

Michigan Public Service Commission

Response to Request for Information

American Recovery and Reinvestment Act of 2009 Broadband Initiatives

Docket No. 090309298-9299-01

Department of Commerce
National Telecommunications and Information Administration

Department of Agriculture
Rural Utilities Services



Table of Contents

I. Executive Summary	<u>2</u>
II. Discussion	<u>3</u>
NTIA 2: The Role of the States	<u>4</u>
NTIA 3: Eligible Grant Recipients	<u>7</u>
NTIA 6: Grants for Expanding Public Computer Center Capability	<u>8</u>
NTIA 7: Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Services	<u>9</u>
NTIA 8: Broadband Mapping	<u>11</u>
NTIA 10: Timely Completion of Proposals	<u>17</u>
NTIA 13: Definitions	<u>18</u>
NTIA 14: Measuring the Success of the BTOP	<u>21</u>
III. Conclusion	<u>22</u>

Executive Summary

The Michigan Public Service Commission (MPSC) is supportive of national efforts to increase broadband availability and subscribership. The MPSC is keenly aware of both the benefits of broadband as well as the obstacles to ubiquitous deployment and adoption and offers comments regarding certain of the topics addressed in the Joint Request for Information issued by the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS).

The MPSC's comments highlight the need for a strong state role in developing the broadband provisions of the American Recovery and Reinvestment Act (ARRA). The MPSC believes the States' experiences with promoting broadband infrastructure and adoptions can provide a wealth of information to NTIA/RUS and significantly streamline the process of approving grants under the ARRA. The MPSC supports a proposal advanced by the National Association of Regulatory Utility Commissioners that, if implemented, would benefit the NTIA by reducing the time and resources needed to review the multitude of applications, benefit the States by allowing for approval of applications based on specific characteristics of a particular State without deviating from the requirements delineated by NTIA, and benefit citizens who will ultimately receive broadband availability more expeditiously.

Additionally, the MPSC comments focus on the need for accurate, useful statewide broadband maps that serve multiple functions. The broadband maps should offer detailed information at the street-level, and have the functionality to allow different levels of detail to different types of users. The maps for individual states should be developed from a common data set to allow for interfacing with a national broadband map.

The MPSC also offers comments on eligible grant recipients, grants for expanding public computer center capability, grants for innovative programs to encourage sustainable adoption of broadband services, timely completion of proposals, definitions of unserved, underserved, and broadband, and measuring the success of the Broadband Technology Opportunities Program. The MPSC continues to work toward being better able to spur broadband deployment in rural, unserved and underserved areas through a variety of means. The MPSC thanks NTIA for the opportunity to offer these comments and looks forward to working with NTIA on this important goal of increased broadband availability and adoption, job creation, and economic stimulus.

Discussion

The National Telecommunications and Information Administration (NTIA) and the Rural Utilities Services (RUS) issued a Joint Request for Information and Notice of Public Meetings (Joint Request) published in the Federal Register on March 12, 2009. This request sought certain information regarding section 6001 of the American Recovery and Reinvestment Act of 2009 (ARRA) which requires NTIA to establish the Broadband Technologies Opportunities Program (BTOP) and establishes authority for RUS to make grants and loans for the deployment and construction of broadband systems. The Michigan Public Service Commission (MPSC) is supportive of national efforts to increase broadband availability and subscribership. The MPSC commends the NTIA and RUS for making the recent public meetings held on these issues available via webcast and teleconference. The MPSC is keenly aware of both the benefits of broadband as well as the obstacles to ubiquitous deployment and adoption and offers the following comments regarding certain of the topics addressed in the Joint Request.

The States have a long history of working cooperatively and providing assistance and consultations to the federal government. The States played a key role in the Federal Telecommunications Act (FTA) section 271 process offering consultation and recommendations to the federal government related to the Bell Operating Companies' applications to offer long distance service. The States continue to play a key role in arbitrating interconnection agreements between providers pursuant to FTA section 251/252 directives. The States also, through National Association of Regulatory Utility Commissioners (NARUC), participate in many collaborative efforts with the FCC. States have the necessary experience to play a key role in this process.

