



THE FLORIDA OFFICE OF Economic Recovery



April 13, 2009

Ms. Bernadette McGuire-Rivera
Associate Administrator
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Mr. David P. Grahn
Associate General Counsel
Rural Development
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

RE: Broadband Technology Opportunities Program (BTOP)
Docket No. 090309298-9299-01

Dear Ms. McGuire-Rivera and Mr. Grahn:

The State of Florida appreciates the opportunity to provide comments to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) and the U.S. Department of Agriculture's Rural Utilities Service (RUS) on the American Recovery and Reinvestment Act of 2009 (ARRA) Broadband Initiatives. Of Florida's 18 million residents, recent surveys indicate that only 6.3 million have broadband access to the Internet. Access to broadband is critical for Floridians, not only because of the increased educational and employment opportunities that follow but also from a public safety perspective to assist in preparing for and dealing with the impacts of natural disasters such as hurricanes.

Given the importance this initiative has for our state and the opportunity to maximize the five goals of the BTOP, the Florida Office of Economic Recovery formed an ARRA Broadband Strategy Working Group to collaborate and coordinate Florida's grant proposals for this initiative. The participants in this group represent all sectors of potential stakeholders including representatives from health care, libraries, colleges and universities, agriculture, information technology, education, utilities and telecommunication regulators and local government. The working group has commenced a series of strategy and planning sessions to develop the most effective and efficient blueprint for how the broadband funding can reach the greatest number of un-served and underserved Floridians. To that end, Florida stands ready and willing to assist both NTIA and RUS in carrying out these critical programs and offers the following comments:

National Telecommunications and Information Administration

2. The Role of States:

- a.
 - States can serve a unique role in helping NTIA and RUS by facilitating coordination of all the major constituents within their state. This will help the community of stakeholders to identify priorities for funding and insure the greatest public benefit is achieved. In particular, projects that are part of a state plan or a collaborative state effort should be given additional consideration in the review process.
 - Additionally, a statewide approach facilitates economies of scale and can mitigate islands of no broadband access that would otherwise be caused by uncoordinated regional or local efforts.
- b. Florida is not advocating that states make final funding decisions but rather serve as a review to ensure proposals address state-identified priority needs.

3. Eligible Grant Recipients:

- In addition to public needs (education, libraries, healthcare, local government, first responders, etc.), service providers and local business interests must be part of the BTOP in order to accomplish long-term sustainability of connections and spur the economic development envisioned by the ARRA.
- Florida recommends private service providers be considered as eligible grant recipients as long as the project for which they are receiving grant funds is part of a public/private partnership. These partnerships should be able to demonstrate the ability to leverage these broadband investment dollars to offer cost-effective services that will meet the current as well as future needs of subscribers.

4. Establishing Selection Criteria for Grant Awards:

- a.
 - Congress directed NTIA to take a number of factors into consideration when awarding grants. Florida would respectfully add that grant proposals should align with an established and demonstrated need for content delivered by the enhanced network. Preferences should be given to projects that integrate the needs of multiple constituents to make sure the resulting network is of benefit to them and profitable.
 - State and local governments should be anchor customers to help service providers gain a foothold in underserved and un-served areas.
 - Technology neutrality should be maintained as much as possible. If broadband is effectively deployed in an area, the price to purchase services should be on par with any equivalent services in well-served areas of the state with retail prices as important indicators of the success of a project.
 - Other criteria to consider include duration of project, cost-effectiveness (number of constituents served for the project's costs), how many established categories of uses are addressed, diversity of user groups served, technology capabilities, how quickly the project can commence, job creation (both immediate and projected), economic development synergies and coordination with other infrastructure projects that may provide additional efficiencies.

(5) Grant Mechanics:

Connecting communities will require significant capital investments and staff hours on the part of grantees. Florida recommends allowing a portion of the grant (25%) to be advanced to grantees rather than paid solely on a reimbursable basis. This will facilitate moving the project forward in as expeditious a manner as possible and will also assist in ensuring projects meet the statutory directive of being "substantially complete" within two years.

(6) Expanding Public Computer Center Capacity:

- a.
 - For many Floridians, public libraries are the only source for free Internet access in their community yet a recent survey showed that 72% of Florida libraries lacked an adequate connection speed to meet current and future needs. Public libraries are uniquely able to provide a broad array of community services. Florida recommends that grant proposals that facilitate both the connection to and expansion of public library Internet access be given the highest consideration when allocating funding.
 - In addition, public libraries that receive grant funding should meet the definition for a public library contained in the Federal Library Services and Technology Act (P.L. 108-81). This will ensure they are also eligible for Federal Universal Service support (E-Rate), a program that can help provide resources to these libraries for the ongoing sustainability of broadband connections.
 - Funding should be flexible enough to allow for the full range of possible programmatic needs including, but not limited to, the upgrading of cables, routers and other equipment needed to handle the high amount of volume these computers typically receive and staffing.
- b.
 - Other eligible recipients under this program should include any local facility that is willing to dedicate space for free public use, including but not limited to public recreational facilities that have a secure area, technical training and adult education centers, and senior citizen centers.
 - To be eligible, facilities should, at a minimum, provide free public access for broadband services to any person in the community and must be available at least 40 hours per week.

