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Sirs:

The Maine Broadband Strategy Council (BBSC) is pleased to be able to provide these comments to your Request For Information (RFI) posted in the Federal Register on November 16, 2009, relating to the implementation of the Broadband Initiatives Program (BIP) and the Broadband Technology Opportunities Program (BTOP).¹ These comments are, however, on behalf of only the BBSC, not any other state agency or institution.

First, below we have provided a description of our NTIA grant application evaluation process and the checklist of criteria we used to determine which grant applications should be recommended for funding. The BBSC met five times since July to craft the review process and to discuss all USDA/RUS and NTIA grant applications that were either Maine-specific or multi-state projects that may pertain to Maine citizens, seventy-two in all. The BBSC reviewed all the applications using the five criteria described below. We believe it is important for you to know how we evaluated the proposed projects and that we took our responsibility very seriously.

Following the evaluation description, we have provided comments on five issues contained in the RFI: Specification of Service Areas; Middle Mile "Comprehensive Community" Projects; Economic Development; Targeted Populations; and Program Definitions.

Evaluation Process and Checklist of Criteria

The BBSC evaluated each NTIA/RUS application, assessing for strategic broadband improvement, sustainability, and overlap, based on its statutory charge to:

- Identify and examine the broadband opportunities contained in the American Recovery and Reinvestment Act of 2009;
- Encourage a statewide strategic approach to broadband deployment that is efficient, coordinated and consistent with other long-term goals and with the Public Utilities Commission's prior determinations regarding broadband deployment;
- Foster public-private cooperation and co-investment in broadband deployment; and
- Promote fair and open competition in the delivery of broadband service.

¹ The Maine Broadband Strategy Council was created in 2009 by the Legislature to advise the ConnectME Authority on all matters pertaining to broadband opportunities available under the American Recovery and Reinvestment Act of 2009.

The five checklist criteria (and definitions) that each application was assessed against are:

- 1. Proposed projects must be consistent with the BBSC vision.**
 - The Council's evaluation and endorsement should align with its vision "of a secure and reliable telecommunications network that provides broadband access to unserved and underserved populations and community anchor institutions; fosters economic development and enhances the delivery of goods and services."
- 2. Proposed projects should foster and support economic development.**
 - Broadband access supports economic development when it provides universal access for consumers, high speed access for business, and very high speed for research and education. Proposed projects will be evaluated as to the extent they foster broadband access in these areas.
- 3. Proposed projects should preserve existing jobs and create new jobs.**
 - NTIA/BTOP funding is intended to preserve existing and create new jobs. This includes jobs directly in the telecommunications industry as well as those in other sectors that leverage broadband access to maintain and grow. The potential for a proposed project to preserve and create jobs is an important aspect.
- 4. The BBSC will assess proposed projects in regard to their value.**
 - Determining a proposed project's value will consist of reviewing a number of elements such as overall cost-benefit, number of eligible customers reached, ability to serve community anchor institutions, is it targeted for unserved areas versus underserved area, etc. Proposed projects should demonstrate a Maine need that is being met or a Maine community that will utilize the services provided by the project being proposed.
- 5. The BBSC will assess proposed projects in regard to their viability.**
 - The viability determination would consider elements such as the applicant's ability to perform respective to project scope and complexity, delivery timeframes, sustainability of the service, etc.

Comments Regarding Request for Information

Section I (A)(3), Specification of Service Areas.

Community Anchor Institutions (CAIs) should be not subject to the underserved / unserved classification of their surrounding residential and business last mile broadband consumers. By removing this requirement CAIs would be freed from obtaining information from communications providers, that the providers often consider proprietary, in order to apply for BTOP/BIP funding. Additional points could be given to

applicants who can demonstrate the ability to provide broadband solutions with private partners that will also include broadband access to last mile residents and businesses.

Section II(A)(1), Middle Mile “Comprehensive Community” Projects.

Providing funding to connect Community Anchor Institutions (CAIs) should be given a higher priority in the second round NoFA. Building open-access, high strand count fiber facilities to these institutions will bring the necessary middle mile infrastructure into the communities in which the CAIs reside. Since CAIs serve the public, giving priority to proposals to connect these institutions is not only supporting broadband expansion into the communities but also supporting the delivery of broadband enabled services to the public by and through the CAIs. For example, public libraries have become the Internet access point for many seeking employment, accessing government services, and for people that have canceled home broadband access due to shrinking incomes.

Comprehensive CAI proposals that include commitment from last mile providers to utilize the networks should receive a higher score in a review. However, last mile provider commitments should not be a requirement as there are often significant administrative, legal, and practical hurdles to identifying last mile partners to participate in a proposal. As long as a middle mile project is open and available for interconnection it should receive consideration.

Section II(A)(2), Economic Development.

The State of Maine supports a statewide economic development approach on this issue, although we are working on regional plans throughout the state. A new project, called “Mobilize Maine,” is an effort to complete an asset-based planning effort through the federally designated regions.

However, our need for broadband is so widespread and so dire that linking it to this separate planning process would unnecessarily slow our ability to deploy broadband in the state. The Mobilize Maine effort is going to be slow to roll out because funding needs to be raised to complete the project and state budgets are too tight to help.

Further, the suggestion that deployment be linked to areas with exceptional economic hardship depends entirely on how this would be defined. Most of our unserved and underserved communities have been experiencing high unemployment rates for quite a long time, before the current recession.

Section II(A)(3), Targeted Populations.

The State of Maine does not support any further targeting of populations for these funds. Our need is so broad and so dire that any further targeting will unnecessarily penalize those that are clearly unserved, underserved, and remote.

Section II(B), Program Definitions.

As originally written, the ARRA legislation identified four criteria for which the funds were eligible; unserved areas, underserved areas, community anchor institutions (CAIs), and public safety institutions. However, only CAIs and public safety institutions that were within unserved and underserved areas were eligible for funding in the first round NoFA, with the restrictive definitions of unserved and underserved being based on the last mile availability of basic residential broadband services (768Kbps). CAIs should be eligible for funding regardless of where they are located with a higher score being given to those proposals that address the needs of CAIs and public safety institutions.

The use and definition of the term “remote” should be eliminated. We agree that the concept is overly restrictive, an arbitrary number, and not reflective of the needs of the unserved areas of Maine. We have been advised by a number of potential RUS/BIP applicants that they did not submit applications to serve rural, unserved areas of Maine because those areas were within the 50 mile limit – islands off the coast of Maine for example. The only factors that should be considered are whether a rural community is unserved, or underserved – either a community has enough broadband coverage at a speed sufficient to facilitate personal and economic development, or it doesn’t. Distance from a population center or urbanized area is irrelevant.

Finally, the Maine Broadband Strategy Council appreciates this opportunity to provide input to the National Telecommunications and Information Administration and the Rural Utilities Service regarding the second round of funding.

Sincerely,

Senator Lawrence S. Bliss, Senate Chair
Representative Cynthia A. Dill, House Chair