NTIA 2: The Role of the States:

a. How should the grant program consider State priorities in awarding grants?

The MPSC is aware that the National Association of Regulatory Utility Commissioners (NARUC) has suggested a proposal under which a State that opted to assume the responsibility would rank all applications for NTIA/RUS broadband grants for projects in that State. The MPSC is supportive of this approach and, in fact, MPSC Commissioners are signatories to a recent NARUC letter advocating this proposal. As the MPSC has noted in recent comments to the Federal Communications Commission (FCC), by utilizing the knowledge of the States, federal agencies such as NTIA can avoid spending time and resources replicating the work many of the States have already begun or have accomplished. For example, Michigan enacted legislation in 2002 that has streamlined the rights-of-way permitting process, has provided broadband providers tax credits and loans. Through this process, Michigan was able to acquire a large amount of information about broadband infrastructure in the state. Additionally, as the possibility of a federal stimulus bill became known, Michigan began to compile a preliminary list of broadband projects diverse parties were interested in pursuing. In this way, Michigan has gleaned valuable information about where the demand for broadband may exist (including in unserved and underserved locations), and is in the process of creating a strategic broadband plan to maximize the funding available to the State.

Under a proposal such as NARUC's, States would be responsible for the identification of incomplete or inappropriate applications, and the prioritization of the applications as specified in the rules to be set by the NTIA/RUS while meeting the

broadband needs for the citizens of those States. Consequently, the timeframe from application to actually “breaking ground” on important broadband projects could be significantly shortened. In this way, the States would assume much of the workload and NTIA would be able to shift its focus to an oversight role to ensure the grant program complies consistently nationwide with the directives of Congress. Per the NARUC proposal, the conference report specifies Congress expects NTIA to “assist the States in post-grant monitoring to ensure that recipients comply fully with the terms and conditions of their grants.” The Stimulus bill allows NTIA to dedicate up to 3% for administration of the programs. Like NTIA, States are also likely to need some temporary extra personnel to help with grant review as well as to audit/monitor and report back to the federal agencies on implementation. NTIA and RUS should allow each State that “opts-in” to seek sufficient funds to create two-to-four full time (job) equivalents immediately to do just that. The MPSC believes that, if implemented, NARUC’s proposal would benefit the NTIA by reducing the time and resources needed by NTIA to review the multitude of applications, benefit the States by allowing for approval of applications based on specific characteristics of a particular State without deviating from the requirements delineated by NTIA, and benefit citizens who will ultimately receive broadband availability more expeditiously .

b. What is the appropriate role for States in selecting projects for funding?

The proposal involves NTIA setting guidelines for projects, with States¹ analyzing whether proposed projects meet those guidelines. The guidelines should include direction on how the State should rank applications, and also address the scenario where a State government may have a project as well. The States should articulate whether any factors,

¹ NARUC’s proposal allows a State to opt-in to the program. For a State(s) that chose not to op-in, NTIA would review the grant applications for that particular State(s).

such as efficiencies with the State project, were considered in their ranking process. If multiple projects meet the federal guidelines, a State that has opted-in would rank the applications in terms of which projects most effectively and efficiently address the particular broadband needs of that State. As noted above, States are most knowledgeable about the particulars of broadband deployment and obstacles within their boundaries. NTIA would then make the final determination of approval or disapproval of the applications. NARUC's proposal also includes details regarding a standard state allocation of funds, and requirements that applicants electronically submit proposals to the states at the same time they submit their NTIA applications, among other information sharing requirements. The MPSC believes this approach will achieve the most toward advancing broadband infrastructure to unserved and underserved populations, an important goal of the BTOP.

c. How should NTIA resolve differences among groups or constituencies with a State in establishing priorities for funding?

