and a special thanks on behalf of the nation's governors to the Department of Commerce and USDA for the opportunity to be with you today. Fortunately my presentation is made easier because I have a slide that is pretty self-explanatory.

I won't have to go into too many details and look forward to the conversation that follows but let me highlight the points that are before you and again, I offer this up on behalf of NGA as an initial consideration of a framework for a consideration as this process evolves and I know as Brad has indicated, time is of the essence and we are aware of that. But I think step one for governors is the gateway requirement is planning.



Success does begin with a plan and we believe the NGA process should be in place before stimulus funds flow to grantees, because that plan will offer NTIA and RUS a baseline against to measure whether a grantee's proposal complements or conflicts with the path broadband as outlined in the state.

The planning link to grantee selection is important because through planning and evaluation states can identify stakeholders and partners, assess need, aggregate the demand for broadband services and evaluate the demands for technical assistance.

NGA would recommend that grantees in states that already had existing broadband plans would comprise this first wave as NTIA has laid out for grantees under the act because for obvious reasons, a state plan offers an evaluation benchmark to measure and make those selections.

Now for a state certification process, again, as Brad had indicated in the statute if the role the state is going to involve reviewing grantee applications then governors are prepared to certify with NTIA that the proposals are consistent with the state's planning and priority-setting strategy.

I would like to close by emphasizing the obvious, which is that federal-state collaboration is going to be required.

Congress has made it clear and they expressed it in the language and NGA policy would endorse the concept of collaboration and encourage it to prevent unintentional federal interference with broadband deployment with initiatives by the states because it's important going forward that a modern communications infrastructure that provides high quality, reliable and affordable linkages is essential to the

economic competitiveness of the states, to the territories and to the nation as a whole.

Thank you.

Look forward to your conversation.

MODERATOR: Thank you, David.

Our next speaker is Wes Rosenbalm from Virginia utilities.

MR. ROSENBALM: Good afternoon, my name is Wes Rosenbalm I am representing Virginia utilities which is part of the City of Bristol, Virginia, and I believe what I would talk about is what we accomplished in southwest Virginia is good for the roles of the states. In conjunction with Congressman rich boucher then governor and now Senator warner and governor kaineBVU built a municipal fiber system. We were the first entity in the United States to offer triple play over that system with the sole purpose of economic revitalization, creating jobs and improving the

quality of life in our region.

Our region was stagnant and depressed economically speaking because we relied upon coal, tobacco, and manufacturing that was moving overseas so we had to chart a new course for our area.

We felt that course would be well laid out in technology and infrastructure that could support the region to compete in the new global economy and be as future-proof as it possibly could be.

We feel that we have been partially successful in that.

There is still work to be done, but hundreds of high-tech jobs are being created in our region that pay more than twice the annual average salaries, Northrop Grumman is one of the companies we are referring to so in part we feel our future is brighter than it would be.

There is a copy of the fiber to the

home council study that you can get on the web page that goes into more detail about us and other municipalities as part of the partnership with the federal government we won numerous awards the one we are up for now is that the 2005 intelligent community award, and we are one of seven finalists worldwide.

We thing that speaks volumes about the partnership because we are one of the only U.S. communities in contention for that award as the United States drops in the global ranks.

Our role in the states.

We have had mixed experienced with all municipalities like DVU.

Some states will not allow entities such as BVU to do what we have done, they would be prohibited from doing it as a state law issue.

But we also had a lot of success.

In the State of Virginia, the

Virginia took the tobacco settlement and securitized it and are making investments back in the State of Virginia and one of those investments is in broadband infrastructure so we were able to partner with the state through that process as well.

In closing our recommendation would be that NTIA develop a criteria definitely consult with the states and governors to match up the project that is have been submitted from most states and then the NTIA take that submittal and make a recommendation on what should be funded from the governor and the states.

Thank you and I look forward to your questions.

MODERATOR: Thank you, Wes.

Our next speaker is sandy Markwood from the National Association of area safety issues on aging.

MS. MARKWOOD: Good afternoon.

It's a pleasure to be here and I have to say I feel a little bit like a fish out of water because unlike my colleagues, I come from a human services organization.

As was said in my introduction, I work with the National Association of area agencies on aging which provides home and community based services, a range of services to older adults in local communities and in tribal areas across the nation.

In saying that, the membership base of my organization is really community-based, but we are part of a greater network called the aging services network which has really focused in on creating a national network involving the federal governments, state governments and community organizations to ensure the needs of a huge population of this nation are met.

As part of that partnership, we are

very pleased to be working with the NTIA on the DTV conversion to ensure that all older adults are part of that conversion and at the end -- on June 12, that no older adult in this nation is left in the dark.

In saying that, the broadband technologies opportunities program really offers this nation a significant chance to develop and support a similar process, a similar partnership to the aging services network that really ensures that all Americans have access to broadband, and the skills to utilize that technology.

No matter where they live, no matter what their age, no matter what, in looking at that and achieving that goal, states have a critical role to play as planners and conveners in that process, planners and conveners that engage local governments and community organizations like ours to ensure that needs of consumers are



met.

But they need to plan and convene based on statistics at hand.

They need to look at the economic need of the citizens they serve, and they need to look at the demographics of their communities and they need to look at public benefits, short range and long range that can be impacted by broadband.

In saying this, I have to say on the demographic front, it is my hope that when we are looking at the demographics we are looking at the broad impact that broadband technologies can have, and we don't just look at younger or middle aged populations.

States cannot overlook or discount the critical role and value of broadband in serving the fastest growing segment of this nation's population, those people who are over the age of 65.

Those people whose numbers in this

nation will double by the year 2030. In looking at that, states must look at the public benefits across the life spans for citizens, from engaging people in ways to connect, utilize broadband to connect with family, friends and their community at large to assist them in looking for jobs, even if they are older adults.

To engage people in E-Commerce, but also to look at the public benefits that telemedicine can have for this nation.

Especially when we are looking at vulnerable populations of older adults, those people who are disabled, looking at in-home monitoring assessment devices that could make a difference between allowing someone to age at home in their community versus in an institutional setting.

