Executive Summary

This application pertains to the Texas Broadband Best Practices and Dispute Avoidance Center. Years of experience with community leaders who are attempting to launch or manage broadband projects have led us to an appreciation of the widespread need for unbiased, comprehensible, well-organized information about broadband 'best practices.' The field of broadband telecommunications is replete with arcane jargon, contradictory claims, complex and constantly changing systems and technology, and a wide variety of approaches, all of which make the task of deciding how to deploy broadband a challenge for any policymaker or community leader. We propose to create and maintain a Broadband Best Practices and Dispute Avoidance Center ('the Center'), which will serve the dual purposes of 1) serving as an unbiased resource center for information for the broadband services industry, and for community leaders who are part of the effort to extend high-speed broadband to all Americans; and 2) creating a model forum for dialogue, collaboration, and conflict management on broadband issues. The University of Texas at Austin is well qualified for this type of work as evidenced by the faculty and staff participants in this application. The first prong of the Center will not only serve as a clearinghouse of best practices, but also provide regional and local training sessions, workshops, and the means for industry participants to establish a 'learning community' of peers who help each other. The Center will also be the key 'integrator' of the other important 'transparent' components of Round 1 and Round 2 infrastructure awardees. We will create an easy one-stop 'public face' of the other projects, as well as the repository for research data, analysis and current best practices. The goal of the first prong is to create a nexus for interested parties to contribute, discuss, and utilize broadband resource information, which in turn can inform future policy decisions such as about implementing the contemplated changes in Universal Service to wholly embrace broadband and mobility. The second prong of the Center will be a national forum for dialogue, collaboration and conflict management. When collaboration is the best approach to addressing or resolving an issue, such as establishing best practices, creating model contract provisions, or effecting dispute resolution contract provisions, the Center can provide a safe place with skilled professionals to facilitate the process. Additionally, the Center will foster conflict management through consultation, training, and the provision of third-party neutrals. When conflicts actually arise, parties need to know what options are available for resolving them, such as negotiation, mediation, or arbitration. The Center will offer education and training concerning these conflict management tools and will be ready to provide mediators and arbitrators as necessary. When each of the original four freedoms of the internet was created in 2005 by the FCC they made such 'freedoms' subject to reasonable network management. One Commissioner is famous for commenting about the network management by saying 'whatever that means' when describing what is reasonable. The UT BPC
recognizes that network management will have changing 'meanings and interpretations' to keep pace
with technology. Our project will aim to assist the FCC in defining with meaning that is purely in the
public interest of what is and what is not reasonable network management for infrastructure award
winners. This lack of accountability already displayed by award winners and described later in this
application does not uphold the NOFA's standard of 'rigorous reporting' needed to ensure proper
stewardship of significant taxpayer funds. Congress, the RUS, and the NTIA have made transparency a
hallmark of the Recovery Act programs, yet fewer than 10% of the ROUND 1 winners were willing to
share any information regarding interconnection, nondiscrimination, peering, or network management
practices when asked by this University. The Best Practice Center will provide a forum to assure the
standards of openness and transparency are maintained. The goal is not to be a market participant but a
market catalyst. The Best Practice Center will also assist the process of information dissemination and
dispute avoidance. The Center can gather the input of all stakeholders to formulate and publish model
terms of service and interconnection agreements. The Center can form Technical Advisory groups to
provide expertise and create best practices of reasonable network management. Finally, the Center can
act as a conduit of communication among Recovery Act awardees, last-mile providers, content
providers, and the public that depends on these groups for its broadband experience. Our research has
only reinforced the need for this organization. Our project is needed to ensure that this valuable
investment by Congress retains the bargained for result 'and open and transparent network
infrastructure that can help keep the Internet 'open' so that users dictate the evolution of the Internet
and not network providers. Otherwise the 7.2 billion being invested will surely result in a collection of
private broadband toll roads mimicking the existing broadband toll roads of incumbent phone and cable
monopolies who currently wish to control content and use to benefit their own bottom lines. Not only
does the University of Texas intend to monitor and inventory the progress of award winners to 'assist'
these networks to maintain openness, but we also believe that a Best Practices Center and Dispute
Avoidance Center can form the basis of technology assistance groups and begin to do the following:
Researching, developing and publishing best network management practices related to operating an
'Open Network.' This will include various: o Network management software tools o A review of various
network hardware; o A review of interoperability issues related to hardware, network software and
application software; ' Also related to operating an 'Open Network', the BPC will launch a dispute
avoidance and dispute resolution center: o To avoid disputes, the BPC will support the creation of model
Terms of Service Agreements between providers and their customers; o Also to avoid disputes, the BPC
will support the creation of Model 'Peering' and 'Interconnection' agreements as between network
providers as well as content providers. o As technology continues to develop in areas such as 'white
space' and 'cognitive radio', the BPC's scientific and engineering expertise can help the FCC model in real
time solutions to unknown problems and can serve as a clearinghouse for suggested spectrum usage
and management practices in these areas. When disputes occur, the BPC will offer mediation and
arbitration services. Importantly, on-going experience from private disputes and challenges in managing
an 'open network: will feed back to the academic and business communities for longer term resolution.