Ideally, under a proposal such as NARUC's, a State could consult with the NTIA to resolve differences among various interested parties. As noted above, a State would also have significant ability to establish priorities specific to that State. By having State specific priorities, it would be more apparent how and where individual projects fit into an overall plan to bring broadband to all citizens. During the public comment hearings on various aspects of the BTOP, many commenters were concerned about projects on tribal lands or projects that cross the boundaries of multiple States. NTIA should take into account these concerns in developing the initial criteria under which States must evaluate projects. For example, NTIA may want to determine a separate process, outside of the NARUC, for awarding grants for projects on tribal lands or projects encompassing portions of multiple

states. Additionally, because NTIA will retain responsibility for making the final determination of grant awards, NTIA will be able to address any perceived favoritism shown by the States for projects solely within their borders.

d. How should NTIA ensure that projects proposed by States are well-executed and produce worthwhile and measurable results.

The MPSC is aware that many States may offer their own broadband project; some of which could be competing for grants against other projects, such as those proposed by non-profits or local governments. State projects should be subject to the same criteria as all other projects. As in the case of tribal/multi-state projects, NTIA, by making the final determination of grant awards, will have the ability to reprioritize any State-proposed projects to better meet NTIA criteria. In order to ensure that no conflict of interest issues arise, NTIA should, as stated above, set clear guidelines regarding the ranking of projects by States prior to the application process.

It may, in fact, be the case, that State projects are more likely to be well executed and produce more meaningful results since States have the benefit of experience working with federal funding, including federal auditing and reporting requirements, than other smaller entities.

NTIA 3: Eligible Grant Recipients

The private sector to date has not been able to meet the need of bringing broadband availability to every citizen, as proven by the number of unserved and underserved areas that presently exist. However, in some cases, there may, in fact, be a solid market for broadband service, but the financial burden of the initial build-out of broadband infrastructure is too great an obstacle. NTIA may find it is in the public interest to expand the list of eligible

applicants² to include “other entities.” NTIA should ensure that such “other entities” are financially sound, have proven experience in successful network deployment, are capable of delivering sustainable projects with pricing that is affordable to citizens, and are willing to allow open access to infrastructure at a reasonable cost. Additionally, NTIA should look for entities endorsed by the State, local, or tribal government in which the entity operates/plans to operate. Finally, the entity should be in good standing with all applicable federal, State, and local government/regulatory bodies.

NTIA 6: Grants for Expanding Public Computer Center Capacity

a. What selection criteria should be applied to ensure the success of this aspect of the program?

NTIA should apply at least two basic criteria to proposals for programs to expand public Computer Center Capacity. First, the programs should seek to add computer capacity in locations with adequate broadband connections. Second, the locations should be accessible to all citizens and the hours for public use should be reasonable to accommodate the various needs of the citizens. The MPSC would urge NTIA to ensure that vulnerable populations, who may not have a computer as well as broadband in their homes, not be prohibited from using public computing resources developed under this program due to disability, language-barriers, or extremely limited hours of availability.

² Section 6001(e) states that eligible applicants shall—

(1) (A) be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;

(B) a non profit—

(i) foundation,

(ii) corporation,

(iii) institution, or

(iv) association; or

(C) any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest ...

b. What additional institutions other than community colleges and public libraries should be considered as eligible recipients under this program?

Provided that they meet the criteria above, NTIA should consider allowing additional public or non-profit institutions to be eligible recipients under this program. Entities such as public or non-profit community centers, homeless shelters, senior centers, work-skills centers, etc. that already have relationships with vulnerable populations may be better able to provide computer access to those citizens that lack a computer and broadband connection in their home. For example, these organizations may be located in closer proximity to the population (for whom travel to distant locations may be difficult), or offer additional services that may enable and encourage broadband use (e.g. foreign language-to-English translation, child-care while the adult utilizes the computer, help with resumes for job application over the internet, etc.).

NTIA 7: Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service

a. What selection criteria should be applied to ensure the success of this program?

The MPSC was very encouraged to see not only infrastructure deployment but also successful and sustainable increased adoption of broadband service addressed in the ARRA. The MPSC is aware of three main factors that may make an individual hesitant to embrace broadband service even if it is available at their home—price, fear or lack of comfort with computers and the internet, and simple lack of interest. It is the hope of the MPSC that the BTOP will help encourage affordable broadband options that may appeal to customers, however the other two obstacles will need to be met with the type of innovative programs

encouraged by this portion of the ARRA. As in the case of Expanding Public Computer Center Capability, these programs should be accessible to all citizens.

