From:	Kelleigh Cole
To:	BOCrfc2015
Subject:	Broadband Opportunities Council Comments Docket No. 1540414365–5365–01
Date:	Wednesday, June 10, 2015 1:56:45 PM
Attachments:	150610 Broadband Opportunities Council FINAL sig r2.pdf

Broadband Opportunities Council,

Please accept the attached comments on Docket No. 1540414365–5365–01 "Broadband Opportunity Council Notice and Request for Comment" as the offical comments for the Utah Governor's Office of Economic Development.

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June 10, 2015

Comments on Docket No. 1540414365–5365–01
Broadband Opportunity Council Notice and Request for Comment

National Telecommunications and Information Administration
U.S. Department of Commerce
Broadband Opportunity Council Notice and Request for Comment
1401 Constitution Avenue NW, Room 4626
Washington, DC 20230

Dear Broadband Opportunity Council,

The Utah Governor's Office of Economic Development (GOED) would like to provide comments on Docket No. 1540414365–5365–01 "Broadband Opportunity Council Notice and Request for Comment." From 2010 to 2014, the State of Utah managed the Utah Broadband Project through the National Telecommunications and Information Administration (NTIA) and is now operating the Utah Broadband Outreach Center, a state-funded broadband mapping and planning program. Working with broadband providers, federal agencies, state and local governments and businesses has given our office a unique perspective on broadband deployment and we would like to provide recommendations to the Broadband Opportunity Council (BOC) based on questions posed in the docket.

OVERARCHING QUESTIONS

1. How can the federal government promote best practices in broadband deployment and adoption? What resources are most useful to communities? What actions would be most helpful to communities seeking to improve broadband availability and use?

Implement Policies to Streamline Broadband Permitting within Federal Agencies

In 2012, President Obama's Executive Order No. 13616, "Accelerating Broadband Infrastructure Deployment," mandated that federal agencies streamline permitting for both wired and wireless broadband infrastructure deployment on federal lands, buildings, rights-of-way and highways." GOED recommends that the BOC continue to encourage federal agencies to promote broadband deployment. So far, no major changes have been made to speed up permitting on federal lands and we encourage the Council to make this a priority. Some ways to prioritize telecommunications siting and permitting to encourage broadband deployment include:

- Standardize permitting forms, policies and standards across federal land management agencies (e.g. the Bureau of Land Management (BLM), United States Forest Service (USFS) and the National Park Service (NPS)).

- Form standard agreements between these federal land management agencies to ensure interagency cooperation and coordination.
- Allocate staff specifically for telecommunications permitting to minimize processing times.
- Provide a standard for processing times for permitting (less than one month) so providers can schedule construction projects in a timely manner.
- Ease permitting requirements in previously disturbed areas such as dedicated corridors, roadways, and other areas that have previously undergone environmental review.
- Allow broadband providers the opportunity to install infrastructure during other construction projects.
- Designate corridors to install backhaul fiber to existing communications sites (e.g. cell tower sites).
- Set up an electronic application system that tracks the permitting process and have staff input requests for information with corresponding submitted documents to ensure that applicants do not have to resubmit information.
- Designate a state contact that covers each state to ensure consistency across field offices, forests, and national parks.
- In coordination across federal agencies and with significant input from state officials, have land management agencies designate broadband corridors that would connect communities, cell tower sites, schools, libraries, government facilities and other areas of economic activity. These corridors should be included in planning documents (e.g. Resource Management Plans, Land Use Plans, Environmental Impact Statements). These agencies could reach out to broadband providers to help determine areas of need and proactively encourage them to install services through a simplified permitting process.
- Have each federal agency develop a broadband plan or strategy to increase services and provide an annual progress report to the Broadband Opportunity Council and the White House. These plans should be targeted at helping providers reach the federal broadband goal of 25 Mbps upload/3 Mbps download.
- Provide funding to federal agencies to connect government facilities and communications sites and allow broadband providers the opportunity to bid on projects. These agencies may also install additional conduit during projects that may be utilized by additional providers in the future. These agencies could also encourage colocation opportunities on communications sites (e.g. existing cell towers).
- Streamline applications for funding, (e.g. Rural Utility Service funding and other funding models) so that they are processed in a timely manner (preferably within 3 months) and simplify the reporting process so that providers are not discouraged from applying for funding and can schedule and complete construction projects in a timely manner.

