

# COLORADO BROADBAND TECHNICAL CONFERENCE

April 1, 2009

## Federal Register Joint Request for Information/Comments from Public Meetings

Department of Commerce and Department of Agriculture

Public Written Comments Deadline: April 13, 2009

### **NTIA**

#### 1. The Purposes of the Grant Program

- a. Five straightforward goals: (1) Close the broadband gap in America; (2) Stimulate investment; (3) Create jobs; (4) Insure that anchor institutions have high-speed connections; and (5) Encourage demand for broadband. (DOC, Mr. Rick Wade, 3/10 Pub. Mtg., Tr. 15-16).
- b. Plan to Have 4 separate programs (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg., Tr. 23)
  - i. Program 1—Broadband mapping and planning
  - ii. Program 2—Public Computer Center Capacity Grants
  - iii. Program 3—Innovative Programs to Encourage Sustainable Broadband Adoption
  - iv. Program 4—Large Broadband Deployment and Expansion

#### 2. The Role of the States

- a. NTIA is going to consult with states through the public meetings and will of course have discussions with those that file applications and provide ongoing guidance. There is not enough time to meet with each state individually but they will do their best to comply with the statute. (Moderator—Mark Seifert, NTIA, 3/1/0 Pub. Mtg. Q&A, Tr. 55). There are 5 or 6 states that have called in repeatedly and NTIA will get back to them. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 57).
- b. There is no single state agency that NTIA is to work with. The states have to each tell NTIA who in their state is the right point of contact. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 71).

### 3. Eligible Grant Recipients

- a. Collaborating on applications and aggregating demand are encouraged. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 40)
- b. Definitely want to look at applications that use joint funding between NTIA and RUS. (USDA, Mr. David Villano, 3/10 Pub. Mtg. Q&A, Tr. 40)
- c. There is no prohibition for satellite providers to be eligible for grants in the statute, so NTIA is looking for public comment on this. (USDA, Mr. David Villano, 3/10 Pub. Mtg. Q&A, Tr. 53). In some rural areas, satellite may be a very attractive option. (NTIA Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 53).

### 4. Establishing Selection Criteria for Grant Awards

- a. No decision on whether to require grant recipients to use all American made products in the infrastructure build; a legal opinion is needed. (Moderator, 3/10 Pub. Mtg. Q&A, Tr. 49).
- b. No priority in the statute for fiber based versus copper based versus wireless based infrastructure. (USDA, Mr. David Villano, 3/10 Pub. Mtg. Q&A, Tr. 61). However, the Moderator cautioned that the statute references “greatest speed possible” and suggested that forward-looking and future technology is what NTIA will focus on, although no decisions have been made and comments are needed. (Moderator, 3/10 Pub. Mtg. Q&A, Tr. 61-2).
- c. No decision as to whether a propagation study would be required; need comment. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 69).

### 5. Grant Mechanics

- a. NTIA planning on three rounds of Grant Availability. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg., Tr. 26).
  - i. Round 1—April to June, 2009
  - ii. Round 2—October to December, 2009
  - iii. Round 3—April to June, 2010
- b. Application will need to include a detailed description of how the applicant plans to spend the money and a detailed budget. (Id.)
- c. 1/3 of the money likely to be distributed across all the programs in each round. (Moderator, 3/10 Pub. Mtg. Q&A, Tr. 47).
- d. As liquidity for small business is a major concern, consider using local banks with some sort of guarantee program to assist the small businesses and insure the

funding is distributed and properly audited. (Mr. Bob Schmidt, CEO of Great American Broadband Company, 3/10 Pub. Mtg. Q&A, Tr. 46).

- e. Input on grant floor amounts or ceilings are needed from the commenters, as well as what a target number of grants would be, as no decision has yet been made. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 51).
- f. Will consider “regrant” programs as suggested by Washington commenter. Please comment. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 72).

## 6. Grants for Expanding Public Computer Center Capacity

## 7. Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Services

## 8. Broadband Mapping

- a. Would like to have granular mapping, showing towers and buildings that are broadband enabled. (Suggested by Fiber Tower Company and endorsed by FCC, Mr. Scott Deutschman, 3/10/ Pub. Mtg. Q&A, Tr. 42).
- b. There needs to be a national mapping system, as well as state by state maps. No decision as to whether the maps will be used to certify unserved and underserved areas. (FCC, Mr. Scott Deutschman, 3/10/ Pub. Mtg. Q&A, Tr. 56-7).

