

**Before the
NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION AND THE U. S. DEPARTMENT OF AGRICULTURE**

In the Matter of:)
)
Joint National Telecommunications and)
Information Administration- Rural Utilities) **Docket No. 090309298-9299-01**
Service Request for Information)
)
)
)

To: National Telecommunications and Information Administration and the U.S.
Department of Agriculture

**COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

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The Telecommunications Industry Association (TIA) hereby submits comments to the National Telecommunications and Information Administration (NTIA) and the U. S. Department of Agriculture (USDA) in the above-captioned proceeding.¹ TIA members have a vested interest in expanding the deployment and adoption of broadband, and we offer our policy and technical expertise as NTIA and USDA develop rules and procedures on the Broadband Telecommunications Opportunity Program (BTOP) and Rural Utilities Service (RUS) grants as statutorily established in the American Recovery and Reinvestment Act of 2009 (ARRA).

TIA, which represents over 500 member companies, is the leading trade association engaged in advocacy, standards development, business development and intelligence for the information and communications technology (ICT) industry. Its member companies

¹ Joint Request for Information and Notice of Public Meetings, 74 Fed. Reg. 10,716-21 (Dep't of Commerce Mar. 12, 2009) (NTIA-RUS RFI).

build the components of current and next-generation broadband infrastructure, networks, and peripheral devices. TIA shares the goal of Congress and the Administration: To facilitate swift deployment and utilization of cutting-edge technologies, and to nurture a vibrant and growing high-technology sector. A successful ICT industry will continue to create high-paying jobs, improve education and health care, facilitate efficient energy use and environmental sustainability, and enhance economic opportunity for those in rural and hard-to-reach areas. It will also enhance American productivity and competitiveness on an economy-wide basis. We understand the vital role that the BTOP and RUS grants will play in providing broadband service and devices to those consumers currently without access to robust broadband service, or indeed any broadband service at all, and hope to continue to serve as a resource to NTIA and the RUS in the implementation of ARRA and beyond.

SUMMARY OF TIA'S KEY POLICY POINTS.

TIA offers a summary of its main policy points on the BTOP and RUS grant process; these points are fully detailed in the Discussion Section of the Comments:

I. PURPOSE OF FUNDING:

- a. Stimulating the Economy and Creating Jobs Through Funding Broadband Deployment Projects Should Be A Central Objective of the BTOP Grant Programs.
- b. Providing Laptops, PCs, Smartphones and Other Broadband Devices in Unserved and Underserved Communities Will Help Effectively Sustain Broadband Use.

II. ELIGIBILITY:

- a. To Best Meet the Purposes of the BTOP, Both Private and Public Entities Should be Eligible to Apply for Grants.

III. TIMING AND PROCESS:

- a. Swiftly Establishing Transparent Application Requirements for BTOP and RUS Grants Will Spur Immediate Investment and Broadband Access for Consumers.
- b. The "Buy American" Provision Does Not Apply to ICT Products for the Purposes of BTOP and RUS Awards.
- c. NTIA and RUS Should Coordinate the Utilization of Funds Across Agencies for Broadband Deployment.

IV. GRANT APPLICATION CRITERIA:

- a. NTIA and RUS Should Establish Flexible, Technology-Neutral Selection Criteria to Maximize Grant Fund Benefits.
- b. When Assessing Grant Proposals, NTIA Should Adopt Expansive Interpretations of "Unserved" and "Underserved" Areas That Reflect the Distinct Nature of BTOP and RUS Coverage Provisions Under the ARRA
- c. NTIA and RUS Should Define Broadband at the FCC's Established Level of 768 kbps.

V. CONDITIONS ON FUNDING:

- a. The FCC's Broadband Policy Statement Sufficiently Protects Consumers and Stimulates Innovation and Competition; This Proceeding is Not the Forum in Which to Resolve Net Neutrality Issues.

VI. BROADBAND MAPPING:

- a. NTIA's Broadband Map Should Clearly Inform Consumers and Governments of Broadband Availability.

DISCUSSION

I. PURPOSE OF FUNDING:

a. Stimulating the Economy and Creating Jobs Through Funding Broadband Deployment Projects Should Be A Central Objective of the BTOP Grant Programs.²

President Obama has made clear – from his first speech as a candidate and throughout his tenure as President – that America must once again lead the world in broadband penetration and Internet access for the sake of our citizens and economy.³ TIA commends the President’s and the Administration’s focus on the advancement of technology and furtherance of broadband deployment.