5. How can the federal government best collaborate with stakeholders (state, local, and tribal governments, philanthropic entities, industry, trade associations, consumer organizations, etc.) to promote broadband adoption and deployment?

Involve States in Planning Efforts and Recommendations

GOED recommends that the BOC add state representation to the Council. States have a unique perspective in working with federal agencies, local governments and broadband providers that would be valuable to future decisions. Having an ongoing mechanism for feedback between the state broadband offices and the BOC will be vital so states can advise the BOC on potential impacts future policies may have based on local input and data analysis.

ADDRESSING REGULATORY BARRIERS TO BROADBAND DEPLOYMENT, COMPETITION AND ADOPTION

6. What regulatory barriers exist within the agencies of the Executive Branch to the deployment of broadband infrastructure?

Federal land management agencies, particularly the BLM, NPS and USFS, should allow the Federal Highway Administration (FHWA) and the state departments of transportation (DOTs) the ability to permit telecommunications access on highways that cross federal land where they have existing right-of-way agreements. There are instances in Utah where providers have had to pay permitting fees to the BLM, as well as to FHWA/the Utah Department of Transportation (UDOT), to utilize the same right-of-way for public and commercial purposes. If FHWA/DOTs were the official permitting authority, it would reduce costs and timeframes. Allowing this modification would also streamline the process because FHWA/DOTs could provide seamless permitting across state and federal lands. Federal agencies should also offer broadband providers a streamlined process to install conduit and fiber into roadways since these areas are previously disturbed and have undergone an environmental review process.

7. What federal programs should allow the use of funding for the deployment of broadband infrastructure or promotion of broadband adoption but do not do so now?

Each federal agency should review all grant funding programs and publish a comprehensive list of programs that could be used to fund broadband planning, deployment and adoption, along with specific eligibility requirements and application deadlines.

8. What inconsistences exist in federal interpretation and application of procedures, requirements, and policies by Executive Branch agencies related to broadband deployment and/or adoption, and how could these be reconciled? One example is the variance in broadband speed definitions.

Update Funding Mechanisms to Match the 25 Mbps Upload/3 Mbps Download Broadband Definition

Since the Federal Communications Commission (FCC) has recently updated the definition of broadband to a minimum standard of 25 Mbps upload and 3 Mbps download, GOED recommends that this standard apply to all funding mechanisms that support residential broadband. We also recommend that in addition to the 25 Mbps upload/3 Mbps or greater download requirement, reviewing and adjusting speed tiers as technology continues to change, potentially requiring higher speeds, will ensure that this funding mechanism meets the growing needs of citizens and communities. The FCC and the BOC should seek comments and review the speed thresholds on a regular basis, as well as continually evaluate and re-consider areas of funding eligibility for all federal programs that fund broadband to ensure that the services delivered using these funds in underserved regions are reasonably comparable to the services enjoyed by consumers in urban areas.

Several federal programs are currently funding broadband services at a standard below the FCC's new 25 Mbps upload/3 Mbps definition of broadband service. For example, the FCC's Connect America Fund II will provide funding to serve rural areas at a level of 10 Mbps upload/1 Mbps download. The United States Department of Agriculture's (USDA) Community Connect Fund is another example of a program that could be updated to help communities reach the FCC's broadband goal. Currently, Community Connect only funds areas that lack any existing broadband speeds which are defined as a combined upload and download speed totaling 3 Mbps or less. The RUS Broadband Loan Program also has a low threshold of 4 Mbps upload/1 Mbps download to qualify for funding. Updating the speed

thresholds for these programs and extending funding to areas with speeds below the new FCC definition is crucial to ensuring communities have the speeds they need for vital activities such as economic development, education, health care and public safety.