To ensure the needs of all population groups and constituencies

are met, states need to involve a process similar to what NTIA is doing here, an open and transparent process that brings everybody to the table, and brings people to the table in an equal and broad-based manner.

In looking at that they need to utilize the statistics and also looking at evidence-based programs to be able to assess those economic needs.

And in looking at the developing processes and projects at the state level we need to ensure that consumer's needs and benefits are realized through performance-based projects where funding is dependent on successfully reaching the outcomes and goals it intended.

The broadband technology's opportunities program provides this nation, states, communities and consumers with an incredible opportunity to ensure that all

Americans regardless of who they are, how old they were, or where they live can reap the benefits of a greater broadband usage and have access, to be able to ensure they can meet their needs in the future. With that I will be happy to answer questions later.

MODERATOR: Our next speaker will be Russ Frisby on behalf of the minority media and telecommunications council.

MR. FRISBY: Thank you very much, Bob, and I would like to thank NTIA for making this spot available.

I am going to spend a few minutes this afternoon discussing something that is very rarely discussed, and that's how states can encourage participation by socially and economically disadvantaged business concerns in compliance with the stimulus act.

If you go to my first point.

Looking at section 6001, the

assistant secretary is required in awarding grants to consider whether the applicant is a socially and economically disadvantaged business concern.

This is a provision that again for the most part has been overlooked and based on traditional rules this permits the assistant secretary to consider the level of minority participation.

I submit that this provision is important, because these companies are among the most constrained by lack of access to capital and also among the ones most likely to immediately provide jobs in the hardest hit areas.

My basic message this afternoon is NKA should follow the lead of a number of utility commissions, focusing in particular on my former commission, the Maryland public service commission, which under the leadership of Commissioner Harold

Williams has entered into a voluntary memorandum of understanding with many of its regulated utilities.

Under this MOU, the utilities have agreed to strive to meet the state's goal for SDB participation in their contracting and subcontracting operations but this is not something that is just limited to Maryland.

California has a very good program.

And also I like to thank Merith, because they have a committee

Commissioned by Harold Williams and PV of the California Commission there are a number of commissions that are underway to ensure that utilities have diverse supplier programs.

But particularly with regard to the Maryland program, the MOU is a voluntary MOU under which the utilities agree to develop and implement and consistently report on their activity in promoting a

strategy to create viability for providers by providing them with maximum opportunity in participating and competing for contractors and subcontractors along the utility supply chain and also with regard to subcontractor.

This is very important because I anticipate that utilities are going to be among the largest participants in the stimulus program.

Getting into the weeds a bit, the MOU also focuses on a strategy that looks at all goods and services, equipment, supplies, research and development, construction, across the board, as well as subcontracting.

This to make this section, section 601 have any meaning, it's important that the NTIA and state commissions lead the way.

Because without this leadership I think this section will go by the boards and will lose an incredible

opportunity, an incredible opportunity to make sure that the benefits of the stimulus program are spread widely.

Just in concluding two other points, first of all NTIA should ensure as part of this process that state rules don't get in the section of 6001, and also the NTIA should look to section 8 A as a guidance.

There is no point in reinventing the wheel here.

There are certain standards, procedures, et cetera, which NTIA can rely on.

In conclusion, let me reiterate the fact that we have an incredible opportunity here to make sure that the benefits of the stimulus program are applied across the board throughout the society, and we should not lose this opportunity.

Thank you very much.

>> MODERATOR: Thank you Russ, and our last speaker is Diana Bob with



the national Congress of American Indians.

MS. BOB: Good afternoon, everyone, I am an attorney for the national Congress of American Indians.

During the presentation I will refer to my organization as NCAI, and NCAI is the oldest and largest organization for tribal governments in the United States we have been in existence for over 65 years and we have been a strong advocacy unit in Washington, D.C. and we have taken direction from our membership within the last ten years to create a formal project known as the state and tribal relations project.

This is a project that is a priority of organization because our tribal leaders realize they cannot govern in a vacuum and our tribal lands are situated within boundaries of states as well as within the United States so tribal leaders recognize that there is definite value to be had in

partnering with state and local governments as well as the federal government.

Today I am pleased to be here to share some key considerations for the state's role as it relates to Indian country and as it relates to the needs of tribal governments with respect to the national broadband plan.

First, I want to give a brief introduction to something known as tribal consultation.

Tribal consultation is something that is important in the federal and tribal relationship.

Here you see in the stimulus there is a permissive directive by Congress to the agencies for the agencies to consult with the governor in the states in this situation.

The national Congress of the American Indians that as a directive we support that directive because as

many fellow panelists have laid out today it may be one of the more efficient ways to spend federal dollars in this situation.

However, tribal governments point out that tribal consultation is a federal and tribal government to government relationship aspect that is supported by an executive order that has been in existence through several Presidencies and that has been adopted by all federal agencies who have a relevant role in the broadband plan.

And I would like to direct anyone in this room who is not familiar with these positions taken by the agencies, can you contact the agency folks or myself and I will be happy to share with you that puts on paper the priorities of the oh relationship these agencies have with the tribal governments.

One thing we would want to point out it's a prickly issue but tribal

governments are not political subdivisions of the states.

So interface that fact that tribal governments are not subdivisions with the state with the federal tribal government to government consultation rule.

You can see there is potential for some ruffling of feathers.

When states interact with tribes, the states do not have a vested interest in ensuring that tribes receive federal funds.

Oftentimes we see federal funds for a local government will offset any obligation that the state may have to pass through or to provide from a state budget to the local government.

Tribes are not political subdivisions.

Tribes do not receive very much in the way of state funds, therefore, there is not the same vested interest for the state to strongly

advocate for tribal receipt of federal funds, as the state may have for their own political subdivisions, their local governments.

One thing also, the stimulus calls for a national broadband plan.

That means it must include Indian country.

If it doesn't include Indian country, you are going to have these pockets of exclusion in this broadband plan.