To realize this goal, NTIA should allocate the majority of funding, approximately \$3.9 billion, in BTOP grants for deployment of broadband services and the necessary infrastructure in unserved and underserved areas.⁴ Without additional broadband deployment, the BTOP program will fail to ensure that consumers, public safety, and

² Id. at 1078. NTIA Question 1 a. asks: “Should a certain percentage of grant funds be apportioned to each category?”

³ Sen. Barack Obama, Announcement of Presidential Candidacy in Springfield, IL (Feb. 10, 2007) (“Let us be the generation that reshapes our economy to compete in the digital age.... let's lay down broadband lines through the heart of inner cities and rural towns all across America”); President Barack Obama, Weekly Address (Mar. 7, 2009) (“[W]e've already begun to implement the American Recovery and Reinvestment Act -- a plan that will save and create over 3.5 million jobs over the next two years -- jobs rebuilding our roads and bridges, constructing wind turbines and solar panels, expanding broadband and mass transit.”)

⁴ See American Recovery and Reinvestment Act of 2009, § 6001(b), Pub. L. No. 111-5, 123 Stat. 115 (2009) (“Recovery Act”). Section 6001(b) of the ARRA states that the BTOP Purposes are to: (1) provide access to broadband service to consumers residing in unserved areas of the United States; (2) provide improved access to broadband service to consumers residing in underserved areas of the United States; (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 or 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 a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture; (4) improve access to, and use of, broadband service by public safety agencies; and (5) stimulate the demand for broadband, economic growth, and job creation.

anchor institutions have the ability to use broadband services in underserved and unserved areas. Indeed, to achieve three of the ARRA's express purposes,⁵ NTIA must ensure broadband deployment in those areas of the country with little to no access to broadband services today because it has proven uneconomic to deploy such services to these communities. As the Conference Report states, "[t]he Conferees intend that NTIA seek to ensure, to the extent practicable, that grant funds be used to assist infrastructure investments that would not otherwise be made by the entity applying, or, secondarily, that might not be made as quickly."⁶ To meet the goals of Congress, the Administration, and the ARRA, NTIA should fund broadband deployment projects at approximately \$3.9 billion – a level that reflects the intent to bridge the broadband service divide in unserved and underserved areas. TIA believes it is critical that the opportunity is not lost for these communities to experience all of the benefits broadband is enabling for better connected parts of the country.⁷

⁵ See id. Directing funding to broadband deployment will directly meet BTOP purposes 1, 2, and 4, and will assist in meeting the other BTOP purposes.

⁶ H. R. Rep. No. 111-116 at 774 (2009).

⁷ One study notes that the U.S. ranks highest in terms of its use of connectivity as a tool for enhancing its economic and social prosperity. See Prof. Leonard Waverman, London Business School, and LECG, Connectivity Scorecard (2009). This conclusion magnifies the disastrous impact on communities without broadband access, but also demonstrates the significant impact that improved broadband connectivity can have on them.

b. Providing Laptops, PCs, Smartphones and Other Broadband Devices in Unserved and Underserved Communities Will Help Effectively Sustain Broadband Use.⁸

Congress aptly recognized that ensuring sustainable broadband adoption is critical to bridging the digital divide in America.⁹ Accordingly, TIA supports ARRA's requirement to set aside at least \$250 million to encourage sustainable adoption of broadband service¹⁰ and at least \$200 million for public computer center capacity.¹¹ Moreover, TIA asserts that the funds allocated to ensure sustainable broadband adoption are best used to purchase broadband devices for those served by BTOP-funded broadband.

A recent study shows that approximately 26% of U.S. households do not have computers, and many of those without them are in unserved and underserved areas.¹² In fact, 34% of rural residents without broadband service state that their lack of a computer is the reason they don't subscribe to broadband.¹³ Simply put, consumers without computers or other broadband devices are not going to subscribe to broadband service in unserved and underserved communities. Computer ownership by consumers in unserved

⁸ NTIA-RUS RFI at 1078. NTIA Question 7 a. asks what selection criteria should be applied to the BTOP Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service.