## 9. Financial Contributions by Grant Applicants

- a. Okay to apply for multiple funding sources and disclose what all has been applied for; unjust enrichment clause will prevent double recovery. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg., Tr. 27).
- b. Comments needed on whether in-kind contributions that political subdivisions or municipalities may be able to offer will be considered and valued in the 80% financial requirement. (Moderator, 3/10 Pub. Mtg. Q&A, Tr. 62).
- c. Contracts awarded based on existence of non-federal money prior to Grant being awarded may take funds out of matching fund category. (NTAI, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 76).

## 10. Timely Completion of Proposal

## 11. Reporting and Deobligation

## 12. Coordination with USDA's Broadband Grant Program

## 13. Definitions/Coordination with the FCC

- a. Anchor Institutions: referred to as schools, universities, libraries, community centers, job training centers and hospitals (DOC, Mr. Rick Wade, 3/10 Pub. Mtg., Tr. 16).
- b. Broadband Plan Kickoff by FCC, coordinating with USDA will be at April 8 Mtg. Report by FCC Chairman on rural broadband strategy due to Congress on May 22, with Comments due by parties March 25. (FCC, Acting Chairman Copps, 3/10 Pub. Mtg., Tr. 10; FCC, Mr. Scott Deutschman, 3/10 Pub. Mtg., Tr. 34).

#### 14. Measuring the Success of the BTOP

- a. NTIA will have overall program metrics and metrics for each application. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 65).

#### 15. Other Comments

- a. Once grant guidelines are out, there will be follow-up educational workshops. (Moderator, 3/10 Pub. Mtg. Q&A, Tr. 43).
- b. NTIA likely to need contracting help to administer the grants. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 51).
- c. How streamlined a process will this really be? Because the money has to get out quickly, that will drive “streamlining” but accountability still has to occur. (NTIA, Dr. McGuire-Rivera, 3/10 Pub. Mtg. Q&A, Tr. 75).

## RUS

1. What are the most effective ways RUS could offer broadband funds to ensure that rural residents that lack access to broadband will receive it?
  - a. RUS plans to leverage some of the \$2 billion grant money into loans. (USDA, Mr. David Villano, 3/10 Public Mtg., Tr. 29)
  - b. RUS plans to issue first Notice of Funds Available (“NOFA”) within 60 to 90 days. Planning on having at least 3 NOFAs. (USDA, Mr. David Villano, 3/10 Public Mtg., Tr. 31).
  - c. RUS does loans, grants and loan guarantees, aka as loan/grant combinations. (USDA, Mr. David Villano, 3/10 Public Mtg. Q&A, Tr. 59).
  
2. In what ways can RUS and NTIA best align their Recovery Act broadband activities to make the most efficient and effective use of the Recovery Act broadband funds?
  
3. How should RUS evaluate whether a particular level of broadband access and service is needed to facilitate economic development?
  
4. In further evaluating projects, RUS must consider the priorities listed below. What value should be assigned to those factors in selecting applications? What additional priorities should be considered by RUS?
  
5. What benchmarks should RUS use to determine the success of its Recovery Act broadband activities?
  
6. Other?
  - a. Emphasis at USDA is first to create a transparent and participatory process to get the best ideas as to how to expand the technology and to quickly implement it in communities, particularly those that are unserved. (USDA, Sec. of Ag. Mr. Tom Vilsack, 3/10 Pub. Mtg., Tr. 4).
  - b. USDA has existing loan and grant programs in place and is ready to implement: (1) broadband loan program; (2) community connect grants; (3) distance

learning/telemedicine loans; (4) distance learning/telemedicine grants. (USDA, Mr. David Villano, 3/10 Pub. Mtg., Tr. 31).

- c. Need to consider whether sole proprietorships can be eligible for programs. Nothing in statute prohibits it. (USDA, Mr. David Villano, 3/10 Public Mtg. Q&A, Tr. 76).