11. Should the federal government promote the implementation of federally-funded broadband projects to coincide with other federally-federally funded infrastructure projects? For example, coordinating a broadband construction project funded by USDA with a road excavation by DOT?
In addition to our highway recommendations in question 6, federal government agencies should implement dig-once policies by coordinating other federally-funded infrastructure projects (pipelines, energy projects) and making planning and construction plans available to providers. Providers should be invited to propose broadband installation locations in those plans, which may require the development of a notification system. Once plans are approved, these agencies can facilitate broadband deployment by allowing providers to install infrastructure during these construction activities. These policies will save costs and encourage the expansion of infrastructure.

PROMOTING PUBLIC AND PRIVATE INVESTMENT IN BROADBAND
12. How can communities/regions incentivize service providers to offer broadband services, either wired or wireless, in rural and remote areas? What can the federal government do to help encourage providers to serve rural areas?

Encourage Public-Private Partnerships
We would like to encourage the Broadband Opportunity Council to develop and support programs that encourage public-private partnerships to deploy broadband infrastructure both on a federal level, as was mentioned previously, and on a local level for states, cities and counties. Utah was recently ranked sixth fastest average Internet speeds in the country and the fastest speeds in the western United States, according to Akamai Technologies Fourth Quarter, 2014 State of the Internet Report. Since the state began mapping broadband in 2011, Utah has seen significant speed increases in rural areas and the Broadband Outreach Center attributes much of this success to the level of collaboration and coordination that has been undertaken between broadband providers and public entities, including the following examples:

- UDOT has been facilitating cooperative fiber and conduit trades with broadband providers and has implemented a best practice of laying conduit during road construction projects, where it makes sense. These practices have extensively expanded the state's communications infrastructure and future capacity without major capital investment, resulting in real cost-savings for Utah taxpayers. The UDOT model has given the state a competitive advantage by enabling the development of next-generation broadband services in both urban and rural areas at a reduced cost. Please see Attachment A.
- The Utah Education and Telehealth Network (UETN) connects Utah school districts, libraries, government facilities, higher education institutions and health care facilities across the State of Utah. UETN is a model public-private partnership and works with private and independent telecommunications service providers to perform its mission. These public-private partnerships have provided fiber infrastructure and broadband service expansion into urban and rural high-cost areas that typically would not be possible.

GOED recommends that similar models could be implemented on a local level and recommends that in addition to federal programs that incentivize providers to deploy infrastructure in high-cost areas, the Broadband Opportunities Council should consider adopting a program that would encourage public-

private partnerships and dig-once policies by issuing federal funding to states and local communities to work with broadband providers to propose projects that may deploy infrastructure by working together to reduce costs. Examples of suggested models may include:

- Providing federal funding to states, local communities and providers who are willing to work together. These partnerships can reduce costs by coordinating the installation of broadband infrastructure with road construction and other relevant projects. They may also install empty conduit that multiple providers can utilize.
- Providing federal funding to states, local communities and providers who are willing to form partnerships to encourage the development of appropriate broadband infrastructure by reviewing public structures for potential wireless service installations, modifying zoning laws to allow for installations on buildings and providing access to other properties where infrastructure may be placed in order to reduce costs.
- Providing federal funding to local communities to update planning documents and city ordinances to ensure conduit is placed in new developments, allowing access to multiple providers.

The state asks that the BOC review existing federal grant programs and consider new funding mechanisms to fund these types of initiatives. State broadband offices may also be utilized to coordinate these efforts among participating local governments and providers.

MEASURING BROADBAND AVAILABILITY, ADOPTION AND SPEEDS

27. What information about existing broadband services should the Executive Branch collect to inform decisions about broadband investment, deployment, and adoption? How often should this information be updated?