⁹ See H. R. Rep. No. 111-116 at 774 (2009) (stating that, "[p]art of the program is directed towards competitive grants for innovative programs to encourage sustainable adoption of broadband service in particular by vulnerable populations. The Conferees note the success of such programs in several States, and hope that these grantees will be involved in aggregating demand, ensuring community involvement, and fostering useful technology applications, thereby stimulating economic growth and job creation.").

¹⁰ Recovery Act at Div. A, Title II.

¹¹ Id.

¹² See Connected Nation, Consumer's Insights to America's Broadband Challenge, at 5, 11 (2008), available at <http://www.nga.org/Files/pdf/0812BROADBANDCHALLENGE.PDF> (last visited Apr. 7, 2009).

¹³ See id. at 11.

and underserved areas will best guarantee adoption of – and continued subscription to – broadband services in the wake of deployment in these areas.

NTIA must therefore carefully calibrate BTOP grant funding to ensure both vital, ubiquitous broadband infrastructure deployment and additional access to laptops, PCs, smartphones, and other broadband devices for those in unserved and underserved areas. Focusing on these dual purposes of broadband supply and demand according to the priorities expressed above – and set forth in the ARRA – will increase broadband to those currently without it. A failure to coordinate both broadband deployment and adoption could result in the construction of “broadband to nowhere.”

II. ELIGIBILITY:

a. To Best Meet the Purposes of the BTOP, Both Private and Public Entities Should be Eligible to Apply for Grants.¹⁴

TIA’s member companies not only create the technologies and applications of which broadband networks are comprised, but also provide the tools and equipment that allow millions of Americans to harness the Internet. In doing this, TIA members work with a vast array of public and private entities to deploy broadband networks and services. Their experience shows that a multitude of entities – public, private, and partnerships combining the two – can effectively steer broadband deployment and adoption projects. Accordingly, TIA recommends that both public and private entities be eligible to bid for BTOP funding. Indeed, flexibility in BTOP eligibility standards will bring the most qualified and most diverse group of applicants to the table. Rather than focus on the “type” of applicant seeking funding, TIA urges NTIA to focus their

¹⁴ NTIA-RUS RFI at 10178. NTIA Question 3 asks: “What standard should NTIA apply to determine whether it is in the public interest that [private] entities...should be eligible for grant awards?”

eligibility requirements on a proposed project's claimed satisfaction of the purposes of the BTOP.

III. TIMING AND PROCESS:

a. Swiftly Establishing Transparent Application Requirements for BTOP and RUS Grants Will Spur Immediate Investment and Broadband Access for Consumers.

Broadband Internet access technologies are available for deployment today. As NTIA and RUS recognize, given the need for grant awards to be made by October 1, 2010, the sooner clear and concise application rules can be adopted and the more maneuverable the process at both NTIA and RUS, the faster applicants can develop plans and receive funding for widespread broadband deployment.

b. The "Buy American" Provision Does Not Apply to ICT Products for the Purposes of BTOP and RUS Awards.

In order to ensure that every possible technological solution be available to fulfill President Obama's broadband goals, TIA urges the Office of Management and Budget (OMB), NTIA and RUS to implement the ARRA in a manner that will enable the widest possible access to available technologies, irrespective of their country of manufacture and the type of entity receiving BTOP or RUS funds. With that goal in mind, TIA urges NTIA and RUS to work with OMB to apply the public interest waiver of the Buy American provision – Section 1605 (b)(1)(a) of the ARRA – to all information and communication technology (ICT) products purchased for ARRA-funded projects. Such an approach would acknowledge the fact that the manufacturing of ICTs is performed on a global scale.

c. NTIA and RUS Should Coordinate the Utilization of Funds Across Agencies for Broadband Deployment.¹⁵

Efficiency in grant awards is vital. NTIA, RUS, and grant applicants should identify smart grid, health IT, transportation, and other grant projects in various Agencies for which they are seeking broadband stimulus grant monies. If an agency allocates funding towards a portion of one project, and another agency pays for a separate portion of that same project, agencies will be able to target money towards comprehensive proposals for increased broadband deployment and adoption and avoid redundancy. Thus, careful coordination of grant projects is essential to maximize the efficacy of grant funds while allowing numerous goals of the ARRA to be met by expanded and accelerated broadband deployment and adoption.

