

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Implementation of Section 6112 of the Food,) GN No. 09-29
Conservation, and Energy Act of 2008)

**COMMENTS OF THE NATIONAL ASSOCIATION
OF TELECOMMUNICATIONS OFFICERS AND ADVISORS
AND THE NATIONAL ASSOCIATION OF COUNTIES**

I. INTRODUCTION

The National Association of Telecommunications Officers and Advisors (NATOA), and the National Association of Counties (NACo) (herein referred to jointly as “Commenters”) submit these comments in response to the Public Notice regarding implementation of § 6112 of the Food, Conservation, and Energy Act of 2008 (“2008 Farm Bill”), released March 10, 2009.

NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of communications services for the nation’s local governments. As part of its membership, NATOA represents municipalities situated in rural areas across America.

NACo is the only national organization that represents county governments in the United States. It serves as a national advocate for counties; acts as a liaison with other levels of government; and provides legislative, research, technical and public affairs assistance to its members.

Our organizations represent a vast array of communities and citizens throughout the United States. The development and evolution of both a rural and national broadband strategy will deeply and indelibly affect our members and their constituents. Our organizations seek to ensure that the obligation placed on the Federal Communications Commission (FCC) and the

Department of Agriculture's Rural Utility Service (RUS) to coordinate with local governments is met to the best of each of our independent abilities. We seek to provide as much information and assistance as possible, both at the on-set of this process, and continuously throughout its evolution.

Appended to these comments, NATOA also submits its own Broadband Principles, a set of general aspirational goals related to the deployment of broadband connectivity nationwide. It is NATOA's belief that adoption of these Principles would help improve deployment of broadband to all corners of our nation, bringing the speeds and prices consumers need to truly leverage the transformative power of broadband connectivity.

In December 2008 as part of the partnership in the Campaign for Renewed Rural Development, NACo joined its other development partners in calling for "...critical USDA Rural Development programs such as essential rural community facilities, distance learning and telemedicine infrastructure and business development programs will also provide an important stimulus to our nation's economy."¹

II. THE 2008 FARM BILL AND THE 2009 RECOVERY ACT

Commenters strongly believe that the actions taken in this proceeding by the Commission and RUS will, out of necessity and nature, act as prologue for the forthcoming Notice of Inquiry into the creation of a national broadband strategy as required by the American Recovery and Reinvestment Act of 2009.² Because of this, we urge the Commission to take this opportunity to set a clear path toward a broadband strategy that will ensure all Americans, regardless of location or income, are able to enjoy the benefits of 21st Century affordable broadband connectivity,

¹ See <http://www.naco.org/Template.cfm?Section=Advocacy&template=/ContentManagement/ContentDisplay.cfm&ContentID=29895>

² Pub. L. 111-5, § 6001(k)(1) (Feb. 17, 2009).

services and applications. The actions taken in the days and months to come may well dictate the result achieved for decades.

We appreciate that the Commission has made clear that its work on rural broadband in response to the Farm Bill is a precursor to, and will become part of, the overall national broadband strategy to be developed by the Commission. And we appreciate the economy of this approach, as it will ensure continuity between Commission actions in the various proceedings that will necessarily flow from the development of the national policy, and will help all stakeholders avoid unnecessary duplication and inefficient use of resources. We are also heartened to know that RUS will be under the exceptional leadership of Commissioner Jonathan Adelstein, a champion at the FCC on broadband issues for many years, and someone who understands both the rural issues, and also the challenges faced by the entire nation as we seek to improve our broadband position in the world.

III. INTERAGENCY AND INTERGOVERNMENTAL COOPERATION

In the 2008 Farm Bill, Congress tasked the Commission, in consultation with the Department of Agriculture, to make recommendations “to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources,... ; to coordinate existing Federal rural broadband or rural initiatives; to coordinate both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions...;to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles... and a description of goals and timeframes to achieve the purposes of the report.”³

The United States’ broadband ranking amongst nations of the world has continued to fall over the course of the past ten years. With the influx of a new Congress in 2006, a renewed

³ Pub. L. 110-246, § 6112(a)(1)(C) (June 18, 2008).

focus on the problem gave rise to the 2008 Farm Bill, and subsequently to the American Recovery and Reinvestment Act of 2009. It is imperative that we make the most efficient and productive use of the resources presented, and that the United States position itself to address its broadband shortcomings in a smart and effective manner. We applaud the Administration, the Congress and all of our Federal partners for their willingness to tackle this most pervasive of problems. Working together, we are more likely to achieve substantial and meaningful results. Through this proceeding, the Commission can improve not only its own communication with sister agencies and State and local governments, but how other agencies work together on broadband related matters.

