



AUG 20 2009

## Hawaii State Legislature

STATE CAPITOL  
HONOLULU, HAWAII 96813

August 11, 2009

The Honorable Gary Locke  
Secretary, U.S. Department of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Assistant Secretary Larry Strickling  
National Telecommunications and Information Administration  
Herbert C. Hoover Building (HCHB)  
U.S. Department of Commerce / NTIA  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Secretary Locke and Assistant Secretary Strickling:


When Congress adopted the American Recovery and Reinvestment Act of 2009 this spring, we were heartened to see that the federal stimulus program included provisions that offer meaningful assistance to states with respect to high-speed broadband deployment.


However, we have since learned that the NTIA notice of funding availability (NOFA) unfortunately precludes important stakeholders like state educational institutions, health care providers and libraries from being able to apply and qualify for BTOP funding for broadband infrastructure. Since Hawaii is the only state with the added financial burden of connecting with the continental United States, we are concerned that your present NOFA criteria severely limits our participation in President Obama's vision of high-speed broadband as a driver for economic recovery.

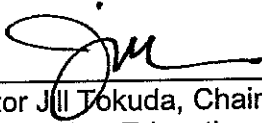
We therefore join in endorsing the recommendations made by the Schools, Health and Libraries Coalition (see attached July 14, 2009 letter); and encourage the NTIA to issue an addendum to its NOFA and application deadlines regarding the importance of service to state anchor institutions.

Thank you for considering our recommendations.

Sincerely,

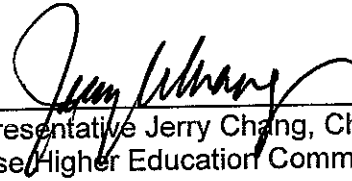
  
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Senator Carol Fukunaga, Chair  
Senate Economic Development and  
Technology Committee

  
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Representative Angus McKelvey, Chair  
House Economic Revitalization, Business, and  
Military Affairs Committee



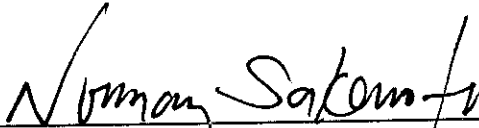
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Senator Jill Tokuda, Chair  
Senate Higher Education Committee



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Representative Jerry Chang, Chair  
House Higher Education Committee



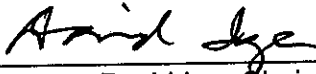
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Senator Norman Sakamoto, Chair  
Senate Education and Housing Committee



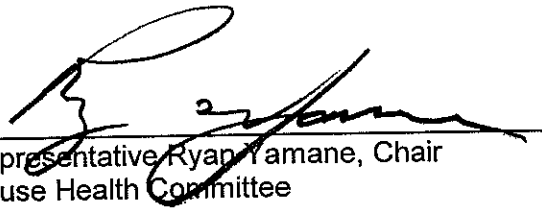
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Representative Roy Takumi, Chair  
House Education Committee



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Senator David Ige, Chair  
Senate Health Committee



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Representative Ryan Yamane, Chair  
House Health Committee

- c: U.S. Senator Daniel Akaka  
U.S. Senator Daniel Inouye  
U.S. Representative Neil Abercrombie  
U.S. Representative Mazie Hirono

July 14, 2009

The Honorable Larry Strickling  
Assistant Secretary of Commerce  
Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Dear Assistant Secretary Strickling,

The members of the Schools, Health and Libraries Broadband Coalition congratulate you on the release of the Notice of Funds Availability (NOFA) and other application materials to implement the Broadband Technologies Opportunities Program (BTOP). You and your staff should be proud to have provided the public with such a thoughtful and detailed set of rules concerning the operations of this critical program. We believe that the BTOP program can, with just a few changes, bring enormous benefits to the American public.

While we appreciate the complexity of this undertaking and the short amount of time that NTIA was given to put these rules together, we are somewhat disappointed that anchor institutions such as schools (including K-12, colleges and universities), libraries and health care providers were not given a higher priority in the BTOP program. Broadband service to these anchor institutions was specifically listed as one of the five priorities in section 6001 of the American Recovery and Reinvestment Act. We believe that these critical strategic institutions should be given the highest priority for funding because they provide essential educational and medical services to millions of American consumers every day. These institutions require very high-capacity broadband connections – 100 Megabits to 1 Gigabit and higher – to provide distance learning, remote medical imaging, on-line job training, and many other critical services.

Unfortunately, the NOFA does not reflect these critical needs. We are concerned that the rules for these programs will make it difficult or impossible for many anchor institutions to apply for and/or receive funding for the broadband connections that they need. For instance:

- The NOFA adopts a single definition of broadband (768 kbps download) that is inadequate for anchor institutions. While we appreciate that flexibility for projects intended to serve other populations or entities, it is not adequate for anchor institutions. We suggest that applicants should be encouraged to meet a separate broadband metric requiring facilities capable of delivering 100 megabits per second to 1 gigabit per second or higher when serving schools, libraries, and healthcare institutions. Even though some anchor institutions may only be able to subscribe to a lower service

apply for funding only to serve those anchor institutions with high-capacity broadband would be appreciated.

- As a general matter, there is very little discussion in the NOFA or the application materials concerning the relationship between the BTOP programs and the "E-rate" program. In theory, these two programs should be complementary, but the rules do not clearly explain how to ensure that they are compatible. Further clarification of the interaction between these programs would be extremely useful.

Many federal officials, including yourself in your opening comments at the July 7, 2009 Workshop, have recognized the need for anchor institutions to have high-capacity broadband. We frequently heard that the intention of the program is to assist anchor institutions obtain high-capacity broadband, but this intention is not always reflected in the language of the NOFA. For this reason, we respectfully request that NTIA issue an addendum to the NOFA and to the application guidelines recognizing the importance of service to anchor institutions and reflecting the points noted above. In addition, we also ask that any future NOFA reflect the positions outlined above.

Once again, we are truly impressed with the high quality and professionalism of the work that has gone into the preparation of the NOFA. In many ways, the NOFA seeks to meet the overall goals of the legislation and the needs of the public for greater broadband capabilities. Nonetheless, we feel obligated to request these clarifications because of the priority given to anchor institutions in the statutory language and because high-capacity broadband connections to schools, libraries and health care entities are so critically important to the essential services they provide to millions of people every day.

Sincerely,



John Windhausen, Jr.  
Coordinator  
Schools, Health and Libraries Broadband Coalition

**MEMBERS OF THE SCHOOLS, HEALTH AND LIBRARIES BROADBAND COALITION:  
(46 Members - Updated as of Monday, July 13, 2009)**

Sean McLaughlin  
Access Humboldt

Mary Alice Baish  
American Association of Law Libraries

George Boggs  
American Association of Community Colleges

Kristin Welsh  
American Hospital Association