And that's not in the state's interest and it's not in the tribe's interests to have that pocket.

In some states it will be a significant problem.

There are some states in the great plains that have very large land-based tribes.

If you look at a map you will often see that reservations are colored in an orangish red color.

Look at that and imagine if you are

taking a cross-country drive imagine if there is no broadband in that pocket because there is an inability for the state and tribe to work together.

That is going to create a significant hardship, not only in the state's economy but on those individual Indians who are live in that community and are expected to participate in this world economy. We ask that everyone, the agencies and the states keep in mind that this is a call by Congress for a national plan and national must include Indian country.

And when we talk inclusion of Indian country we mean meaningful inclusion, and meaningful inclusion often equates to consultation and recognition that tribal lands have historically been left out of critical infrastructure build-outs. We see there have been significant times in the past where tribal lands

have been excluded from the energy corridor build outs.

That is still a problem for us.

Behave vast amounts of our community that is lacking access to electricity, we have -- today we heard talk about broadband and that is a great thing for most of the country but for Indian country there is a major lack of analog access as well.

That is one of the concerns we have here.

If states are given a very strong role and little in the way of federal direction on how to include Indian tribes, we may have to skirt around broadband plan like we H.P. the skirt around electricity plan or skirt around analog plan.

We can't have that for the future of our people and also as I said go against Congress's intent of creating a national plan.

I don't want anyone to leave today

to have a misconception that Indian tribes and tribal governments are wholeheartedly against working with the states.

That is absolutely not the case.

They have been very successful in innovative state and tribal partnerships to remedy some very key significant problems that governments have to deal with.

For instance, they have been successful approaches to dealing with law enforcement matters to dealing with critical care for vulnerable communities and those sorts of things but those don't happen on their own.

History has shown that often successful and innovative relationships are predicated upon incentives to the states provided by the federal government or based on provisions to the states also provided by the federal government. The tribal governments that I work



with don't want there to be punitive measures issued against any government, it's just that tribal governments ask to be included and time will show that that doesn't happen unless there is either an incentive or condition process.

One thing I would like to put out as a prime example of this where there has not been an incentive for the state or a commission for the state is in the context of public safety with respect to homeland security.

In Washington state there is an Indian tribe, they have a very large reservation, two million acres in the center of north central Washington.

On the reservation they have one of the country's largest dams, the grand coolley dam that is holding back the Columbia river.

You don't need to be a geology major to understand that the Columbia river is a fairly large river and

creates a significant amount of hydropower and electricity that serves Portland and Seattle, major west coast cities.

The tribal land applied for homeland security funding, this was passed through the federal -- through the state by the federal government there were no incentives for the state to meaningfully include tribes and no conditions if the state did not meaningfully include tribes.

The tribe received less than 2 thousand dollars to secure their two million acres that includes the Canadian U.S. border and the grand cool ey dam.

That doesn't make the tribe feel safe and I hope it doesn't make the people who live downriver from that major dam feel safe.

This is an example of what can happen.

And the disproportion of inclusion that tribal governments receive by

states, and I am not imputing that there is any nefarious behavior by the state going on here but it means that if there is not meaningful inclusion for the states, then oftentimes we don't see it and we have breakdowns in the systems.

Finally on a more programmatic note, the presenters before me have mentioned and cited to state plans and state priorities for their technology buildouts and things like that.

Again, if I bring you back to the concept of the map with the orange colors that signify Indian reservation.

Oftentimes state plans and priorities stop right at that border so oftentimes those lands shaded orangish or reddish don't get included in state plans or priorities.

So therefore if we are contemplating a system of distribution of these

broad band funds that relies almost exclusively on the state plans and state priority setting in some states you might not have any inclusion of those orange and reddish lands.

Again, that creates problems with the desire of Congress to have a national plan.

So again, I would just like to assert for the group and for the agencies making these determinations that Indian country is absolutely not opposed to the states taking a role in the distribution of funds. It's just that Indian country has seen this undertaken in many forms and we have still yet to find some need that is satisfactory, but there are plenty of bad models out there and we ask that everyone be aware of those bad models and take a step back and don't go in that direction but instead go in one that requires consultation between the state, if

the state is going to have a role in this and the tribal governments and requires some assertion by the states what they did to try to get the funds to Indian country.

You know, again, that is an example of one of these conditions that -- based on the funds that could be solved with inclusion.

Thank you and I look forward to the discussion.

MODERATOR: Thank you panelists.

First of all, just as a theme for the discussion.

Speed.

NTIA and RUS have to make some decisions quickly.

They have to get the funds distributed quickly.

Time is of the essence in this process.

In that context, I was thinking as Diana was mentioning, for example, she was suggesting as I understand some further consultation between

states and Indian tribes and other organizations, and then there will be a consultation with -- between the state and NTIA.

Are there just going to be too many consultations to get to meet the speed requirements?

Should NTIA -- the alternative, NTIA should they just charge ahead, how do you balance those two?

MS. BOB: I think that a fair amount of my membership would believe there could be no such thing as too much consultation.

But I will set that track aside and say that meaningful inclusion does not necessarily mean a three-day, six-hour session.

Meaningful inclusion could mean that when the governor's office sends out the memorandum of notice of funds available to local municipalities that they also seek to identify who the similar situated person is for the tribe.

And that when there are state meetings about these matters that the tribe is meaningfully included meaning the invitation gets out in a timely manner and there is an effort to include them.

There is no goal to kind of -- kind of kill this effort by over-process. It's just as I have said, we have seen too many instances where the states say, "yeah, sure, we will include tribes."

And we see situations like in a juvenile justice system where a tribe with a large at risk group receives 5 hundred dollars for juvenile risk prevention and a neighboring community receives a couple hundred thousand.

That is not meaningful inclusion and if it happens in this context, we will have another situation where Indian country is live in substandard conditions with access to substandard technology.

MODERATOR: Anybody else have a concern of just about the whole sequence of a number of consultation after consultation and how long that might take?