NTIA should give priority to those projects with the capability of reaching the largest number of individuals. NTIA should give the most consideration to programs that include training for use of the computer and the internet. This training should include an overview of how to use both a computer and basic internet functions such as search and email in order to encourage citizens who may feel overwhelmed by the technology. Additionally, training should include skills in to how to stay safe on the internet (such as monitoring children's use of the internet, precautions to take when sending confidential information, tips for spotting phishing/internet scams) in order to assuage fears that internet offers too many dangers. Finally, to address disinterest, the MPSC hopes that grants from this portion of the ARRA can be allocated to those programs that also create demand for internet service by exposing individuals to the many capabilities of the internet, including video, real-time messaging/conferencing, job search/application, etc. that they may not be aware of.

b. What measures should be used to determine whether such innovative programs have succeeded in creating sustainable adoption of broadband services?

The MPSC is aware of the difficulty in measuring whether programs of this type succeed. For example, it may be the case that such programs do create genuine interest in broadband service where it was previously lacking, however the cost of service may still be prohibitive. However, the MPSC urges the NTIA to set some type of benchmarks for these programs to measure their success. Depending on the type of program, these benchmarks may range from increased adoption rate in the area served, to the number of individuals attending training sessions, to required performance evaluations by individuals who have

participated in the program. Additionally, reporting requirements that are publicly available showing which aspects of programs are successful and efficient, may offer needed help to other organizations/projects with similar interests (both those funded under the ARRA and not).

NTIA 8: Broadband Mapping

a. What uses should such a map³ be capable of serving?

NTIA's national broadband map should at a minimum show, in detail, unserved, underserved, and served communities. The map should be user-oriented and offer different levels of access and detail based upon the type of user. The map should be a tool for state and local governments, community groups, and citizens. The map should enable users to determine whether broadband exists at a specific address determined by the Global Information Systems (GIS) coordinates at the street-level. While specific infrastructure data need not be publicly available, the map should show accurately detailed coverage areas for providers. This information would be very useful to citizens in determining whether broadband is available at their location, and which providers offer service. Additionally, this information would benefit community groups, and local and state government by providing data for use in determining how to increase adoption, i.e. more build-out of infrastructure versus enactment of demand-side programs. NTIA should also strive to create a map capable of highlighting areas of broadband demand where infrastructure is lacking, in order to help broadband providers identify potential markets.

b. What specific information should the broadband map contain, and should the map provide different types of

³ Section 6001(1) of the ARRA directs NTIA to establish a comprehensive nationwide inventory map that depicts the geographic extent to which broadband service capability is deployed and available from a commercial or public provider throughout each State.

information to different users (e.g., consumers versus governmental entities)?

In order to assure that the map serves all users, the MPSC believes it will more than likely be necessary for the map to provide different levels of detail to different users. In the MPSC's experience, most providers of services such as broadband consider their network architecture, including location of facilities, to be confidential, proprietary or considered a trade secret. The MPSC believes that in order to have the most accurate and useful map possible, providers must be willing to share data with NTIA/States collecting data for the map. Therefore, the MPSC proposes that for regular access by individuals, the map should show accurate coverage areas at street-level granularity of all broadband providers serving the area (or nearby areas) including broadband speeds. However, there should be a further level of detail in the map, accessible to State governments, for example, that are willing and able to properly protect the confidentiality of the additional data. This additional data might include route maps showing the path broadband facilities follow while occupying public rights of way. The map should show the location of the broadband facilities in the public rights of way. The location of the broadband facility should be defined as, but not limited to: right, left, or center; aerial or underground; depiction of municipal boundaries and identification of street names and other identification of rights of way (federal, state, or private). The map should distinguish between municipalities when the facilities are in a right of way that serves as a municipal border (separate facilities serving each municipality). Providers should submit electronic maps to the NTIA/States in a GIS file format as determined by the NTIA. Provided that NTIA mandates periodic updates of the map, it could also function as documentation that those providers receiving grants are appropriately

building out networks thus assisting the NTIA/RUS in fulfilling the monitoring and reporting provision of the ARRA.

c. At what level of geographic or other granularity should the broadband map provide information on broadband service?

