

## **COLORADO BROADBAND TECHNICAL CONFERENCE**

**April 1, 2009**

**The American Recovery and Reinvestment Act of 2009, enacted Feb. 17, 2009**

### **NTIA Statutory Provisions Summary**

\$4.7 billion to establish Broadband Technology Opportunities Program--\$350 million on broadband mapping and planning; \$4.35 billion on grants and other

#### **Purposes:**

- (1) Provide access in unserved areas;
- (2) Provide improved access in underserved areas;
- (3) Provide broadband education, awareness, training, access, equipment, and support to
  - a. Schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by and through these organizations;
  - b. Organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low income, unemployed, aged, and otherwise vulnerable populations; and
  - c. Job-creating strategic facilities located within designated areas, per the statute.
- (4) Improve access to, and use of, broadband service by public safety agencies; and
- (5) Stimulate demand for broadband, economic growth, and job creation.

#### **Funding:**

- (1) At least \$200 million for expanding capacity at public computer centers, including at community colleges and public libraries;
- (2) At least \$250 million for innovative programs that encourage sustainable adoption of broadband services;
- (3) Up to \$350 million for development and maintenance of statewide broadband inventory maps and implementation 2008 law designed to improve the quality of Federal and state data regarding the availability and quality of broadband services;
- (4) \$10 million for auditing and monitoring;
- (5) Not more than 3% for administrative costs (\$140 million) and not more than 3% for any amount transferred to FCC to develop a national broadband plan by February 17, 2010, or for carrying out other specified duties;

- (6) Remainder awarded to eligible entities to develop and expand broadband services to rural and underserved areas and improve access to broadband by public safety agencies;
- (7) Federal share limited to maximum of 80% but may be increased upon waiver application and demonstration of financial need;
- (8) Funding available through September 30, 2010; and
- (9) Grants to be awarded on technologically neutral basis, with no minimum data speeds, and applicants must assure that funded projects will be substantially completed in accord with project timelines, within 2 years of award.

Uses:

- (1) Acquire equipment, instrumentation, net working capability, hardware and software, digital network technology, and infrastructure for broadband services;
- (2) Construct and deploy broadband service related infrastructure;
- (3) Ensure access to broadband service by community anchor institutions;
- (4) Facilitate access to broadband service to vulnerable populations for educational and employment opportunities;
- (5) Construct and deploy broadband facilities that improve public safety broadband communications services; and
- (6) Any other projects NTIA finds to be consistent with the program.

Eligibility:

- (1) State, political subdivision, D.C., a U.S. territory or possession, an Indian tribe or native Hawaiian organization;
- (2) Nonprofit organizations;
- (3) Entities, including broadband service or infrastructure providers, that NTIA finds by rule to be in the public interest; intent is for NTIA, in establishing rule, to promote the purposes of the section in a technological neutral manner to the extent practicable.

Application:

- (1) Explain in detail how funds will be used to carry out purposes;
- (2) Show that without grant the project the project would not have been implemented;
- (3) Demonstrate capability to perform project;
- (4) Demonstrate sufficiency of funds from other sources and disclose all other sources of funding; and
- (5) Assure that funds will be used and accounted for in an appropriate manner.

### Award Considerations:

- (1) Award at least one grant in each state;
- (2) Consider whether applicant is a socially and economically disadvantaged small business concern;
- (3) Consider whether infrastructure deployment for the greatest population of users in the area increase the affordability of, and subscribership to, service? Provide the greatest broadband speed? Enhance service for health care delivery, education, or children?
- (4) Consider whether infrastructure deployment will not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area.

### Network Obligations:

- (1) Contractual condition of grant has a minimum requirement for grant recipient to comply with FCC's broadband policy statement.
- (2) NTIA to coordinate with FCC for any additional requirements.

### Reporting:

- (1) Quarterly Report to NTIA on use of assistance and progress fulfilling the objectives;
- (2) Reports will be made available to the public;
- (3) NTIA will report on the status to Congress every 90 days; shall create and maintain a fully searchable database of applicants, grants, applications, reports, etc.
- (4) NTIA may take away grants for insufficient level of performance, or wasteful or fraudulent spending

### State Role:

- (1) States may be asked to help with identifying unserved and underserved areas;
- (2) States may be asked to help with allocation of grant funds affecting the State;
- (3) States should coalesce stakeholders and partners;
- (4) States should assess community needs;
- (5) States should aggregate demand for technical assistance.

### Broadband Inventory:

- (1) NTIA to develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability.
- (2) Map to become public within 2 years.

## **RUS Statutory Provisions—Enhancement of existing Program**

\$2.5 billion in additional funding for broadband loans, loan guarantees and grants

### **RUS Program:**

- (1) Triples total 2008 RUS funding
- (2) Additional funding available until September 30, 2010
- (3) Projects funded by RUS cannot be funded by NTIA
- (4) At least 75% of funding must go to rural areas without sufficient access to high speed broadband service to facilitate rural economic development, as determined by Secretary of Agriculture.

### **Priorities:**

- (1) Project applications for broadband systems that will deliver end users a choice of more than one service provider;
- (2) Project applications that provide service to the highest proportion of rural residents that do not have access to broadband service;
- (3) Project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936; and
- (4) Project applications that demonstrate that, if the application is approved, all project elements will be fully funded;
- (5) Project applications for activities that can be completed if the requested funds are provided;
- (6) Project applications for activities that can commence promptly following approval.