GOED recommends the US Census Bureau open a public comment period to ask state agencies, providers and other interested stakeholders if additional questions should be added to the American Community Survey to better assess broadband adoption data and trends. This data could be used in broadband planning and adoption efforts.

GOED also recommends the FCC open a public comment period to reevaluate the broadband data collection method and allow states, broadband providers and other interested stakeholders to suggest methods to collect, distribute and display data that could be used for state/local planning and federal funding models.

28. Are there gaps in the level or reliability of broadband-related information gathered by other entities that need to be filled by Executive Branch data collection efforts?

Any broadband program implemented by the FCC and agencies participating in the BOC will rely heavily on the accuracy of mapping resources to ensure that planning efforts are based on reliable information and funding is allocated appropriately. Since the national broadband map and state broadband maps were launched in 2011, many agencies, as well as state and local governments, have become reliant on this data to determine funding decisions and to conduct broadband planning efforts. Having reliable broadband data at a refined level is crucial to identifying underserved communities and developing strategies to ensure they are not left behind. GOED recommends that the BOC consider the following strategies to improve broadband data collection efforts:

- **Refine Broadband Data Collection Processes to Meet the Needs of Funding and Planning**

Efforts - Beginning in the fall of 2014, the FCC began collecting broadband data directly from providers and changed the collection standard by aggregating all data to a census block level. Basing data collection, planning efforts and funding definitions on census blocks is problematic, particularly in blocks which are large, remote and include terrain that makes it difficult to install infrastructure. For example, within the State of Utah, the largest populated census block is 947 square miles. Under the current model, any census block that is partially covered would be ineligible for all federal broadband programs, even if only a small percentage of households are covered. The FCC and the BOC should consider coordinating data and mapping efforts in order to collect actual provider footprints so that unserved residents are not denied funding and are not included in broadband planning efforts because they reside in a census block that is partially covered by broadband service. The state's mapping team recently developed maps to show the discrepancy between the previous NTIA data collection model being implemented by state broadband initiatives and the new FCC data model for cable, DSL, fiber, and fixed mobile wireless. The maps in Appendix B illustrate these discrepancies and highlight large geographic areas that will be negatively impacted by the new FCC data collection model.

- **Incorporate Existing Telecom Boundaries into Data Collection Model -** Additionally, there are instances in rural Utah where the existing telephone company's study area boundaries do not align with census block boundaries, making it difficult to determine which carrier should qualify for funding. These factors also make it extremely difficult for a single provider to provide service to a full census block. Collecting data on a more refined level than census blocks, particularly in rural areas with large census blocks, could alleviate this issue.
- ***Assist Providers in Completing Successful Data Submissions*** **-** It has also been our experience that many small rural carriers may require assistance to submit broadband data, regardless of the model implemented. Over the last five years, Utah's providers have utilized and relied upon the state's broadband initiative program (SBI) expertise and resources to submit broadband data. Many of these providers lack sufficient resources to be able to submit accurate data, particularly those who do not employ staff with mapping expertise. For example, in Utah, with the exception of a few major nationwide carriers, the Utah Broadband Project (Utah's SBI program) provided some level of technical assistance to most of the providers listed on the Utah Broadband Map and National Broadband Map. In fact, only four local providers submit GIS files on a regular basis and over half of the participating providers required extensive support in submitting data. Since the SBI programs ended, several states, including Utah, have decided to continue a state data collection because the new federal model will not be sufficient to determine the locations of unserved households for state and local planning efforts. We ask that the FCC consider utilizing state broadband offices and commissions to arbitrate this process to assist providers in submitting data, which would require ongoing state funding.
- **Establish a Data Verification Standard -** GOED also recommends that the Broadband Opportunity Council develop a data verification standard for each applicable technology to ensure broadband data is correct and that funding can be allocated areas which truly meet the standard of being underserved and unserved. This verification should also include a mechanism for stakeholders to request that the FCC and the BOC review any reported inaccuracies so that maps can be corrected. As was stated in our response to Question 27, the Council should consider opening a public comment period specifically to gather information and input on methods to verify this data. The Council should consider working with states to employ this mechanism, due to their expertise in collecting and verifying broadband data.