Under the appropriate protections for confidentiality, the Federal Communications Commission has shared Form 477 Data with the MPSC. In the past,⁴ providers have submitted Form 477 data at the zip-code level. Numerous parties have commented to the FCC on the relative uselessness of data over such a large geographic area. While the areas encompassed by zip-codes may seem sufficiently narrow, the MPSC's and others' experience with FCC data at this level shows that much more granular data is needed to develop robust conclusions on the availability of broadband service. For example, a zip-code area may be non-contiguous, may cover a mix of urban, suburban, rural, and undeveloped land, may simply refer to a location for post-office boxes, etc. Extrapolating that an entire zip-code area is served, because a single customer in that zip-code is served, obviously presents a problem. For this reason, the MPSC believes the broadband map should provide information at the street-level including the GIS coordinates. Often, rights-of-way for broadband facilities follow streets, so this level of detail would provide the most useful data on whether an individual premise has access to broadband service or not.

d. What other factors should NTIA take into consideration in fulfilling the requirements of the Broadband Data Improvement Act (BDIA), Pub. L. No. 110-385 (2008)?

The BDIA Sec. 106 expressly mandates a state role in a national broadband mapping process. The MPSC believes that a role for the States is essential in developing a robust

⁴ Beginning this year, providers will submit data at the Census tract level.

map. States should play a role in the collection of data and have access to the detailed data provided there are sufficient confidentiality protections.

The MPSC recommends that the NTIA allow the states to use an “in-kind” match to qualify for the state matching part for the broadband grant, if awarded to a state. This could include using a state’s program designed to facilitate broadband deployment. This would complement the federal program as currently proposed. This could include current mapping programs, tax credits afforded providers of broadband infrastructure, fees paid by providers for right-of-way access, etc. This would provide a structure for the sustainability of the program for some states without undertaking a long and extensive process to approve any new programs. A state could apply for the federal grant and use it’s related program as the state match.

e. Are there State or other mapping programs that provide models for the statewide inventory grants?

Several States have already implemented mapping programs. The maps are usually available as a Portable Document Format (PDF) or an image file format such as a JPEG. The usefulness of these maps has been mentioned as an area of concern as parties have found it very difficult to extract street level information from them.

Some States have contracted outside entities for their broadband mapping. The MPSC advises the NTIA to act with caution regarding any potential contract with outside entities. The MPSC, in its analysis of the broadband mapping programs by other States, encountered mixed reviews about the effectiveness of the currently existing programs. For example, parties have claimed that the data collected by a mapping consultant may be biased towards the incumbent provider. The NTIA should conduct a thorough review of any potential

mapping model to ensure that it meets the criteria and facilitates the advancement of a national model.

f. Specifically what information should states collect as conditions of receiving statewide inventory grants?

The States should collect broadband information either independently, or through the use of a third-party Request for Proposal (RFP) process. The information collected should show street-level detail of where broadband is available, and which providers are located in which areas. When the data is compiled, the resulting map should show areas that are unserved as well as underserved, as those categories are to be defined by NTIA/RUS/FCC in these current proceedings.

g. What technical specifications should be required of state grantees to ensure that statewide inventory maps can be efficiently rolled up into a searchable national broadband database to be made available on NTIA's website no later than February 2011?

As stated above, the map of all unserved, underserved and served broadband areas should be mapped by the GIS coordinates and populated in a compatible GIS mapping software program. Appropriate standard datasets would be necessary for each State in order to interface them with the federal nationwide broadband map. Essentially, a standard compatible process for all the States would ensure that the statewide inventory map is capable of feeding a searchable national broadband database.

h. Should other conditions attach to statewide inventory grants?

