



## FEDERALLY-REGISTERED LOBBYIST CONTACT DISCLOSURE FORM

This form is to be completed by NTIA employees who are contacted by Federally-registered lobbyists in person in a non-public setting or by phone regarding policy issues concerning the Recovery Act (BTOP or DTV Converter Box Coupon Program). This report includes a written description of each contact, the date and time of the contact, and the names of the Federally-registered lobbyist(s) and the employee(s) with whom the contact took place. The information on this form will be available to the public on NTIA's recovery website.

<b>Program (check which applies)</b> <input checked="" type="radio"/> BTOP <input type="radio"/> DTV		
<b>Date and Time of Contact</b>  <b>Date:</b> <input type="text" value="9/22/09"/>  <b>Time:</b> <input type="text" value="1:00 p.m."/>	<b>Name of the Employee(s) Contacted (Name and Title)</b>  <input type="text" value="Lawrence Strickling, NTIA Administrator&lt;br/&gt;Thomas Power, NTIA Chief of Staff&lt;br/&gt;Michelle Carey, NTIA Special Advisor&lt;br/&gt;Anegla Simpson, NTIA Senior Adviser"/>	<b>Brief Description of the Contact (attach separate sheet if necessary)</b>  <input \"unserved\"="" area."="" or="" type="text" underserved\"="" value="Mr. Lederer and other representatives of NATOA discussed potential rule revisions for the second round of funding under the Broadband Technology Opportunities Program, including increasing funding for anchor institutions and amending the process for demonstrating an \"/>
<b>Name of the Employee(s) who prepared this form:</b> <input type="text" value="Thomas Power"/>		<b>Prepared Date:</b> <input type="text" value="09/22/09"/>

<b>Federally-registered Lobbyist(s) Name:</b> <input type="text" value="Gerard Lavery Lederer"/>	<b>Title:</b> <input type="text" value="Attorney"/>	<b>Firm or Organization, if applicable:</b> <input type="text" value="Miller &amp; Van Eaton, LLP"/>	<b>Client:</b> <input type="text" value="NATOA"/>
---	--	---	--

**Submit Form**

## Needed Changes in Broadband Stimulus NOFA

NATOA strongly supports the goals of the ARRA's broadband programs and recommends as a means to better connect unserved and underserved Americans the following changes in any second NOFA.

- **Projects connecting anchor institution must be eligible for funding.** Congress established among its priorities connecting anchor institutions with broadband connections. The NOFA should be amended to permit applications to connect community anchor institutions regardless of the level of residential service in surrounding areas.
- **The definition of "underserved" must be amended to better capture where available services are unaffordable and applicants must be able to document underserved status without reliance on incumbent's proprietary data.** There are individuals that are underserved or unserved even when broadband services are "present" because the services are unaffordable. The NOFA definition of underserved must be amended to better capture where broadband is unaffordable. Further, the current affordability marker of less than 40% of residents buying services relies upon proprietary information held by incumbents, which they may not be willing to share. The NOFA must establish a new standard for demonstrating unaffordability not reliant on incumbent data.
- **Incumbent providers must not have the ability to eliminate potential competitors.** "Advised speeds" must mean "guaranteed speeds" to individual premises. Incumbent carriers must not be empowered to veto projects on the basis of advertised versus actual speed. Further, incumbents should not be allowed to veto successful projects by providing "confidential" or "proprietary" data. Any data submitted to demonstrate that an area is served should be made public so that applicants and the public have the opportunity to rebut. Applicants must be permitted to demonstrate they are "underserved" by any reliable, statistically significant measurement.
- **Applicants must be permitted to demonstrate they are "underserved" by any reliable, statistically significant measurement.** The NOFA currently requires an applicant to demonstrate underserved or unserved status by employing a census block standard that is not readily available from the government or is proprietary information held by incumbents, but rather requires expensive independent research. The NOFA should permit applicants to demonstrate they are "underserved" by any reliable, statistically significant measurement.
- **Integrated and holistic projects should be promoted through bonus points.** Infrastructure alone is not the answer to our nation's broadband challenge. The NOFA should promote applications that integrate elements of the numerous priorities established in the statute regardless of from which "pot" of money the project is funded.