- **Identify Unserved Areas -** The FCC should also consider collecting data that specifically maps unserved/underserved residential areas and community anchor institutions (e.g. schools, libraries, hospitals, government buildings, tribal centers). Providers and other interested stakeholders should be included in this process and should have the opportunity to identify specific locations that are unserved/underserved and recommend ways to fund these areas. Mapping data on unserved/underserved areas could utilize existing datasets such as address points and community anchor institution (CAI) locations created with SBI funding, and possibly other population coverage datasets.
- **Make Broadband Data Publicly Accessible -** We would also ask the council to encourage the FCC and the BOC to coordinate to develop a strategy to display broadband data on a national broadband map platform and make the raw data available for download so states and local governments may incorporate the data into maps and planning activities. Data is crucial not only for federal funding but also for state and local planning efforts.
- **Release Broadband Data in a Timely Manner -** We also recommend that the FCC/BOC release broadband data in a timely manner (within 6 months of collection) to help ensure that federal agencies, along with state and local governments, have updated information to initiate planning and funding activities.

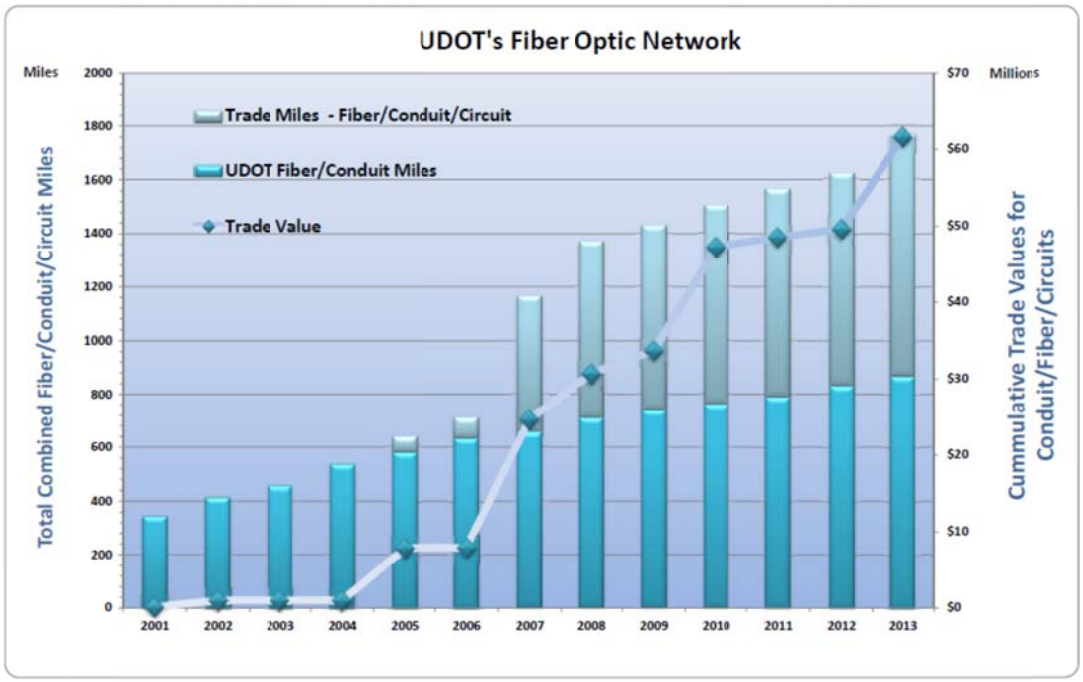
We respectfully ask the Broadband Opportunities Council to consider these comments when making decisions regarding future federal programs, policies and funding opportunities. We look forward to working closely with you in the future.