In each State, the State entity that coordinates the mapping process should be required to provide either a copy of the map, or a link to the map on NTIA's website, on a publicly

accessible website. The website should also contain contact information for the State entity coordinating the mapping effort. The State entity should also agree to keep the map current, through updates occurring at least twice a year.

i. What information, other than statewide inventory information, should populate the comprehensive nationwide map?

Sites that offer public access to computers for broadband access, such as libraries and others, should be marked on the map. This will provide citizens important information about where they may access the internet in the case that broadband is not available at their home, or if they do not own a computer.

In addition, all publicly available wireless networks, including the private and public sector, should be included in the map. Free wireless networks are fairly common in various public facilities. This information would provide alternatives to those individuals who for leisure or work need the connectivity in an area other than their business headquarters or their household location without having to subscribe to expensive licensed spectrum wireless broadband.

j. The ARRA and the BDIA impose duties on both NTIA and FCC concerning the collection of broadband data. Given the statutory requirements of the ARRA and the BDIA, how should NTIA and FCC best work together to meet these requirements?

Interagency cooperation and coordination will be absolutely essential in order to accomplish many of the mandates of both the ARRA and the BDIA. In order for the designated entity in each state to successfully implement the broadband mapping program, excellent communications between the entity in each state and the federal agencies are necessary. For efficiency purposes, the MPSC recommends the creation of a joint task force comprised of individuals from both the NTIA and the FCC directed to implement the

broadband data collection. In this manner, both agencies will benefit from the shared expertise and the state entity as well as any other individual will have a single contact point for all the broadband data collection activities related to the ARRA and BDIA.

NTIA 10: Timely Completion of Proposals

a. What is the most efficient, effective, and fair way to carry out the requirement that the BTOP be established expeditiously and that awards be made before the end of fiscal year 2010?

A two-year period is an extremely limited amount of time for NTIA to complete the charge as directed in the ARRA. The MPSC commends NTIA for beginning public hearings on this matter very shortly after the passage of the ARRA. These public hearings have provided opportunity for a wide variety of interested parties to propose steps that can be taken to ensure that the BTOP grants are awarded quickly, but to projects that have the components necessary for success. The MPSC again reiterates the need for States to play an active role in the process. NTIA has limited staff and there will likely be numerous applications to review. Under the NARUC proposal, those States that opt-in will absorb much of the review work, freeing up NTIA to focus on final approval and coordination with other federal agencies, such as RUS and the FCC. This is discussed above under *NTIA 2: The Role of the States*.

Additionally, the MPSC urges NTIA to take additional steps to streamline the application process. NTIA should develop the application with clarity in mind. The process may be drawn out considerably, if the application is vague or confusing. Even with a clear application, NTIA should make available on a public website a list of common questions it receives regarding the application and the appropriate answers. In this way, NTIA will be able to reduce the number of repeat requests, or at least refer applicants to the website. If a

proposal such as NARUC's is adopted, the States that opt to review and rank the applications should also keep a publicly available website with links to the NTIA application/information, as well as its own list of frequently asked questions and answers.

b. What elements should be included in the application to ensure the projects can be completed within two (2) years (e.g., timelines, milestones, letters of agreement with partners)?

The application process should include specific time requirements for 'breaking-ground' as well as offering broadband service to customers (whether on a wholesale or retail basis). Furthermore, as mentioned earlier, the NARUC proposal would require applicants to file applications with the States and NTIA simultaneously. NTIA should adopt this feature, as it is essential for efficiency. States will need immediate access to begin the process of reviewing the applications for completion and correctness. By divvying up the applications, the States can help prevent NTIA from being overwhelmed with applications that may be incomplete, thus streamlining the process for approval for those applications that successfully meet the NTIA criteria. NTIA should also ensure that States have access to all information, with confidentiality requirements as necessary, needed to evaluate and rank the projects. The MPSC recommends that NTIA address any necessary confidentiality issues at the time of the release of the application.

NTIA 13: Definitions

a. For purposes of the BTOP, how should NTIA, in consultation with the FCC, define the terms "unserved area" and "underserved area?"