MR. RAMSAY: I have also been saying the same thing, I have done two of these.

There is not a great deal of time to be spending on any part of this.

We are not -- it's not the question of can we -- put a perfect process in place.

Because if that is the question, the answer is "no."

And probably the best thing for NTIA to do to the extent that they want the states to do as NARUC has suggested and rank the applications then received.

It would be to include a ranking criteria or some sort of specification that you have consulted with the interest the parties or mandating some additional



meetings or additional process, I'm not sure there is time to do that.

In an ideal world there would be but we have 18 months start to finish.

MODERATOR: If NTIA were to take that suggestion, for example, and Diana wasn't satisfied with the consultation or if she sees this list and she disagrees with the listing because the tribes weren't properly consulted, now you get into a loop of what, other questions?

How do you come up with a swift process that includes all these concerns and moves ahead?

MR. RAMSAY: I will say one thing in terms of the state ranking the ranking against the standard state allocation, the NTIA and RUS are still going to be the people making the final decision.

And to the extent there is a concern that the states won't do what they have been asked, that's probably unlikely but to the extent they

don't do what they are asked NTIA could build in it's own review of the rankings, if you will, look for -- MODERATOR: I was going to ask about that.

Now the guy at NTIA who is now just had 50 state rankings dumped on his desk and he gives everyone a number 1 because every state is encouraged to get at least one grant and he looks at the others and goes, "how do I compare this state's number 2 against this state's number 9?" How does 50 rankings help speed up process?

MR. RAMSAY: In the proposal you were speaking kind of in NARUC's proposal with the standard state allocation, effectively for the first -- in the case of NTIA, the first 36 million dollars, assuming there were enough applications in the state that met the statutory criteria, those would not be competing against applications in

other states they would be competing for the first tranche, first standard allocation of the other 50. So you wouldn't be looking at this state's list or at least the initial group on the first tranche of moneys put out.

You would be looking in that state. And the comparison would be to the extent that there was concern about tribal lands you could look at the ranking and look and see if there is anything.

Seems to me it would be obvious if there are no applications that cover tribal lands in the state.

MODERATOR: I don't think we should put Diana on the spot, because yes, she is well articulate, there are lots of other communities and stakeholders that have similar concerns, that their needs and wants and goals are not going to be accommodated by either the governor or whoever is doing something for

the state.

And we are a country of due process, so how do you resolve the disappointments in such a ranking or in any -- not where there is a ranking or any involvement, is the state government certifying to NTIA that this meets the plan.

What is the appellate process?

MS. BOB: I would like to comment, put it out there that tribal governments have a political relationship with the federal government that is separate from that of a political subdivision, that is separate of that from a nonprofit, that is separate from a local PUD.

Tribal governments are not asking for or proposing anything that is not done in other context across the United States, and just need to make it entirely clear that tribal governments are not advocating for any special right or fast track

access to these funds we are asking what federal law through the Constitution, numerous acts of Congress and several Supreme Court decisions over the last 1 hundred or so years support that tribal governments are not political subdivision of the states and tribal governments have a relationship that is unique and predicated on a federal trust responsibility.

So what I am proposing for a consultation or something like that in a state context is not necessarily one that we would advocate should be extended to the PUD's or should be extended to the -- you know, other municipal creations like that.

Or other special interests or anything like that.

So just to clear that up, that, you know, this won't process everything to death because this isn't one of those slippery slopes.

MR. PARKHURST: If I could touch briefly.

I want to go back to your original premise.

It's important to be clear that isn't some ways we are talking about a conflicting set of policy also here, on the one hand we have a goal of stimulation of the economy, so stimulus means targeted, timely, temporary, get the money out quickly.

On the other hand, and I think this is the case with broadband deployment, we are talking about long-term investment in the infrastructure.

So there is going to be some tension.

And I think it's important that all of the parties that are engaged in this are cognizant of that distinction between those policies so that we don't necessarily rush the start.

I equate this with a contractor and a homeowner.

A homeowner doesn't want the contractor to start ripping down the walls before they have a game plan of what they want to replace it with.

That is going to be a lot of public meetings and expense of litigation. It's important at the same time not to have planning as a code word for stalling.

That is not the intent through any of these.

MODERATOR: Speed is the first word.

MR. PARKHURST: Speed is the first word but you have examples of states that have plans in place that are detailed and sophisticated and from an NGA standpoint those states represent the first wave of funding that would make some sense in moving forward.

I think Diana to your point and it's intricate and you were spot on

distinction between the sovereignty of tribal governments and that of the states.

Therein lies the opportunity for NTIA to serve as the final arbiter and decisionmaker and I think that provides another opportunity for us to work through any of these issues that pop up.

MR. FRISBY: Through my experience there is always an intention between the theoretical and the practical and at some point the practical wins out.

I think the reality is that we are going to get this money out.

The emphasis should not be on appeals but in making sure that we get ground rules right and getting priorities straight, getting the check list straight so when it does get to the final arbiter which is NTIA or RUS, it can move forward with a good solid decision.

There is always the prospects of



appeals but in this environment, I'm not sure how far that would get or whether that is really practical.

MODERATOR: NTIA becomes the appellate agency rather than -- I think we have explored a little bit the potential tensions and wisely done if there wouldn't be any.

The question does anyone see a conflict of interest between having a state role in deciding or recommending grants, who should receive grants from BTOP grant when the state itself may also be an applicant for BTOP grants?

MR. FRISBY: It reminds me the there was a fellow in the Senate in the Maryland bar and there was a bill in the Legislature that was going to extend bar hours from 2 a.m. to 4 a.m. on a Saturday and someone came up to him and said, isn't this a conflict of interest, and his response was, well, it doesn't conflict with my interest.

I think sure, there is a conflict of interest, but you know that's inherent not only in this system but in a number of systems, and again, NTIA was the final arbiter.

MR. RAMSAY: That's the final answer.

The first point to point out, the statute specifies the legislative history, the conference report is even more specific, it states, "can be consolidated."

It doesn't say states can only be consulted if they are in no way related or have a few about a particular application because it's also submitted by the state.