Sincerely,

Q. Val Hale
Executive Director
Governor's Office of Economic Development

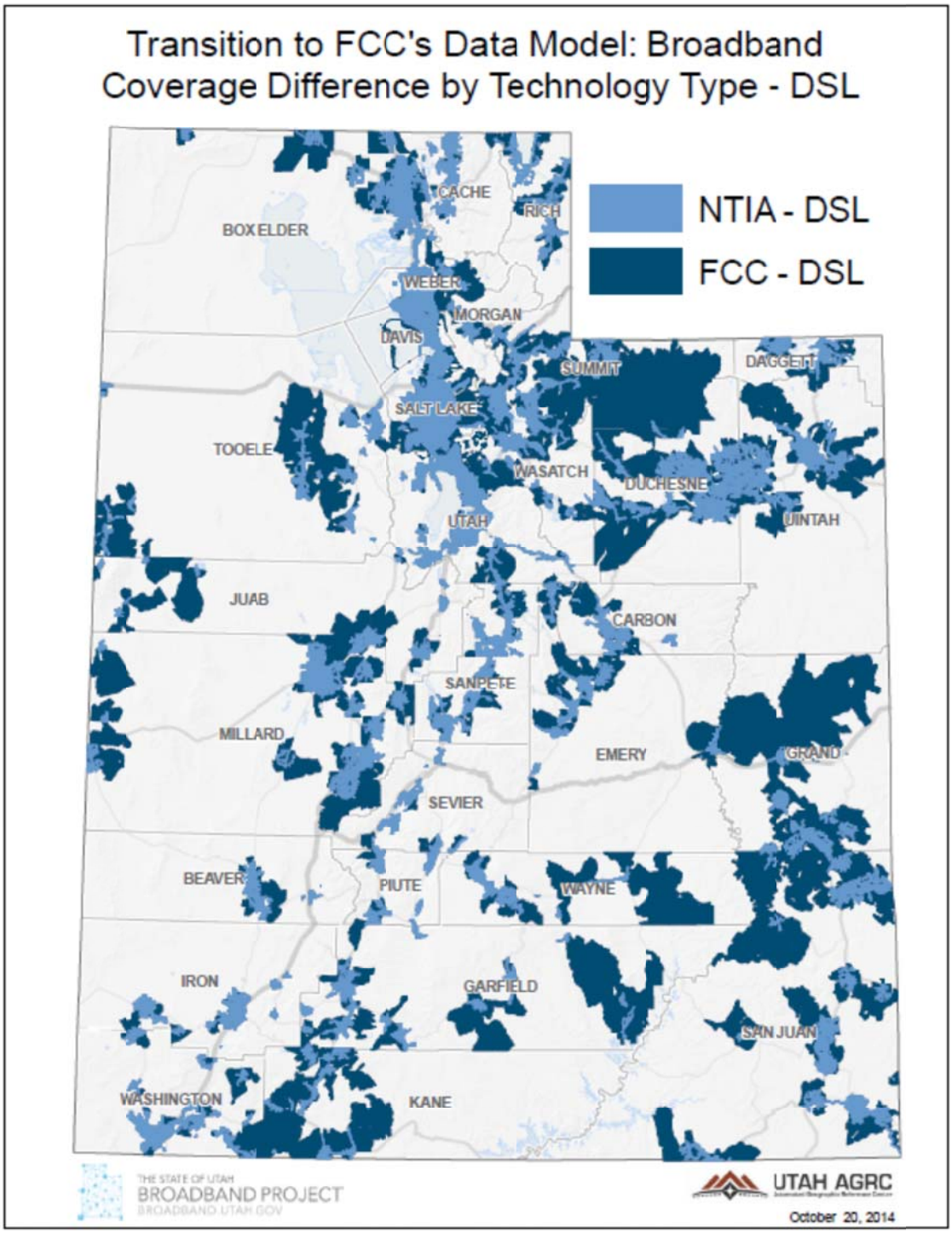
Appendix A

This graph shows the cost savings realized as a result of The Utah Department of Transportation's best practices explained in Question 12.