The FCC released a Public Notice on March 24, 2009 requesting comments with regard to the FCC's consultative role with NTIA and RUS in the implementation of the ARRA. Specifically, the FCC requested comments regarding certain terms and concepts such

as the definition of “unserved area,” “underserved area,” and “broadband,” as well as the identification of the non-discrimination obligations that will be contractual conditions of BTOP grants, and the network interconnection obligations that will be contractual conditions of BTOP grants. These comments are due April 13, 2009 as well.

The MPSC recommends the NTIA review those comments and the FCC’s final determination before issuing any rules. These definitions, although they may appear simple in nature, can be extremely controversial and are the basis of all grant awards. A full comprehensive record is crucial.

The MPSC recommends “unserved area” should be defined as a region where basic broadband is nonexistent. In determining whether an area has broadband or not, satellite broadband should not be taken into account. The MPSC is not convinced that satellite broadband is a viable substitute for other broadband platforms in the Michigan market. The “unserved area” may exist, for example, in a rural or urban region as well as a poor or affluent neighborhood. The geographic and socio-economic factors should not solely influence the determination of a region’s lack of broadband availability.

By contrast, an “underserved area” may be more affected by geographic or socio-economic impediments. “Underserved areas” are areas identified as having some form of basic broadband, but not necessarily the more advanced competitive alternatives available in fully served areas. In identifying underserved areas, the NTIA and FCC should consider the area's economic conditions, including, but not limited to, family income, affordability of access, lack of options available, low percentage of residents subscribing, and any other criteria considered important by the NTIA and the FCC in determining whether an area is underserved.

b. How should the BTOP define “broadband service?”

At a minimum, “broadband service” should be defined as high speed internet service, regardless of technology, with symmetrical transmission speeds of 1.5 megabits per second.

c. How should the BTOP define the nondiscrimination and network interconnection obligations that will be contractual conditions of grants awarded under Section 6001?

The nondiscrimination and network interconnection obligations should require open access provisions for all broadband providers. It is the MPSC’s belief, the intent of the ARRA is to create an environment where any broadband provider is able to interconnect and must also allow for interconnection to its network in order to maximize the utilization of all the ARRA broadband investment in the nation. The MPSC supports this approach, as the requirements for open access will also spur future network deployment and broadband sustainability.

NTIA 14: Measuring the Success of the BTOP

a. What measurements can be used to determine whether an individual proposal has successfully complied with the statutory obligations and project timelines?

The MPSC urges NTIA to determine the measurements that will gauge the success of projects before or concurrently with the development of the application. It is essential for applicants to know at least the general measurements NTIA will use in evaluating success. The MPSC recommends that the States should also play an important role in any accountability provisions adopted by NTIA. The States should have the ability to monitor and consult with NTIA on projects within their boundaries.

b. Should applicants be required to report on a set of common data elements so that the relative success of individual proposals may be measured? If so, what should those elements be?

The short time period with which NTIA has to award grants may result in a process with significant hiccups. While steps such those outlined in these comments can be taken to minimize confusion and maximize the deployment and adoption of broadband, the BTOP should be part of a larger national strategy for broadband. The BTOP has the ability to serve as a proof-of-concept for such a national strategy. In this way the BTOP should not be seen as being completed when the projects funded are completed, but seen as a starting point for a wider broadband plan. Witnessing the BTOP's successes and failures will provide policy-makers and providers with important data to use going forward. Thus, reporting requirements and measurements used for evaluation of projects must be clear and consistent. NTIA should require a, fairly general, common set of data measures across all types of programs (regardless of demography, geography, or technology). Additionally, NTIA should consider requiring more specific measures broken down by the type of project receiving funding. The characteristics of the project (again, demography, geography, technology) may indeed show that in certain populations or geographies one approach is successful, and in others different approaches may be more successful.

Conclusion

The MPSC continues to work toward being better able to spur broadband deployment in rural, unserved and underserved areas of Michigan through a variety of means. The MPSC advocates a strong role for the States in the development, implementation, and evaluation of the BTOP. Again, the MPSC thanks NTIA for the opportunity to offer these comments and

looks forward to working with NTIA on this important goal of increased broadband availability and adoption, job creation, and economic stimulus.

Respectfully submitted,

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