There is nothing in the statute that prevents them from providing their opinion.

The protections are two-fold.

One, there is the criteria we fully expect RUS and NTIA to put forward with slight elaborations on the statutory criteria.

And two, the states don't make the final decision.

It's kind of like -- the analogy that I come up with is we are in a car race, an Indy car race and the states have to get as many cars in the races in as short a period of time.

And the race has start and they have to design a car, build a car and get it on the track.

We are not the car drivers, we look at the engineering design and go if you build this engine this way, it might actual run.

We have experts that know about this particular kind of energy.

And you have this set of criteria that you have to have to have this engine and our engineers will say, we think that engine will run and after you get the car on track, our mechanics can check and make sure it's running properly.

MODERATOR: Anybody else?

MS. MARKWOOD: I guess in looking at this I want to ensure that yes, we are building an infrastructure with broadband but infrastructure is there to serve people.

And I think that is critical and the applications need to relate back to the numbers of people who are going to be served and the needs of those individuals in under served and unserved areas.

Again, looking at state applications and the state role as a convener, I think people can come to the table, they can come to the take quickly but the application should be measured against the needs of individuals, the needs in the states and the communities, and that should be based on statistics and reliable data so that that becomes the transparency measure.

MODERATOR: Anybody -- any -- I would be interested to see what the governor's association might think

about conflict of interest issue.

MR. PARKHURST: It's an interesting question, Bob and actual one I have talked to Brad about before.

I think it's one that is rightfully discussed, but I think when you break it down and look at the statute -- when we look at statute as is already brought up, NTIA does have final decision making authority in grants.

Now I think back to Russ's point, there is theory and then there's reality.

You go back to one of the earlier observations.

I think it overarches the entire stimulus package.

It's accountability and transparency.

I don't think it's going to be as easy as some may predict for conflicts of interest to arise under the headlights, if you will, the cleave lights that are being placed

on every dollar that is coming through the stimulus.

I would hope that would be part of the calculus going forward when you consider issues like conflict of interest.

Which is exactly right.

But again, we do have a lot of players involved, NTIA, RUS, the states, all the interested grantees, tribes, interested population groups, the private sector.

I think that will help many who are concerned about conflict of interest.

MODERATOR: We are approaching the 2:00 hour which would be the beginning of the Q and A with the audience here on the web and on the teleconference.

I would invite people in the audience here to step to up the -- audience here to step up to the microphone.

And in fact I have the first

question, I believe it's from the webcast, or maybe from the conference.

The question is, Wes Rosenbalm made a strong point that states may be likely to favor incumbents.

Do panelists agree or disagree with Wes's statement?

MR. ROSENBALM: By incumbents that is a term in the industry and I don't know if they are referring to the larger privately owned companies or someone like BVU.

MODERATOR: I would assume incumbents mean the typical local phone companies or cable companies.

MR. ROSENBALM: I would think that they would not do that. I think the history is there that, you know, they had their opportunities at different levels and some have succeeded and some have not.

I think they would be more inclined to favor localities within the state.

MODERATOR: Does anyone thing the state would favor corporate incumbents and now Wes has enlarged that to suggest that the states may favor their political subdivisions.

MS. BOB: One thing is the RUS provision of the bill actually requires the incumbents to have priority in those funds and that's an issue for Indian country, because we are not incumbents.

Most of the time we didn't get served by the incumbents the first time they were out there with the first round of funds.

So there is that concern for incumbents in that context.

The other concern with respect to how the states may or may not prioritize is aside from incumbency personality may have an affect with respect to tribal governments and tribal access, and that's obviously more subjective as to better an entity is incumbent or not.



That's one of the other considerations is maybe there has to be as I have alluded to before, in the check list, did you consult with the tribe, did you check in with the tribe, did you do so in writing and do you have the writing to show you did it.

And those things would be helpful to get beyond the incumbent pool applicants and potential recipients.

MODERATOR: Brad?

MR. RAMSAY: I don't believe that a state would favor the incumbents because they are incumbents but there is a requirement in the statute to look for sustainable projects.

You don't want to build something somewhere and the second the stimulus money runs out you no longer have service that can be provided.

So to the extent of on going incumbents there are business that

is include new entrants but to the extent that there are businesses out there that are already up and running, there might be a tendency to favor someone who has done something successfully in some cases over someone who is brand-new out there. But that wouldn't translate to me as necessarily favoring the incumbents.

MR. ROSENBALM: You have to remember in this process that this is only one-half of the puzzle.

After you fund the capital you still have to operate this network and have you to pay the bills and hire people and things of that nature.

So the track record is important for the people who apply for this and that's the second step of the process that is not covered here but you have to be prepared to handle that as well, operational costs.

MODERATOR: That would be a topic for tomorrow's topic, selection

criteria.

Let's go to the audience.

I would ask that first of all you indicate whether you are asking a question and to whom, or are you just making a comment.

Second, could you identify yourself and any affiliation that would be helpful to understand your question. And thirdly we will have a clock up here.

We were asking people to take no more than a minute to make your comment or question and if you go substantially beyond that I will have to use my role as designee to move that along.

So microphone number 1>> my name is Kathleen did you thinkham.

I am a service provider of open source applications.

Few comments.

First, Ms. Bob, I think she delicately put forward something that applies not only to Indians but

a lot of other different types of groups, whether it's rich, poor, urban, rural.

There are always concerns about states necessarily having control. We have had internet for a lot of years, state have had a long time to build out broadband subsidized access.

That has not happened.

My comment would be I believe we need something like 50%, the state gets to rank projects but I think there should be independent groups that rank projects and people can submit projects to both.

But I think leaving states in control will continue and perpetuate what we have seen.

If you look at the interstate system or the Federal Aviation Administration airways system, the federal government had a very big part of it.

And also civil rights.

States have large bodies and lobbying institutes and less oversight and less regulations than the federal government this is a federal government broadband initiative.

The NTIA needs to retain control of this.

Thank you.

