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

In the Matter of	)	
	)	
The Commission's Consultative Role in	)	GN Docket No. 09-40
the Broadband Provisions of the American	)	
Recovery and Reinvestment Act of 2009	)	

COMMENTS OF THE CITY OF BOSTON

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The City of Boston is pleased to submit the following answers to the questions 2 and 3 posed by the FCC. Our answers incorporate the information provided separately to the NTIA on these same topics.

City of Boston Responses to FCC Questions 2 and 3

Q2. Definition of UNDERSERVED

For purposes of BTOP, NTIA in consultation with the FCC, should define an UNDERSERVED AREA to include urban or other areas where the population demographics support a strong inference that commercial broadband offerings are unaffordable by significant segments of the targeted population. It is essential for NTIA to acknowledge this issue of affordability of broadband in areas such as most American cities where usually there is more than one commercial broadband provider. This affordability issue should be viewed in tandem with the need of these populations for broadband access. This is essential to enable American cities to qualify for stimulus funds to improve wireless (or wireline) broadband in their cities. The funds provide an opportunity for cities to improve public safety by providing police, fire and emergency medical vehicles with timely access to critical information. Funds will also prioritize the access needs of city neighborhoods and housing developments left behind in today's information society. Cities must improve this access and provide inner city residents with free or low cost broadband access at home, in addition to libraries and other community anchor organizations. Indicia of unaffordable should include: % of schoolchildren eligible for free or subsidized school lunches; median income of households in an area compared to the statewide median and national median; findings by state regulators or other credible, objective entities that affordability is a barrier to broadband access; analyses by credible media that populations do not have broadband because it is not affordable; reports from school officials, community anchor organization leaders or other credible, knowledgeable entities that the populations they are serving are without broadband due at least in part to commercial offerings not being affordable. NTIA should rely on common sense and objective assessments to judge why such populations do not have broadband. Funding municipal wireless broadband enhances the private investment by developing the understanding and valuation of broadband by a population which is currently unable to avail itself of that commercial service because they cannot afford to do so.

Unless NTIA intends to exclude most American cities from eligibility for BTOPs broadband infrastructure funding, it is essential that the concept of "underserved" be properly defined to include the concept of "unaffordable."

For urban America, when it comes to broadband, it is not typically an "access" issue, it is an affordability issue.

The FCC and NTIA need to expressly acknowledge this well-documented urban reality: many citizens in urban areas simply cannot afford the commercial broadband offerings that are available in their neighborhoods. The mere presence of broadband is meaningless if the local population cannot afford to purchase the connection. Addressing the urban digital divide needs to be front and center for NTIA and is a threshold issue in defining UNDERSERVED.

Business Week Reporter Arik Hesseldahl has offered excellent documentation of the fact that many urban residents have no broadband service because they simply cannot afford the broadband products of the incumbent DSL and cable modem providers. He concludes that "... to make good on a pledge to prioritize high-speed Internet access, President-elect Obama must address inner cities, where many go without a connection." Business Week, 12/31/08: "Bringing Broadband to the Urban Poor." http://www.businessweek.com/print/technology/content/dec2008/tc20081230_015542.htm

Sharon Gillett is a nationally recognized broadband expert who has studied this affordability issue. Ms Gillett serves as Commissioner of the MA Department of Telecommunications and Cable and also served on Boston Mayor Tom Menino's 2006 Wireless Broadband Task Force. In August, 2007, Ms Gillett gave eloquent testimony as to why large segments of Boston's citizenry are without broadband service at home:

"We learned in the Boston process that 80% of Boston public school children had no broadband in their homes. It's not an access issue; it's an affordability issue. That's a huge number – way too big. The intent [with the Boston municipal wireless initiative] is to see what happens when you try and make this much more accessible, price-wise, to lower income communities." Boston Globe, August 12, 2007) http://www.boston.com/business/globe/articles/2007/08/12/the_push_is_on_to_bring_broadband_to_whole_state/.

In July, 2006, Mayor Menino's Broadband Task Force Report concluded that less than 40% of Bostonians had broadband access at home. Over 60% had no internet access or dial-up only. (Task Force Co Chairs: James Cash, Retired Professor, Harvard Business School; Richard Burnes, Founder of Charles River Associates, a venture capital firm; Joyce Plotkin, President of the Massachusetts Technology Leadership Council.)

It is essential that "underserved" not be narrowly defined to defeat urban eligibility. Inner city residents need to have broadband access at home, in addition to libraries and other community anchor organizations. NTIA needs

to thoughtfully examine urban applications for broadband infrastructure stimulus funding and apply reasonable standards and common sense to evaluating assertions that commercial offerings are not reasonably affordable by significant portions of urban residents.

Q3. Definition of Broadband

(1) Should the BTOP establish threshold transmission speeds for purposes of analyzing whether an area is "unserved" or "underserved" and prioritizing grant awards? Should thresholds be rigid or flexible?

BTOP should not establish threshold transmission speeds for purposes of analyzing whether an area is "underserved." For example, it may be true in most American cities that commercial providers offer broadband products that range in speeds from 1mbps to 10 or even 15mbps. It is certainly true that many citizens in those cities cannot afford those commercial offerings and hence are completely unserved which should qualify their cities as "underserved areas." See ANSWER TO Q 2. To the extent that a municipal applicant proposes to deliver a free or low-cost broadband service to its populace in the low range of speeds commercially available, that service should be highly valued by NTIA since it will vastly increase broadband penetration and affordable access. Free or very inexpensive access to broadband to inner-city residents ideally will go hand in glove with intelligently designed programs to teach the value of broadband access if digital inclusion is to be achieved. Applications that combine both cost effective urban broadband deployment and technology training/computer supply should be highly valued.

(2) Should the BTOP establish different threshold speeds for different technology platforms?

Yes. This is essential. It is not realistic to believe that wired and wireless platforms will offer the same speed. For instance to establish a speed worthy of federal support for a wireline service, NTIA would have to establish a speed that is not realistic for a wireless platform. Additionally, NTIA should consider whether the applicant is using licensed or unlicensed spectrum, the price at which the service will be offered and the needs of the targeted population: for example, wireless community broadband at 1-3mbps download to an inner city community not currently able to afford commercial offerings is a highly valuable service even though the speeds do not rival the available commercial offerings.

BTOP should not establish rigid threshold speeds for different technology thresholds. But BTOP should acknowledge that municipal

wireless deployments will have speeds well below fiber optic networks. Although these community wireless proposals may offer slower speeds, if they do so free of charge or affordably, these networks will be meeting a huge unfilled need for many urban households and should be highly valued.

(3) What should any such threshold speed(s) be, and how should they be measured and evaluated (e.g., advertised speed, average speed, typical speed, maximum speed)?

Ideal threshold speeds for wireless broadband using unlicensed spectrum should be in the 1 - 3mbps download range.

(4) Should the threshold speeds be symmetrical or asymmetrical?

Threshold speeds need not be symmetrical, depending on the applicant, the cost of the deployment and the need that is being addressed. For example, if digital inclusion is the goal and if the targeted population is urban residents who cannot afford commercial offerings, a 3mbps download speed, available to them at home free of charge or at very low cost will be a huge advance over dial-up and hence should be highly valued by NTIA.