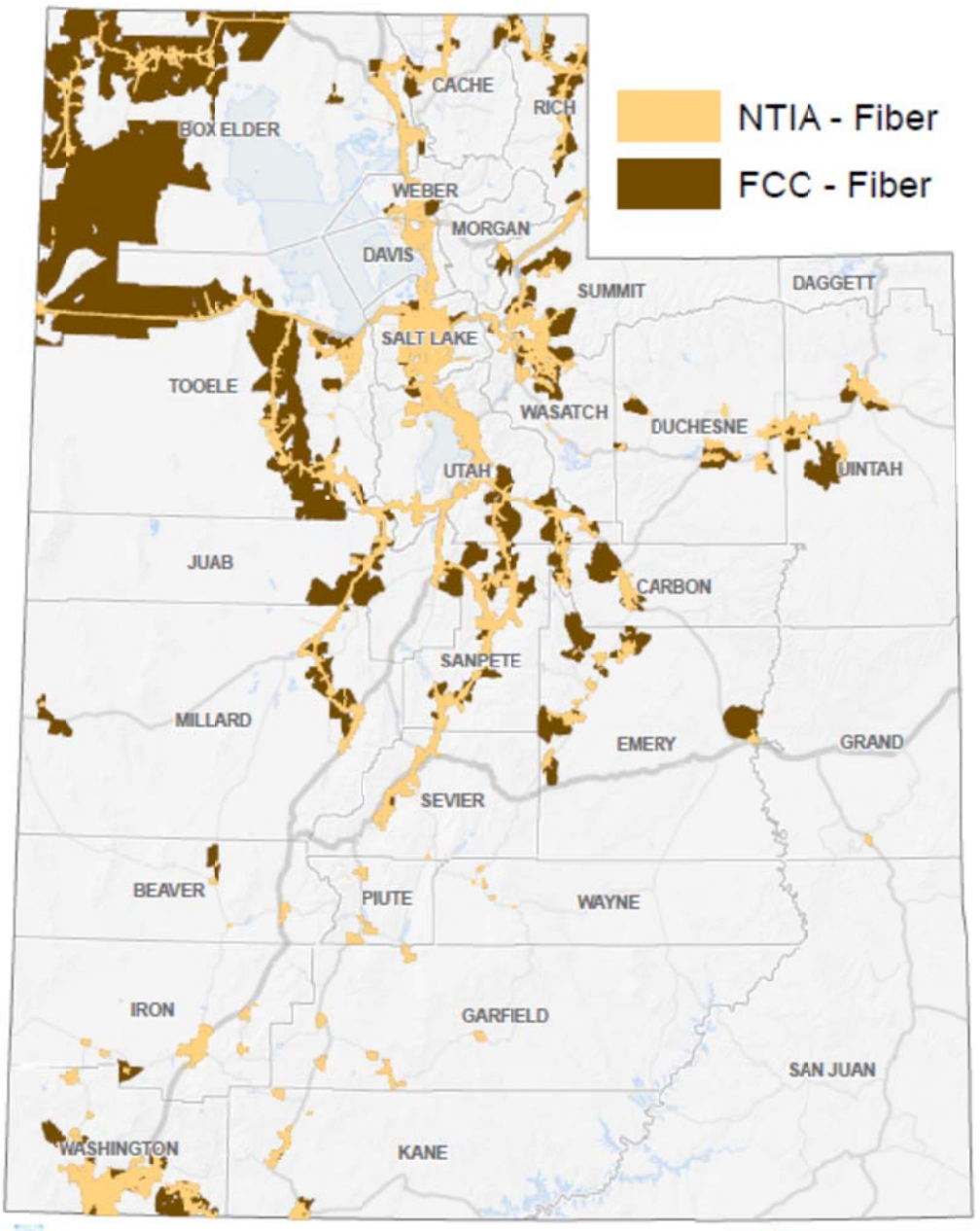


Appendix B Maps

These maps developed by the Utah Broadband Outreach Center illustrate the differences between the new FCC data model and the data previously collected by NTIA and state broadband initiatives.



Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Fiber



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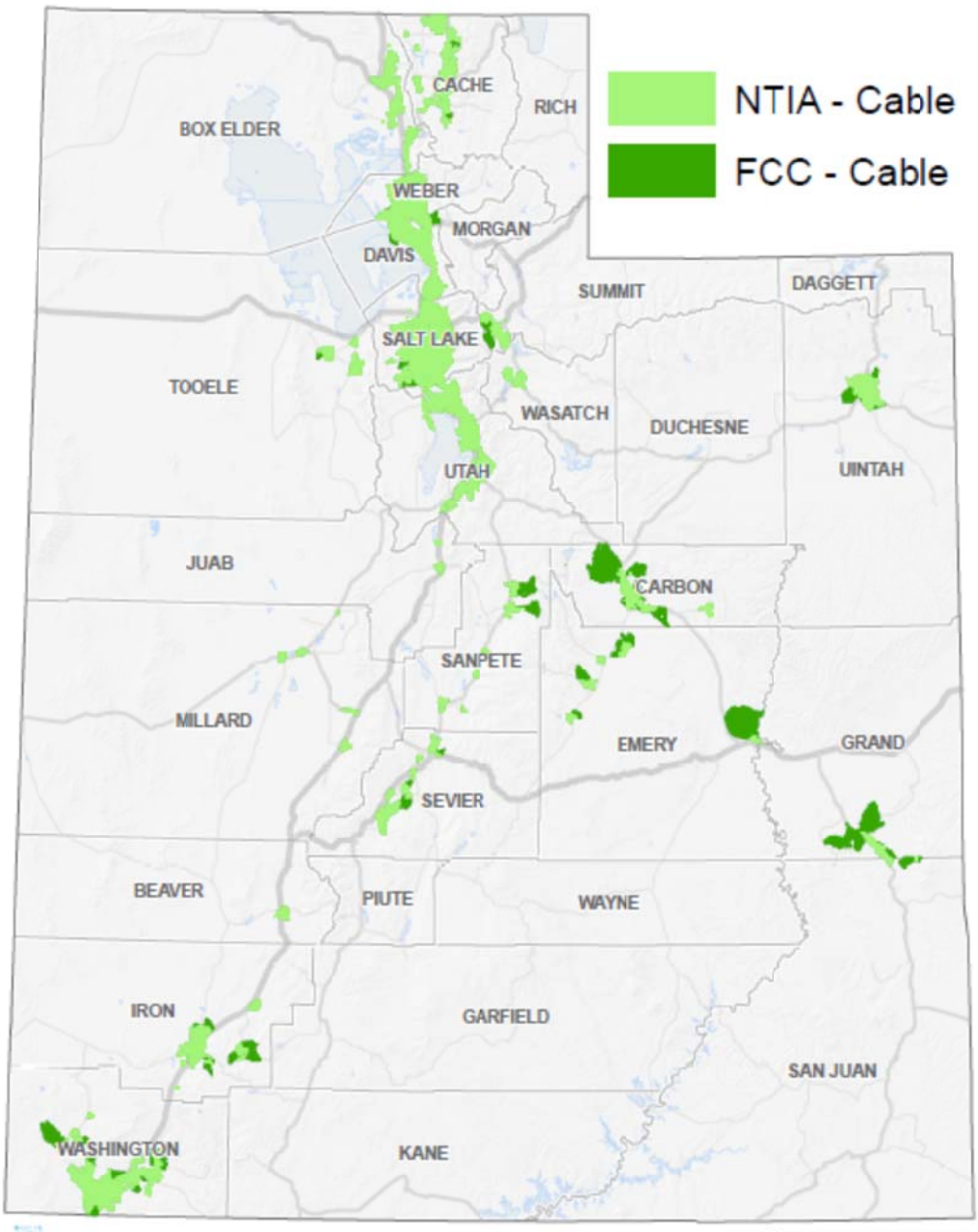
October 20, 2014

Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Cable



Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Fixed Wireless