Adding layers of bureaucracy to an already complex system is not likely to result in desired outcomes. However, it does appear that there may be a need for a two-fold mechanism to realize interagency, intergovernmental coordination: One arm must be designed to provide top-level coordination of nationwide efforts to improve rural broadband connectivity, while the other works to ascertain and synthesize actual needs across the country and provide current, continuous information for use by all stakeholders. Bare national oversight is not enough to improve coordination, and information gathered on granular levels accomplishes nothing without overarching collection, comparison, and coordination of efforts.

On the topic of top-level coordination, Commenters suggests that White House level involvement may be necessary to achieve the requisite cooperation and coordination between Cabinet level agencies and independent agencies of the federal government. The Office of Intergovernmental Affairs of the White House could likely provide a nexus of communication that otherwise might be lacking.

To gain insight into and enjoy the benefits of the experiences of others, and to do so in a timeframe that helps to achieve the stated goals in a short time period, Commenters recommends that the White House Office of Intergovernmental Affairs convene an advisory committee comprised of federal, state, local and tribal officials similar, but not duplicative, of the Intergovernmental Advisory Committee currently convened by the Commission.⁴ By creating such an entity under the auspices of the executive branch, it would become easier to incorporate participation by those federal agencies that offer some form of broadband funding and/or support that is or theoretically could be used towards rural broadband development and deployment.

For instance, aside from the RUS program at the USDA, it would appear that Health and Human Services may have funding available in support of telemedicine applications; that Department of Homeland Security has funding available for public safety in rural communities, and that NTIA at the Department of Commerce has funding that can and will be made available to a variety of rural communities. Similarly, states have long supported “Lifeline” and “Linkup” programs and have other telecommunications funding and grant programs that are variously available within their borders. Local governments may offer funding to community technology centers, through libraries or their school systems. By bringing federal, state and local participants together to learn of one another’s programs and services, we increase efficiencies and reduce duplication of efforts.

IV. IMPROVED POLICIES, PROCEDURES AND SERVICES

Having an approach that gives thought to the coordination of efforts, it is also imperative that all involved parties help to improve the process as well. The 2008 Farm Bill specifically

⁴ While the work and meetings of the group could be made transparent and accessible to the public, we anticipate that such a committee would be exempt under the Federal Advisory Committee Act as it would be comprised of elected and appointed government officials. And, unlike the current IAC at the FCC, such a committee could be funded to provide necessary staffing and support for the purpose of ensuring, for some limited duration, the fastest and best use of available resources in achieving the goals of rural broadband deployment.

challenges the Commission and USDA to recommend ways in which resources can be targeted, and policies, programs and services can be improved upon and/or streamlined to increase efficiency and efficacy.

Commenters suggest that applicants for all federal grant and loan programs be able to benefit from standardized procedures and processes where possible, such as by developing standardized application forms, accountability procedures and public databases. As the Commission and USDA approach the rural broadband initiatives, they must also be mindful of the requirements of the ARRA's prohibition on unjust enrichment in the form of funding from both RUS and NTIA's programs by one geographic area.⁵ We also hope however, that the federal agencies will promote partnerships of rural and non-rural applicants, so as to enable efficiencies, shared expertise, and transfer of knowledge. We believe the goals of both the 2008 Farm Bill and the ARRA will be well served by joint and collaborative projects, regardless of which federal agency is funding the individual components of a program or project.

As part of the overall coordination and cooperation, reliable, accurate data regarding broadband availability is essential to rural communities, as well as those in urban and suburban areas. We encourage the federal government, and indeed, all participants at all governmental levels to development a requirement that all recipients of funding, whether by grant or by loan, should agree as a condition of funding to make available and public the data sought for the broadband mapping envisioned by ARRA and essential to the success of rural broadband deployment. Centralized databases, tracking and verification processes will be essential to verify that applicants build out systems as proposed, and offer services as promised, and to maintain public confidence in the process. We are investing in America's future, and we should not allow these investments to be managed as poorly as a Wall Street firm of recent years.

⁵ Pub. L. 111-5, § 6001(h)(2)(D) (Feb. 17, 2009).

