

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

In the Matter of)
)
Report on a Comprehensive Rural)
Broadband Strategy) GN Docket No. 09-29
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COMMENTS BY THE PERSONAL BROADBAND INDUSTRY ASSOCIATION

I. Introduction

In response to the Commission’s Public Notice for comments, the Personal Broadband Industry Association (“PBI A”) hereby offers its suggestions regarding the recommendations the Commission is required to make by the 2008 Farm Bill for a national comprehensive rural broadband strategy by May 22, 2009. Specifically, PBI A would like to comment on recommendations 1(C) and (D), which require the FCC:

(C) to coordinate both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and;

(D) identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment.

These comments are provided on behalf of the Personal Broadband Industry Association (“PBI A”). PBI A was formed in 2002 as a non-profit industry organization providing a unified voice for companies committed to rapidly creating a marketplace for ubiquitous, affordable broadband technologies and services. The PBI A serves as an umbrella organization carrying the message of an overall industry vision – not just a single technology, band of spectrum or standard – of delivering primary, ubiquitous broadband access to

individuals regardless of location or context, at affordable prices. The PBIA defines “personal broadband” as: 1) A user experience, regardless of the technologies or the networks used; 2) Broadband connectivity that is convenient, affordable, and always there; and 3) A springboard for a sustainable Internet economy.¹ PBIA intends to support the goals or projects pursuing funds under the American Recovery and Reinvestment Act (the “Recovery Act”) in order to assist in the delivery of true, robust, high speed and ubiquitous personal broadband to rural areas. Specifically PBIA intends to support projects that will be technologically neutral, scalable and open to all potential users on an equal and non-discriminatory basis for the use of non-profit organizations, public agencies, educational facilities, industry, companies and individuals. For the purposes of these comments, given the scope of the Request for Comments, PBIA will focus on the needs of unserved and underserved rural areas of the country.

Examples of projects that PBIA is aware will be seeking grant funds is the proposed western Alaska Northern Fiber Optic Link (“NFOL”) project, a new subsea cable designed to provide access for the first time to robust broadband capacity to over 150 rural communities in the Aleutian Islands, Western Alaska and the North Slope. As of the date of this filing PBIA is aware the design parameters for the project extend from Kodiak Island to up to 10 remote landing sites for further delivery of services via terrestrial based microwave towers and fiber cable by local service providers. Another example of a rural project PBIA recently became aware of would incorporate wireless broadband technology to a series of remote towns across the state of Vermont.

In the case of the proposed NFOL Alaska project it is important to note that the areas that would be served by the new cable comprise nearly 40 percent of Alaska’s land area. This

¹ Please see the Personal Broadband Industry Association website:
<http://www.personalbroadband.org>

is equal to nearly ten percent of the land mass of the 48 contiguous states. The proposed areas of service – the entire western half of the state – does not have reliable, high speed broadband connectivity as we define it. The region to be served by unacceptable satellite service which is plagued by limited capacity and frequent disruptions. Furthermore, under our review of the coming growth of the internet, the increasing demand for video over the Internet and the desire to transmit more Hi-Definition TV (“HDTV”) over the Internet, we have very serious doubts about the existing satellite service’s ability to provide the same level of service to this rural part of the country as will be enjoyed by users in more urban areas. Moreover, the western part of the state of Alaska has some of the most remote and impoverished communities in the United States with jobless and unemployment ranges up to 90 percent and the poverty rate as high as 50 percent. Teen suicide rates are among the highest in the country and the level of teen alcohol and substance abuse is unprecedented in the rest of the nation. The economy is primarily dependent on government jobs at the federal, state and local levels, and many of the residents still rely on a subsistence diet for daily living. The communities are isolated by rugged terrain, weather, and the lack of any road system connecting them to any urban area. These same communities have access to reliable electricity through local distribution networks. Juxtaposing the ability and desire for learning and employment in these communities with the lack of access to the necessary speed and throughput of reliable broadband service to advance in the 21st Century shows the need for this part of the country to not be left behind by policy makers when planning broadband programs in rural America. Add on top of all this the lack of any roads connecting these rural communities and the need for high-speed broadband to take advantage of emerging and life-saving telemedicine services and the need for a true fiber optic plan for this region because apparent.

One of the reasons PBIA chose to focus on this project lies in the fact that when fully built-out the new system could provide access to affordable, high-speed broadband telecommunications services to the largest unserved geographic area of the United States. Thousands of miles of dark and unused fiber transit the Lower 48 and are accessible to regional and local service providers to bring the promise of the speed and throughput of such fiber to rural communities using newly emerging fixed and wireless technologies and strategies. The case to be made for the rural NFOL Alaska project stands apart on its own because of the unique challenges facing the region, its remoteness, and its needs for assistance. If federal policy makers can help insure the successful roll-out of a project such as the one proposed in Alaska under these challenging conditions – which we believe can be done - then achieving true ubiquitous personal broadband anywhere in the Lower 48 is achievable.

II. The Federal Government Should Adopt Policies Leading to a Broadband Network for Rural Broadband Development in Remote Locations

1. The FCC should support broadband networks promote the goals established at 47 U.S.C. § 254(b).

“Access to advanced telecommunications and information services should be provided in all regions of the Nation.”² Thus was enacted via the Telecommunications Act of 1996 the clearly stated goal of Congress supporting the notion and need for true universal service.