IV. GRANT APPLICATION CRITERIA:

a. NTIA and RUS Should Establish Flexible, Technology-Neutral Selection Criteria to Maximize Grant Fund Benefits.¹⁶

Although substantial, the BTOP and RUS broadband funds are finite resources that may not be sufficient to fund all applications. Thus, in evaluating proposed projects, it is critical that NTIA and RUS provide funding and loans to proposals that provide the maximum benefit to those without broadband service or the tools needed to harness the Internet. TIA does not believe a “scorecard” is an effective method of evaluating BTOP

¹⁵ *Id.* at 10717. NTIA Question 1 c. asks: “How should the BTOP leverage or respond to the other broadband-related portions of the Recovery Act, including the United States Department of Agriculture (USDA) grants and loans program as well as the portions of the Recovery Act that address smart grids, health information technology, education, and transportation infrastructure?” *See also id.* at 10720. RUS Question 2 asks: “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?”

¹⁶ *Id.* at 10718. NTIA Question 4 asks: “What factors should NTIA consider in establishing selection criteria for grant awards?”

applications. NTIA and RUS are fully capable of applying key criteria on a qualitative basis that does not arbitrarily use formulae that ignore unique characteristics of a given project. In reviewing applications on a case-by-case basis, NTIA and RUS should consider several flexible criteria as they seek to maximize BTOP and RUS funding. Such criteria should include evaluating a proposal's projected capital and operating costs, consumer price (subscription, installation, etc.), effects on subscribership, broadband speed, network capacity, mobility, equipment price or bundling programs, interoperability of equipment, size and type of geography, revenue production, job growth, sustainability, market competition, and other societal goals (e.g., schools, libraries, healthcare, public safety). A flexible assessment of a proposed project that employs these criteria will provide the greatest benefit from the funds allocated; no one criterion should be afforded a static value or weight outside of the context of the overall proposed project.

Additionally, to generate the maximum benefit of broadband funds available, NTIA and RUS should take a technology-neutral position on grant awards so that all innovative technologies can be included in the BTOP and RUS programs. All forms of broadband service – wireline, wireless (of all types), satellite, or a combination thereof – offer distinct qualities that render them useful in different circumstances and regions. As Congress made clear, the BTOP's purposes are diverse, and thus the needs of particular areas and entities served by BTOP funds will be diverse as well.¹⁷ Accordingly, in assessing applicants' proposals, NTIA and RUS should be attentive to the particular

¹⁷ See H. R. Rep. No. 111-116 at 774 (2009) (“Conferees intend that the NTIA [will] select grant recipients that it judges will best meet the broadband access needs of the area to be served, whether by a wireless provider, a wireline provider, or any provider offering to construct last-mile, middle-mile, or long-haul facilities”).

needs being met by a specific proposal in a specific area, and should choose among proposals in a manner that matches these needs with the most effective technologies.

b. When Assessing Grant Proposals, NTIA Should Adopt Expansive Interpretations of “Unserved” and “Underserved” Areas That Reflect the Distinct Nature of BTOP and RUS Coverage Provisions Under the ARRA.¹⁸

TIA supports the flexibility Congress has granted NTIA in administering the BTOP. We urge NTIA to in turn to incorporate flexibility into its BTOP rules to encourage widespread broadband deployment and the development of new innovative technologies; this will come with a flexible definition of “unserved” and “underserved” and empower American entrepreneurs in developing business plans and selecting technologies that most effectively use BTOP funds. TIA believes it is important that “gating” criteria such as the interpretation of these terms not be so overly restrictive that it leads to the unintended consequence of keeping compelling applications from being evaluated on their own merits.

The term “underserved” should be interpreted in the most expansive manner as is reasonable. In addition to the objective of filling in geographic and demographic gaps in broadband availability and adoption, such an interpretation will generate increased service competition, superior quality of service, more capacity and offerings, choice among providers and platforms, and lower prices for consumers.¹⁹ Any speed thresholds

¹⁸ NTIA-RUS RFI at 10179. NTIA Question 13 a. asks: “How should NTIA... define the terms ‘unserved area’ and ‘underserved’ area?” See also id. at 10720. RUS Question 2 a. asks: “RUS is charged with ensuring that 75 percent of the area is rural and without sufficient access needed for economic development. How should this definition be reconciled with the NTIA definitions of ‘unserved’ and ‘underserved?’”