MODERATOR: Thank you.

MR. RAMSAY: Can we comment on the comments?

MODERATOR: Briefly.

MR. RAMSAY: Good, because in this circumstance in terms of letting the states, states will use my members there is a reason have you to develop a certain level of expertise, there is 18 months to get applications in and evaluate.

In most cases the state commissions are fairly familiar with cost studies, the cost of infrastructure funding and in most cases they have some idea of where -- a much better

idea than most others in the state of where the unserved areas are.

No project is perfect.

I understand that there are flaws in everything but the point you are looking for is a viable application to get approved one with a degree of expertise doing the evaluation.

I don't think there is a choice.

States have to be involved.

MODERATOR: Microphone number 2.

>> Two questions one more Mr. Parkhurst.

Do we have any feeling for how many states have offices for broadband development and fairly developed broadband plans and number 2 for Ms. Bob given that any deployment on Indian lands is going to make use of trust lands where does the bureau of Indian affairs fit in all of this.

MODERATOR: The first question.

MR. PARKHURST: If I heard you correctly, how many states have

broadband offices?

MODERATOR: And plans.

MR. PARKHURST: And plans.

MODERATOR: And/or plans.

MR. PARKHURST: The majority of the states do have broadband offices.

I can't speak specifically to how many states have plans.

Brad?

MR. RAMSAY: In terms of planning, we are working on aggregating the data, but not all of them have a formal or separate broadband entity but they all are focused --

broadband is not a new thing for my members in promoting the deployment of Indian services is not --

Michigan actually started their program about five years ago and off the top of my head, I can't believe that that at least 30 states don't have some sort of plan in place.

Massachusetts has a separate broadband authority, separate plan and there are at least five or six

states that I can off of the top of my head that have separate authorities.

So I am thinking it's over 30 is, my guess.

MODERATOR: Diana, where is the bureau of Indian affairs?

MS. BOB: I heard his question I will paraphrase for those who didn't catch it.

Tribal lands are held in trust by the federal government in order to lay wires and get things up there, and often easement has to be granted or right of way has to be granted by the Department of Interior, generally that is coming from the bureau of Indian affairs and the bureau of Indian affairs is the executive office that has authority and jurisdiction over Indian lands. This has been a historical issue in Indian country and there is a couple of reasons for it one is DIA was never taught to deal with these



easements and right of ways the energy corridors, oh, Indian country, we will go around.

So there is not existing infrastructure within the department to deal with these problems.

I have been assured by folks there now that they are now up to date on these things, however, they are critically under-staffed and it takes quite a long time to get these things processed through there but on the other hand we have been given assurances that we understand there is an administrative priority coming from the office of the president to get this done out there, moving along and going.

They will be working on this as soon as the applications come in.

And I would like to point this out.

This is a level of expertise that I don't know that most state commissions have on their staff.

This is an issue of federal Indian

law rights of federal trust land and again, this is one of the things that we point out as a unique situation for tribal lands that will require some guidance from the federal agencies if the decision is to put a lot of trust and hope that the states will do this, they are going to need to be educated on these issues.

MODERATOR: Microphone number 3.

>> I am Harry rush of the Appalachian regional commission. The Appalachian regional commission, this is a comment, has been in the business of telecommunications for 37 years.

Our process is working federal, state, and local partnership.

I can tell you that all of our states have a state planning agency, a state broadband authority, and agency that is charged with that responsibility.

We have funded literally millions of

dollars worth of strategic telecommunications planning, aggregation of demand, all processes involved with planning and you name it to try to get at this issue of getting broadband deployed to rural America, to underserved areas, et cetera.

The comment I would make with regards to the state, they are a great convener, they are a great facilitator.

And they have specific plans in mind based upon projects and activities that they have completed.

However, I would say that what you do want from them, from the NTIA and the utilities service would be endorsement of project activity, that it is a consistent project activity consistent with their priorities of the state, but I would not ask that they rank the projects. Thank you.

MODERATOR: Microphone number 4.

>> Yes, my name is heather Hudson.

I am professor of communication technology management and policy at the University of San Francisco.

And I want to comment to address several of the questions that NTIA put in the federal register.

I think the role of states and federal government obviously are both important here for reasons we just heard.

But the priority to the federal government is really critical here because we are trying to get to national goals for universal broadband.

And we were trying to avoid the patch work of telecom policy that we have had for decades.

If the federal government and Congress had wanted to do block grants we would have had a very different model.

They didn't.

I think the role of the states is

very much consultation, and to show that they have consulted and to provide necessary data and information.

In terms of priorities I think the rebuttal priorities should be for infrastructure, that's the prime goal this stimulus package.

The state should show what regions are unserved and underserved and why and how they could leverage those funds.

Applications are critical, but I think they will largely take care of themselves.

I work in applications.

I just came from a briefing on the hill about health IT.

I think there is other sources of funding through universal service fund through state and local, so that where there were application funding applicant requirements, states should be required to show what other funds could be available

or how local and state funds could be leveraged and they should then be also to provide priorities for those type of applications.

Reach ethnocentric services and that is critical to the package and one last point, I think the states should take the role of determining whether there are other grantees who are eligible which is one of the questions asked by NTIA.

What about the others?

Let the states weigh in on that.

MR. RAMSAY: I just have to say to the extent that you are suggesting that my proposal was a block grant proposal, it's not.

We're not asking them to drive a car.

We are asking them to engineer>> I think yours was a good idea.

MR. RAMSAY: Thank you.

I heard the phrase block grant and that's not what I am suggesting at all.

Thank you.

MODERATOR: Microphone one.

>> My name is Jerry Lock I am president and CEO of broadband specialists incorporated we are a broadband deployment firm.

Since 1992, we like to say we were broadband before broadband was cool.

I am also a member of the CHOC Tau nation of Oklahoma, so Diana's comments reach me strongly and close to the Harriet; heart.

My question if noting her that the tribe not being political subdivisions of the states.

I am wondering if there is going to be any serious consideration given to allowing the tribes in the nation to be able to apply directly to the federal government and therefore bypass the states possibly in their applications to get broadband infrastructure.