(8) Broadband Mapping:

Florida strongly recommends looking at the mapping component as a dynamic and ongoing process that will be revised as broadband access reaches the un-served and underserved areas of each state.

- a. The results of any broadband mapping will have far greater applicability and use if the maps are transparent and verifiable, allow for enhancements and are publicly available via the Internet. The maps, when completed, will provide important information to state and local governments, particularly in the areas of disaster preparedness, economic development and healthcare delivery.
- b. Maps produced pursuant to this funding should contain information on where and what broadband service is available, who is providing existing service in an underserved area, what future transportation, communication and power infrastructure is contemplated as well as delineate any environmentally-sensitive land in the area (where future development or infrastructure would be prohibited).
- c. At a minimum maps should provide data on census tract basis and be able to determine what percentage of any given census tract has service available.
- d. Maps should match areas to relevant demographic information in order to determine if gaps exist based on these characteristics.
- e. Many state agencies have individual pieces of this information and could partner with NTIA on the development of a comprehensive map.

9. Financial Contribution by Grant Applicants:

As indicated previously, many of the broadband projects will require significant start-up costs and staff time. Florida recommends that NTIA consider allowing the 20% cost share to be provided in-kind. Examples of in-kind contributions are grantee management costs, staff hours, discounts provided by service providers, etc. Allowing flexibility with the financial contribution portion of the grant will expand the pool of applicants and thus the potential of the program.

10. *Timely Completion of Proposals:*

- The timeline set forth in the legislation is robust and ambitious. Requiring projects to be “substantially complete” within two years of receiving a grant can be done but flexibility must be built in to ensure a ticking clock does not dictate deployment decisions. Florida recommends asking grantees to set benchmarks in their proposals for actions and the corresponding percentage that the action makes the project complete.
- I would further recommend that NTIA define “substantially complete” as 80% of the funds expended by the grant deadline with the remaining 20% having a six-month leniency so that grantees will not be in fear of having their grant de-obligated due to small unexpected and/or unintended situations.

11. *Reporting and De-obligation:*

- While I am hopeful that all grants awarded will be successful projects, there is the possibility some funds will be de-obligated from underperforming projects. Florida recommends that in the event grant funds become available from a de-obligated project, the NTIA/RUS consider re-granting those funds within the state to an existing project or one previously submitted but not selected for funding.
- To keep the reporting effective and efficient, broadband programs should use the reporting requirements and system developed by the Office of Management and Budget for all Recovery Act expenditures and not a separate or duplicate reporting system.

12. *Coordination with USDA’s Broadband Grant Program:*

While there are differences between the two grant programs, NTIA and RUS should strive to ensure that the grant applications are similar in style and content. As some of the grant applicants will undoubtedly apply for both programs, similar applications will lessen the staff hours that are needed to write the grant proposals.

13. *Definitions:*

- As noted earlier, Florida recommends that NTIA define “substantially complete” as something other than 100% so that grantees will not be in fear of having their grant de-obligated due to small unexpected and/or unintended situations.
 - In addition, Florida recommends that the definition of “underserved” include disadvantaged populations in urban areas who can be served by anchor institutions such as public libraries, education and hospitals.
- b. Florida further recommends that threshold speeds should be dictated by the needs of the end use and end user rather than being prohibitively prescriptive in regulation.

14. *Measuring the Success of the BTOP:*

- A dynamic mapping process will provide a visual representation of the success of the project as previously un-served and underserved areas come online.
- Florida recommends utilizing a combination of self reporting, audits and targeted surveys to provide additional measurements.

Rural Utilities Service

(2)A How should the RUS definition of “rural” be reconciled with the NTIA definitions of “un-served” and “underserved”?

Florida recommends that the definitions for the three terms be distinct. USDA’s historic definition of rural (less than 20,000 in an incorporated area) has resulted in many areas of Florida being ineligible for Rural Development programs yet the median income for those areas may be well below average (and in some cases, below the poverty level). I am hopeful that NTIA adopts definitions for “un-served” and “underserved” that will allow these areas to be eligible for broadband funding.

Thank you for the opportunity to provide comments on this very important initiative. I look forward to working closely with both of your agencies as the broadband funding becomes available.

Sincerely,

/S

Don Winstead
Special Advisor to the Governor