Additionally the Congress provided further guidance and clarification on the need to incorporate rural America into the information technology age:

[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are

² 47 U.S.C. § 254(b)(2)

reasonably comparable to those services provided in urban areas that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.³

It was clear to Congress in 1996, and given the rapid advance of technology and our reliance upon it in the years since its enactment it should be clear to everyone now that consumers in all parts of the United States, regardless of location, terrain, or income must be given the opportunity to access broadband facilities and services reasonably comparable to those found in urban areas. The FCC can assist in closing the enormous digital divide that exists and is growing between this region of Alaska and the rest of the country by adopting policies that support the deployment of neutral projects such as the proposed NFOL.

2. The FCC should support networks offering the highest speed and most reliable service to as large an unserved area as possible.

The Commission's rural broadband plan must support a network designed around a stable physical backbone and owned by a "carrier's carrier" on a competitively neutral basis to open the opportunity for broadband service to as large an unserved area of the country as possible. The deployment of such a backbone-based project will expedite access by government agencies, non-profit organizations, industry, businesses and residents in these rural communities to the same opportunities for service that urban users enjoy and rely on. The Commission should focus on encouraging networks that will be operated as a carrier's carrier on a competitively neutral basis to allow for retail service in a non-monopolistic manner. This will ensure the fairest access, the best opportunity for low cost and the opportunity for multiple retailers to deploy new technologies into these unserved areas.

Through the creation of a rural broadband "highway," rural areas can share in the same long-term benefits of competition already existing in most urban areas. A backbone network owned and operated on a competitively neutral basis, and open for use by any broadband service provider, will by definition encourage competition. This is more true in

³ 47 U.S.C. § 254(b)(3)

this instance given that in a significant area of western Alaska there is no broadband service. Because the communities are not accessible by road and by hundreds of miles from urban or suburban centers, and because fiber must be laid across dozens of incredibly challenging terrain types, the ability to lay fiber in this region has been non-existent up until now. However, through the funding of the Recover Act Congress and the Administration sought to close this gap. Competition in rural areas remains a problem and the requirement to increase competition as part of the reauthorization of the RUS loan program in the 2008 Farm Bill, and in the American Recovery and Reinvestment Act (the "Recovery Act") demonstrates the seriousness with which Congress is taking this issue.

The Commission's rural broadband program needs to support the most rural of rural areas of the country with the deployment of true broadband networks, such as the project proposed in western Alaska. Wiring the rest of the country while leaving this part of Alaska unserved by true fiber-based broadband will still leave a gaping hole in the nation's coverage area and will leave requirements of the 1996 Telecommunication Act unmet.

Further, PBIA argues as long as a willing neutral carrier's carrier attempts to avail itself of the funds provided in the Recovery Act to deploy a technologically neutral fiber based solution for western Alaska, then the Commission should not consider two-way satellite broadband as meeting the definitions of "reasonably comparable" to broadband services available in urban areas. Rather, the FCC's rural program should support and encourage projects and technologies that can deliver to rural areas all the advanced economic and safety benefits enjoyed in urban America but that would not be possible to build but for the funding made available in the Recovery Act. No proposed project in America would meet such a definition ahead of the proposed Alaska NFOL project. We do not envision a true, ubiquitous personal broadband network in the United States if the residents of western Alaska cannot fully participate as well.

3. Broadband grants in the Recovery Act should be awarded first to projects that will provide service to the largest unserved areas of the country and to projects that will be built as neutral broadband backbones.

The Commission's comprehensive rural broadband strategy should request the RUS and the NTIA to prioritize awarding grants funded by Congress in the Recovery Act to projects designed as neutral broadband backbone networks to reach the largest unserved areas of the country as possible, such as the proposed western Alaska NFOL project. For purposes of these comments we are defining "neutral" in terms of being a neutral carrier's carrier and not just "technologically neutral", although we consider that to be a key requirement as well. A backbone system such as this will encourage competitive service providers to offer "last mile" services in isolated communities if it is operated as a "carrier's carrier." Using the stimulus funds this way will respond to Congress' call for a coordinated, inter-agency program encouraging the creation of a true rural broadband system. These rural communities, and other rural communities in the United States, need a viable, long-term, robust and reliable solution for delivering broadband to the largest unserved area of the country.

III. Conclusion

The Personal Broadband Industry Association encourages the Commission to adopt policies that support the build out of core infrastructure necessary to make broadband ubiquitous and personal, regardless of income, location or terrain. The core infrastructure that should first be encouraged by the Commission should be backbone components such as fiber optic cable. In addition, the Commission should encourage those projects that will be operated by a carrier's carrier in a competitively neutral manner for the benefit and lowest cost operation of all potential end users. The PBIA supports any real project that can meet these goals, but we have signaled out the proposed western Alaska NFOL project as the shining example of how to fulfill the mandate of universal service as envisioned by Congress

and needed by the communities. It is the single best solution for bringing true personal broadband to rural Alaska, and it represents the best use of Recovery Act funds to advance grand projects in line with America's grand dreams and visions. The project will remove from the list of unserved areas the largest piece of real estate on the map, therefore fulfilling the largest unmet challenge of the universal service goals set forth by Congress in 47 U.S.C. § 254(b).

Dated this 25 th day of March, 2009.

PERSONAL BROADBAND INDUSTRY ASSOCIATION

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Its: Strategic Advisor and Co-Founder