MODERATOR: I have an answer but why don't you go first.

MS. BOB: That is definitely one thing that the membership at NCAI we include in our written comments.

The legislation does not include a tribal set-aside.

A tribal set-aside is something you see in critical situations like in the violence against women context, that was a set-aside so tribal systems have dedicated funds to resolve those issues.

There is nothing like that in this broadband plan, but as I said there has been a request by our membership to consider that as a suggestion to include in our formal written comments.

MODERATOR: My quick response was that section E 1 A of the statute says to be eligible for a grant an applicant shall be a state, DC, territory and Indian tribe as determined by the Indian and self-determination act so eligibility is granted by the



statute as a matter of law.

>> Thank you.

MODERATOR: Microphone number 26789>>

my name is Jeff Daly, member of horizon.com broadband applications and broadband policy.

I have a quick question.

I am a true believer that the states can and should play a positive role in the context.

In the context of the stimulus where the dollars are to be turned to deployment as quickly as possible.

How do we ensure if the states are playing the role of determining who gets what, that the projects that are awarded are those most shovel ready and not those most politically well connected?

MR. PARKHURST: I think to start with that it has to key in on what are the criteria to use to evaluate the proposals.

Brad?

MR. RAMSAY: The protection there,

there is no perfect process and the protection is the criteria that we are given, and one of the criteria I'm sure that is part of this is how fast that you are going to be able to get money in, and it has to translate immediately into jobs.

And that's the only reason we are suggesting of the monitoring by the states, also, to make sure that the money does get spent right away and they follow through on any grant proposals, regardless of whether -- keep in mind that the proposal is suggesting I understand there are going to be a series of three rounds and funding and they are suggesting just on the front round of funding that there would be kind of a set aside of a little bit less than half of the total funds available.

That is not a set aside for state projects that, is a set aside kind of for the top 51 jurisdictions to have should shoot at with good

predictions but your best protection, NTIA and RUS makes the final decision, we work under the criteria of the NTIA.

MODERATOR: We have a question from the web, from Jenny angel with the city of Manchester, New Hampshire, the information systems department. Since the states will be competing for stimulus money along with the local governments and utilities how can we ensure that all applicants are considered fairly when the state also needs to be considered?

Another way to phrase the question I posed about the conflict in interest, but does anybody have any additional thoughts on that?

How do you -- so, previous answers still hold.

Very good.

We were at microphone one, so microphone number 2, please; oh, number 3, then.

I can't keep up with you guys.

Mike on?

Go.

>> My question is a comment.

Under the BTOP initiative and mark bayliss representative of the association -- your Mike wasn't on. Start again.

>> Okay.

Under the BTOP I'm mark bayliss representative for wireless ISP association.

Wireless entities as well as governments can submit through grants and RUS and NTIA will be the deciding entity as to these grants. My question is if we are allowed to do this directly under the BTOP, how are the states vetting this, do our grants get to NTIA?

I see it as a major conflict here. That's sort of a question and comment.

MODERATOR: I have the same problem as the panelists, I don't think anyone quite got it.

We will give you 30 seconds to rephrase.

>> Is it working now?

MODERATOR: We are not understanding what you are saying.

>> Under BTOP it says that wireless ISP's private entities, tribal entities, governments can submit for grants through an NTIA being the final decisionmaker under the granted.

If the states are doing the vetting of what proposals are coming in, how does that allow independence?

We should be able to submit directly to them, if we can't get to them it's not meeting the requirements of what they are looking for at BTOP.

MODERATOR: This is another as spigot of the conflict of interest question?

MR. RAMSAY: What we suggested on prior panels and I strongly believe these will have to be submitted electronically simultaneously they

could just all be submitted to the agencies, and the agencies could give the states access.

I am suggesting not that there not be a probably slightly smaller cadre of new employees at NTIA and RUS to help with final review of the applications, but I am suggesting that all of the politics that NTIA receives for a particular state get a first look-see by -- as I say, someone at least as expert on costing issues for infrastructure. Than is the states.

And for many of the states why they are not familiar with problem land rights they will be familiar with land rights in the state.

And given the sign-off in some sort of ranking to the application that is NTIA will have to make the final decision on according to the statute.

MODERATOR: Brad, we are having -- if a state -- if a project is crossing

state boundaries, how do you resolve that?

>> That's my question.

Brad Brad they are going to have to -- in that case, I guess you would have the logical and easy answer to have the state, if it's an aggregated project, I guess you would get two recommendations on it. Look, there is no perfect and we can sit here and pick apart almost any process you come up with.

I there is no perfect process and I don't think anybody in the room has a handle on the perfect project.

This is probably the best we can do with the time available.

MR. FRISBY: Also in Brad's defense, a lot of utility agencies are really state -- it's sanitation agencies and other infrastructure, transportation, these are multistate.

MR. RAMSAY: And telecommunications, too.

MODERATOR: We are just trying to agree that it's not going to get perfect.

We were trying to get as close as possible.

Was that your question?

>> Yeah.

MODERATOR: It does seem that pockets we needed to follow.

Microphone number 4, you move up.

>> My name is Robert Finch and my company is called CERPASS.

My question is about the consulting process within the state and the different entities that may be involved, maybe it's for Mr. Ramsay or maybe even better for Mr.

Parkhurst, so we have the governor's office, we have economic development authorities and we have some states that have broadband entities.

And I have had the pleasure of working with university systems and schools and have FCC licenses and are delivering educational broadband



today.

How do you sort that out within the state.

Are there multiple voices from the state that get to influence what happens at NTIA and RUS or is it just going to be all consolidated within the state?

MR. RAMSAY: What we are suggesting and again, this is a matter of practicality.

What we are suggesting that the chief executive officer of the state national governor's association make a determination as to which entity is the most -- who should take the lead.

I characterize it as which entity should take the lead because I know for example, in the State of Massachusetts it would be the broadband authority but I strongly suspect it would heavily involve their commission.