¹⁹ TIA agrees with Chairman Boucher’s comments on the need to adopt an expansive definition of the term ‘underserved’: “The agencies must craft a definition of ‘underserved’ with care. [W]e should not equate underserved only with the absence of competition. Underserved can also refer to communities with inadequate broadband speeds. A community should not be disqualified from the program because there are multiple providers offering broadband with a download speed of just 256 or 512 kbps. Finally, communities where broadband is only available at unreasonably high prices should also be considered underserved.” Oversight of the American Recovery and Reinvestment Act: Broadband Before the

established in definitions of “unserved” and “underserved” should be as flexible as practicable, and, as the Conference report states, should reflect “that the construction of broadband facilities capable of delivering next generation broadband speeds is likely to result in greater job creation and job preservation than projects centered on current-generation broadband speeds.”²⁰

This flexibility, in conjunction with the prohibition of providing funding to projects that would otherwise be financed commercially, prevents abuse of BTOP funds and mitigates the concern that avoiding rigid definitions of “unserved” and “underserved” may lead to funding projects not envisioned by the ARRA. Additionally, serving as guidance to NTIA, each state should identify areas that have the greatest need for delivery of broadband service and identify areas it deems “unserved” or “underserved.”

It is important to note that the ARRA provided RUS funding limitations distinct from provisions in the BTOP with respect to geographic areas to which RUS funds may be dedicated. Under the ARRA, RUS must ensure that funding is directed to areas where 75 percent of the area is rural and without sufficient access needed for economic development. Differently, BTOP must seek to provide funding in “unserved” and “underserved” areas. The nature of the RUS limitations indicate that Congress intended that BTOP funds be more broadly and flexibly distributed as it provides broadband service in “unserved” and “underserved” areas. Based upon the clear differences in the statutory language for BTOP and RUS funding, Congress likely intended for there to be some areas that BTOP funds can serve that RUS funds cannot. This provides NTIA and RUS the ability to collectively identify a broader area of funding coverage. This

Subcomm. on Communc’ns, Tech. and the Internet, 111th Cong. 1 (2009) (statement of Rep. Boucher, Chairman, House Subcomm. on Communc’ns, Tech. and the Internet).

²⁰ H. R. Rep. No. 111-116 at 775 (2009).

opportunity should be recognized in order to ensure the broadest penetration of broadband service possible with the BTOP and RUS funds.

c. NTIA and RUS Should Define Broadband at the FCC’s Established Level of 768 kbps.²¹

NTIA and RUS should recognize the Federal Communications Commission’s (FCC) most recent definition of broadband of 768 kbps for purposes of providing BTOP and RUS funds.²² Applying this definition is consistent with current law and precludes the need for lengthy analysis that will delay grant awards. Additionally, this definition’s technology-neutral approach allows more flexibility for NTIA and RUS to select projects that use technologies in the most efficient way. As stated in Section IV. B. of these Comments, speed should be a factor in the analysis of applications, but not the only factor considered. NTIA and RUS should recognize, as does the FCC, the value of speeds below 768 kbps,²³ and consider projects offering such speeds that may effectively serve the area proposed.

²¹ NTIA-RUS RFI at 10179. NTIA Question 13 b. asks: “How should the BTOP define ‘broadband service?’” See also id. at 10720. RUS Question 3 b. asks: “What does ‘high speed broadband service’ mean?”

²² See Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691, 9701 (2008). TIA also argues that this definition of broadband should apply to both middle mile and long haul bandwidth, during a typical week peak usage period.

²³ See id. at fn. 65. The FCC states that: “As many commenters noted, this benchmark includes services that remain valuable to consumers because of their ‘always-on’ nature and their capacity for more basic Internet services. *See, e.g.,* US Telecom Comments at 14-15 (‘For many consumers and businesses, the 200 Kbps capability is more than sufficient to meet their current needs, which often consists of basic e-mail use, access to general information (e.g. government websites and news) and the transmission of standard digital media such as pictures and documents.)’....”