V. GOOD ENOUGH IS NOT GOOD ENOUGH

Commenters strongly urge the Commission to create a plan that pushes for the deployment of networks that not only meet the current needs of rural consumers, but are comparable to the networks readily available to urban and suburban consumers and offers scalability to meet the changing needs of a global economy. The only way any rural broadband strategy will succeed is by recognizing that our current network deployments simply cannot meet the real and evolving needs of rural consumers. To settle on a position that relies mainly on existing communications infrastructure, on the basis that these networks are good enough, is not good enough for the residents of rural America.

The current needs of rural consumers span the same gambit as their urban and suburban counterparts. From basic applications such as email, instant messaging, and Web surfing, to advanced streaming applications, telemedicine and e-commerce, rural consumers rely on broadband connectivity to provide the kinds of real-time information necessary to make informed decisions regarding their lives and livelihoods on a daily basis. The farmer in Indiana selling his commodities on the Chicago Exchange via a satellite subscription requires the same high level of service as the stock market trader located on the West Coast. Simply because the ends may differ from metropolitan areas, the means by which rural Americans stay connected are no different, and citizens demand the same level of connectivity and choice regardless of where they live. To quote Earl Fisher a commissioner from Oregon “Columbia County, OR has a great need for a coordinated and substantial program to assist in making broadband technology accessible to rural America. Our economic development and maintenance of our rural communities depend on the availability of up-to-date technology. We need a mapping of where broadband is presently able to be accessed, money and policy that will allow broadband to move

into areas that are not now economically feasible for private providers to invest. In many ways this is analogous to providing electricity to rural America in the 1930's. Any federal program should involve local units of government and other local stakeholders in the development of projects that affect the local region.”

Further still, some rural populations rely on or seek broadband connectivity to have access to the kinds of educational and medical applications that would otherwise be unavailable without broadband. Many of these opportunities strain networks in ways that simply cannot be met by existing network infrastructure, and will require faster, symmetrical transmission speeds as applications continue to be developed. The same is true for e-commerce and telework opportunities – the absence of sufficient connectivity will continue to hamstring rural areas that are struggling to compete not only in a domestic environment, but with competitors across the globe.

A. Any Rural Broadband Plan Must Include Sufficient Minimum Speeds

Clearly, the existing needs of rural Americans require a level of broadband connectivity and capacity that simply cannot be met in most areas with existing network infrastructure. The Commission should make clear that rural Americans need connectivity comparable to their urban and suburban peers to be competitive in the global marketplace. This connectivity should be established not with “as advertised” speeds, but rely instead on actual network capacity measured at times where network traffic is heaviest. Only by getting rural Americans to a meaningful initial level of connectivity can we begin to move forward with affording our rural citizens the kinds of networks they require.

B. Networks Must Be Scalable to Meet Evolving Needs

Technology changes at an exponentially faster rate every day, and installing new infrastructure on a continuous basis is not viable. However, scalable network infrastructures and architecture allow for capacity to be improved simply by upgrading hardware and/or software. By designing a strategy that calls for scalability, the Commission can prevent newly installed or upgraded networks from becoming rapidly obsolete, a result that would only further widen the divide between urban and rural Americans. The ability to adapt to the changing needs of rural consumers is a vital component in ensuring that rural Americans can compete on a global scale.

C. Competition and Multiple Connectivity Options are Critical

Affording rural Americans with one source of broadband connectivity is a good first step, but only when they have a real choice of connectivity options will the needs of rural consumers be met. Both wired and wireless solutions have a valuable role to play in getting rural Americans connected to quality broadband, and different options will be better for some consumers than others. So long as these alternative approaches meet the dual goals of sufficient speeds and scalability, choice will allow rural consumers to decide what broadband answer best meets their actual needs. To the extent possible, networks deployed into rural areas should allow for multiple broadband service providers to offer service so that rural consumers enjoy a level of choice on par with their domestic and international counterparts.

V. CONCLUSION

Coordination, communication and cooperation are all key to finding the best and most efficient means of succeeding in the goal of nationwide broadband deployment and availability, including and especially to our rural communities. All stakeholders must work to make the policies understandable, the processes simple and attainable, and the outcomes those that match our desired goals. By using all levels of government – from the White House to the local Council chamber – we can work together to meet the challenges of broadband and restoring the United States to its leadership position on the world stage and in the world economy.

America can do better than just good enough, especially for rural Americans who have remained behind the broadband curve for far too long. By devising a rural broadband strategy that provides for scalable networks to meet current and future needs, and that provides consumers with real competitive connectivity options, the Commission will have done its part to ensure rural Americans are able to compete both nationally and globally.

Commenters stand ready to assist the Commission and our federal, state and tribal partners in working together towards this essential goal of a new broadband future.

Respectfully submitted,

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