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To: [BOCrfc2015](#)
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Please find attached the comments of ITI in the Broadband Opportunity Council Notice and Request for Comment.

Please let me know if you have questions.

Best,
Vince

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Department of Commerce
National Telecommunications and Information Administration
Docket No. 1540414365-5368-01

Department of Agriculture
Rural Utilities Service
RIN 0660-XC019
Broadband Opportunity Council Notice and Request for Comment

Introduction

On behalf of ITI and its member companies, we appreciate the opportunity to comment on this important initiative and look forward to working with the Broadband Opportunity Council (the “Council”), the Departments of Commerce and Agriculture, the Rural Utility Service (RUS), and the National Telecommunications and Information Administration (NTIA) to work toward the goal of ubiquitous, affordable, robust broadband Internet service.

ITI represents 61 of the nation’s leading information and communications technology companies.¹ ITI is the voice of the high-tech community, advocating for policies that advance U.S. leadership in technology, promote innovation, open access to new and emerging markets, protect and enhance consumer choice, and foster increased global competition. ITI’s member companies include wireless and wireline network equipment providers, computer hardware and software companies, Internet and cloud services, and network security providers. ITI has a long history of advocating for, and supporting policies that lead to greater broadband investment, build-out, access, adoption, and use by

¹ For more information on ITI, including a list of its member companies, please visit: <http://www.itic.org/about/member-companies.dot>.

consumers and commercial customers, large and small. ITI believes the Federal government plays a critical role in ensuring this essential service is available to all Americans.

Broadband Internet access service is an essential tool for communication, education, public engagement, economic inclusion, and basic government services in the 21st Century. Yet despite the importance of this service, large populations of the American public still lack access to high-speed broadband service.² The Council is playing an important role through this initiative to ensure the Federal government is helping, not hindering or delaying, the deployment of high-speed broadband network infrastructure, as well as the conditions to foster adoption and use.

Access to Infrastructure

A significant impediment to private sector deployment of broadband networks is access to existing infrastructure. This can include access to utility poles and conduit, as well as cellular tower and equipment placement. The Council should consult Federal agencies, as well as state and local utility regulators, to aggregate reliable information about the status of existing infrastructure, thereby giving broadband providers a window into availability and access requirements. This information is largely unavailable and lacks transparency when it is. Following on this information collection, the Council should take steps to reduce delays in accessing this infrastructure. This could be done through conditioning any Federal funding or grants to require recipients to meet certain conditions on access to their

² See Federal Communications Commission, 2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment, GN Docket No. 14-126, paragraph 4, released Feb. 4, 2015 (“17 percent of all Americans (55 million people) lack access to 25 Mbps/3 Mbps service.”).

infrastructure for purposes of broadband deployment.

Furthermore, any Federal funding provided for conduit or other necessary broadband infrastructure should require that the infrastructure be made available for shared use, and the Council should encourage Federal entities to consider other opportunities to include broadband deployment criteria in their funding rules.³

To improve “middle-mile” and “backbone” broadband infrastructure deployment, the Council should also consider promoting “dig once” policies. The Government Accountability Office (GAO) determined that dig once policies would increase broadband network access and reliability.⁴ The GAO also determined that dig once policies decrease the time needed to deploy fiber.⁵ This is in part due to the time needed for permitting and environmental assessments that would not be necessary if a broadband provider were able to access state owned conduit already available.⁶

Similarly, the process for tower and antennae placement on Federal land, facilities, and property should be streamlined, and coordinated regardless of which Federal entity holds the property. Establishment of a unified policy for rights of way access by the Bureau of Land Management (BLM), and by the Federal Highway Administration (FHWA) would further ease burdens when deploying broadband networks on or over the land and infrastructure controlled by these entities.

Federal Government Leading

³ Department of Transportation and Department of Energy infrastructure funding mechanisms should be required to have a broadband component and criteria.

⁴ See Government Accountability Office report, Broadband Conduit Deployment, GAO-12-687R, June 27, 2012, p. 2.

⁵ *Id.* at p. 6.

⁶ *Id.* at p. 6.

Within its own buildings, the Council should direct GSA to encourage Federal entities to increase publicly available Wi-Fi broadband in and around the facilities. These facilities could range from Federal buildings in DC, to Veteran's Affairs facilities, U.S. Department of Agriculture field offices, regional Medicare and Medicaid offices, Federal court buildings, and the many other Federal locations across the country. Additionally, as Federal entities update, upgrade, and build new offices and facilities, they should be required to install fiber wiring systems that meet the bandwidth needs of modern IT systems.

Funding and Support

The Department of Housing and Urban Development (HUD) is in a unique position to support broadband availability and adoption in its work. HUD housing facilities should be required to install fiber cables in new building construction and during renovations. It should also allow Public House Authorities (PHAs) to use funding to cover the costs of broadband service. HUD could also condition its loans and loan guarantees to meet certain criteria, including fiber wiring and access for wireless providers to place equipment in or on its buildings.

Credit support and loan guarantees may be another way for existing programs to be leveraged to support greater broadband buildout and competition. The Broadband Technology Opportunity Program (BTOP), the Broadband Initiatives Program (BIP), and other RUS and NTIA programs could be utilized to leverage public-private partnerships or incentivize local entities to invest in public infrastructure where it is lacking; offering broadband service over that infrastructure would generate a revenue stream to repay those loans.

Spectrum

The importance of expanding wireless service to meet our nation's broadband needs cannot be overstated. In rural areas, wireless service may often provide the most economical means for service providers to deliver high-speed broadband. In low-income and underserved communities, wireless broadband will often provide an economical path for these populations because a single subscription provides connectivity at home or on the go. Reliable, affordable, high-speed wireless service is primarily dependent on one finite resource however: spectrum. The Federal government is the largest holder of this high demand commodity. The Council must build on the work of the FCC's National Broadband Plan and NTIA activity to make more Federally held spectrum available for commercial broadband service. This should include clearing spectrum for commercial use, as well as greater facilitation of spectrum sharing among Federal users and with the private sector.

Competitiveness Issues

The ability to offer a video service alongside a broadband Internet access service greatly increases the service's utility for users and improves the economics for companies considering investing in a broadband network. To provide a competitive video service, new service providers must have access to broadcast and cable content that is demanded by consumers. This can be difficult given the regulatory structure that favors incumbent providers, and content access terms and conditions that favor service providers with large, established customer bases. In particular, the co-op structure for negotiating rates should be overhauled to eliminate volume discounts that unfairly discriminate against new

entrants. On top of investing in new network infrastructure without a subscriber base, there is a further disincentive to invest in a new broadband network if a new entrant cannot offer a competitive video package to help attract customers.

Conclusion

We applaud the Council and the agencies involved for their leadership in addressing greater broadband deployment and adoption. These ideas just begin to scratch the surface of what is possible. We look forward to engaging further with the respective departments and agencies as they begin the difficult work of removing barriers, streamlining regulations, and adjusting programs to incentivize broadband deployment, adoption, and use. We appreciate the opportunity to file these comments, and stand ready to work with the Council to move forward on this important issue.

Sincerely,



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About ITI. The Information Technology Industry Council (ITI) is the global voice of the tech sector. As the premier advocacy and policy organization for the world's leading innovation [companies](#), ITI navigates the relationships between policymakers, companies, and non-governmental organizations, providing creative solutions that advance the development and use of technology around the world. Visit www.itic.org to learn more. Follow us on Twitter for the latest ITI news [@ITI_TechTweets](#).