V. CONDITIONS ON FUNDING:

a. **The FCC’s Broadband Policy Statement Sufficiently Protects Consumers and Stimulates Innovation and Competition; This Proceeding is Not the Forum in Which to Resolve Net Neutrality Issues.**²⁴

TIA urges NTIA to limit its non-discrimination obligations to the FCC’s Broadband Policy Statement.²⁵ Its principles are protecting consumers, content providers, and other network operators against anti-competitive conduct. TIA believes that providers should be encouraged to experiment with new and innovative offerings and should be afforded flexibility in designing their business models. This regulatory flexibility, as provided by the FCC’s Broadband Policy Statement, has fostered growth in the ICT sector, and is essential to ensuring that the BTOP funds most effectively benefit the public.

Moreover, this proceeding is not the forum in which to resolve issues generally associated with the term “Net Neutrality.” For example, the terms “non-discrimination” and “interconnection” have defined meanings in FCC regulation. Any action to interpret or re-examine these complicated concepts is best addressed at the FCC – the agency of expertise – through a comprehensive rulemaking process. The goal of the ARRA to swiftly provide \$4.7 billion for broadband deployment and adoption to those without broadband access will be frustrated by infusing into the BTOP grant process new, precedent-setting interpretations of nondiscrimination and interconnection requirements.

Such requirements are likely to chill interest among otherwise strong applicants in

²⁴ NTIA-RUS RFI at 10179. NTIA Question 13 c. asks: “How should the BTOP define the nondiscrimination and network interconnection obligations that will be contractual conditions of grants awarded...?”

²⁵ See *Appropriate Framework for Broadband Access to Internet over Wireline Facilities*, Policy Statement, 20 FCC Rcd 14986 (2005).

applying for BTOP grants and short-circuit established rulemaking procedures designed to provide a full vetting of such issues.

Again, TIA believes that this is not the time or the venue for establishing a new framework for these issues. However, TIA supports an approach to nondiscrimination and interconnection that is competitive and encourages efficient use of broadband networks. A cautious approach to regulation of next-generation offerings has stimulated broadband deployment and economic growth. NTIA should not adopt “open-access” requirements that will likely depress investment and deter applicants. The ARRA’s nondiscrimination and interconnection language should not be construed to impose any unbundling requirements that could deter applicants, further undermine deployment, and likely lead to years of litigation as did the unbundling provisions in the Telecommunications Act of 1996.²⁶ These onerous requirements would only detract from the goals of the ARRA and could, ultimately, increase the cost of deploying broadband networks.

Due to the unique nature of varying types of broadband networks, NTIA and RUS should not prescribe which network management techniques are allowable and which ones are not. Operators need flexibility to tailor the network management technique to the specific cause of the network constraint. Further, listing only certain allowed elements of network management techniques does not account for future changes in technology that may alter the way operators manage their networks. For these reasons, NTIA should utilize the FCC’s established Broadband Policy Statement as its tool for ensuring compliance with the ARRA’s nondiscrimination and interconnection requirements. Additionally, prior to awarding BTOP grants, NTIA must create and post a

²⁶ See e.g., *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); *U.S. Telecom Ass’n v. FCC*, 290 F.3d 415 (D.C. Cir. 2002); *U.S. Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004); *Covad Communc’ns Co. v. FCC*, 450 F.3d 528 (D.C. Cir. 2006).

transparent process for addressing purported non-compliance with the FCC's Broadband Policy Statement.

VI. BROADBAND MAPPING.

a. NTIA's Broadband Map Should Clearly Inform Consumers and Governments of Broadband Availability.²⁷

The broadband map that NTIA will create and manage should be used as a tool for consumers to determine whether broadband is available to them. It should also act as a tool for governments, non-profits, and private industry to more accurately identify areas that need broadband service or programs that promote the deployment and adoption of broadband. Ultimately, the map will be used to achieve the goals set forth in the National Broadband Strategy by increasing broadband availability and adoption. Additionally, the broadband map should reflect where current broadband infrastructure exists today and specify the platform, and capable speeds. The map should also provide corresponding broadband adoption rates and reasons for lack of adoption, where applicable. The map should also identify the user of broadband where it has been adopted, e.g., enterprise, consumer, hospital, school, etc. In order to protect proprietary information and competitive interests, information related to a provider's future broadband deployment plans should not be available to consumers or competitors.

²⁷ NTIA-RUS RFI at 10179. NTIA Question 8 a. asks: "What uses should [a broadband map] be capable of serving?"

CONCLUSION.

For the foregoing reasons, TIA urges NTIA to adopt the policies proposed in these
Comments.

Respectfully submitted,

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