I know in California that the

governor's office is kind of taking the lead and I know the public service commission and staff of the public service commission will play a big role of anything that occurs. But the logical thing to assume is the governor will take the lead on who is going to be providing us with the information.

MODERATOR: We have six minutes and six questioners.

So I will ask everyone to speed up a little bit.

>> I am Kelly Casius I am legal counsel for the Montana department of commerce.

I am here on the Montana governor's office.

We have plenty of questions but to be fair I guess I get one.

And he stole mine, so I guess I would ask maybe deadlines?

Are there any deadlines that people know about or are thinking about or may play into anything we ought to

be thing about MODERATOR: The most immediate deadline is response to the RFI on April 13.

And then there will be deadlines when the request for the proposals, RFI's et cetera, come out.

MR. RAMSAY: I heard a lot of scuttle but on this, but the suggestion that under our proposal I would imagine that -- if our proposal were implemented the state would get between.

Four and five months to do the evaluations, which is not a good deal of time.

MODERATOR: Number 2.

>> Martin from thin line.

We have a project in our scope of work that includes multiple states, Louisiana, Mississippi, Alabama, and until 15 or 20 minutes ago we were very excited about that project, and now if the states are going to have to rank them, there is no way that I

feel currently that any of those states would pick a project that could take part of the money away from them.

And I think it is a national plan that we are trying to put together, and I think if each state is going to have a different plan, I think having the state's being 100 percent ranking because there is no way NTIA's will have the staff to actually look at the proposals, the rankings but they will have to take the rankings from the projects and multiple state projects will not be elected but also technologies that are more advanced and more entrepreneur will probably be pushed aside as well.

MR. RAMSAY: Let me disagree with both of those suggestions.

Not only that but we are only suggesting in terms of ranking we are suggesting from the first tranche of money we are suggesting

evaluation of ranking others but if you are NTIA and you no longer have the state allocation that you are operating in and you are trying to get out the maximum amount of funds as quickly as you can the larger projects, I would think thinking about this logically the larger projects would have an advantage.

A multi state project saying we are ready to go we can spend a lot more money and it's a unified project, the prospects of this being a uniform concern as sustainable is higher.

I don't even think if you can make a strong case for your project, I think that the states would probably rank it very high.

MODERATOR: Microphone number 4?

>> Good afternoon my name is alishanami with ACC telecom.

We specialize in state and local.

The idea of using state is

attractive but I would urge the

state representatives to use PSIC, public safety interoperability commission plan on what to do and not to do.

There were good thing about it. The state has to go through RFP process to pick people to help them. That was elongated.

Unnecessary if you are for short-term.

Honestly Mr. Frisby as an 8 A what I strongly recommend and urge, since this is federal money, use SBA guidelines as 8 A because some states don't care, one, some other states have their own rules and you have to find each state whether you are or you are not in compliance. That is going to take a while just to register.

If they just say if you are SBA certified, SAA nationwide, that would suffice as section 60001 S that would help our firms.

MR. FRISBY: I agree if you look at

the last six lines that state rules shouldn't get in the way and secondly that NTIA shouldn't use 8 A standard.

And if you look at the Maryland MOU which can be found on the Maryland commission web site, it covered a lot of those issues.

MODERATOR: Microphone number 1.

>> Mark Hiller, I am the attorney with the state information officer and office for technology.

Chief information officer chairs the New York state members of broadband council, which is the entity in New York that is looking at broadband. Amongst the thing that the council has done, we established a number of policies and strategies with respect to the unserved and underserved in the state.

Not that we encourage the NTIA to consult with the states for that reason, because we have these strategies and a number of states

I like New York or the administered grants to provide broadband build-up to the unserved and underserved as well, addressing digital literacy and digital divide issues.

And my question is, what does the panel think about requiring consistency with those state broadband strategies and policies as part of the evaluation for the grant process?

MS. BOB: Can I ask -- I have a question.

New York has federally recognized tribes, they are fairly large land based.

Did you include the tribes in your plans?

>> I don't know.

I think it was outreach, it is something I could follow-up for.

MS. BOB: I was curious for my own personal advocacy.

I don't mean to put you on the spot.

>> I don't know if they were



included.

MODERATOR: Repeat the question in five seconds>> what does the panel think about including consistency with the strategies and policies as part of the grant process?

With the state broadband strategies and policies that have already been put in place.

MR. RAMSAY: That's what you said.

MODERATOR: That's what the national governor's association recommendation is.

MR. RAMSAY: NARUC hasn't taken an official position on that but I can't imagine any state employee would have an objection to that.

MS. BOB: Our concern -- the concern with NCAI is you can't explain whether tribes or have not been included and that's gets to our concern about whole relying on the state's priority process.

MODERATOR: We will go to the next person at microphone number one who

is the last.

You.

>> I would like to know --

MODERATOR: Who are you.

>> Eagle project, a wireless broadband network system.

What is going to be the role of the states with regard to choice of technology, is that going to be totally separate or if that is going to be if one state has already planned already before this came up, if they planned something if they can go ahead with it, or is it going to be totally separate, because there is a big issue, there is a main reason why we don't have international broadband plan for United States is the cost.

So cost is going to be very crucial Cal pex and no pex is crucial: What if there is disclosure that we allow it but it's not yet well broadly known so -- what does -- what is the role of the state in choosing the

technology.

MR. RAMSAY: The statute requires, one of the criteria that the states I would imagine would be required to adhere to, at least NTIA would so I imagine it would be part of the screening criteria to the maximum extended possible they have to be technology neutral.

So the only way that technology figures into the evaluation is I suppose in terms of is it shovel ready and established firms, people that have demonstrated successful deployments of technology have edge over people doing something experimental where there is not a lot of assurance that it will work.

MODERATOR: That is the last word, I am afraid.

I would express my appreciation to the panel, it's been a lively and interesting discussion.

Our next panel will begin at 2:45.

That's the roundtable on broadband

mappi ng.

We wi ll see you all i n 15 mi nutes.

Thank you very much.