

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

<i>In the Matter(s) of</i>)	
)	
<i>International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act</i>)	GN Docket No. 09-47
)	
<i>A National Broadband Plan for Our Future</i>)	GN Docket No. 09-51
)	
<i>Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act.</i>)	GN Docket No. 09-137 [DA 09-2167]
)	

**NPB PUBLIC NOTICE # 10 - "BROADBAND CLEARINGHOUSE"
COMMENTS OF THE STATE MEMBERS OF
THE FEDERAL-STATE JOINT CONFERENCE ON ADVANCED
TELECOMMUNICATIONS SERVICES**

In response to the Federal Communications Commission's ("FCC" or "Commission") October 2, 2009 Notice,¹ the State Members of the ("State Members") Federal-State Joint Conference on Advanced Telecommunications Services ("706 Joint Conference")² respectfully submit the following brief comments:

¹ See, *Comment Sought on Broadband Clearinghouse*, NBP Public Notice #10, DA 09-2167 (rel. October 2, 2009), available at: <http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-2167A1.pdf>.

² The Joint Conference was formed in 1999 by former Chairman William Kennard. According to the FCC's website ". . . the Joint Conference pursues its mission to fulfill the promise of Section 706 of the Telecommunications Act of 1996. The Joint Conference shares ideas, gathers real-life stories from across the country, and assists the FCC in its reports to Congress on the deployment of advanced telecommunications services. The Joint Conference is comprised of commissioners from state public utilities commissions and from the Federal Communications Commission." See generally <http://www.fcc.gov/jointconference/>.

The October 2, 2009 notice seeks targeted comment “on the notion of a broadband clearinghouse.” The State Members welcome this opportunity to provide feedback to the Federal Communications Commission (FCC) regarding this crucial topic. As the efforts detailed below make clear, the State members strongly agree a broadband clearinghouse is an excellent idea and respectfully suggest the FCC formally endorse the ongoing project initiated by the State members of the Joint Conference.

The Joint Conference was convened in part to perform this clearinghouse function.

This is not the first time the FCC has considered establishing or facilitating the collection of data on “best practices” to assist deployment efforts. The last Chairman of the FCC during President Clinton’s term, William Kennard, had similar insights and created a Joint Conference with this precise focus. According to the FCC’s October 8, 1999 unanimous Order³ convening the Joint Conference:

The activities of the Joint Conference will include monitoring the ongoing deployment of advanced services throughout the nation to determine where and what advanced services are being deployed and to identify a set of “Best Practices” that promote rapid deployment.

The FCC recently again recommended the Joint Conference perform this function.

Nor was Chairman Kennard alone in recognizing the logic and expediency of this approach. More recently, Acting Chairman Michael Copps, in a May 2009 report on rural broadband strategy, pointed out that the FCC “. . . should take advantage of existing coordination

³ See *In the Matter of a Federal-State Joint Conference on Advanced Telecommunications Services*, CC Docket No. 99-294, Order, 14 FCC Rcd 17622, at ¶ 11 (1999), available online on the FCC’s website at: <http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-99-293A1.pdf>.

mechanisms, such as the Federal-State Joint Conference on Advanced Telecommunications Services.”⁴ Specifically, in this report to Congress, he recommends:

The Joint Conference should . . . [c]ompile an inventory of successful state and local projects and “best practices.” Id.

The Joint Conference expended significant resources to create a clearinghouse website.

Recognizing both that: (1) the full Joint Conference would not be operational until some time after Chairman Genachowski and newly appointed Commission colleagues were nominated and confirmed, and (2) that the effort could provide useful information for the FCC in its efforts to create a National Broadband Plan (NBP), the State Members of the 706 Joint Conference, acting on the recommendation of the State Chair, initiated an project to create an interactive “best practices” webpage. D.C. Public Service Commission Chairman Betty Ann Kane headed up the effort. State members registered a web address and worked with experts to create a searchable, interactive portal. One key objective is to consolidate the information contained in several useful but incomplete sites and their associated listings.

Ironically, the day the FCC released this Notice is the same day Chairman Kane, at an FCC NBP field hearing, announced the activation of the website. At the same time, the State Members began to actively solicit the assistance all of the National Association of Regulatory

⁴ See *Bringing Broadband to Rural America - Report on a Rural Broadband Strategy*, Michael J. Copps, Acting Chairman, Federal Communications Commission (rel. May 22, 2009) at pages 5-6, available online at <http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-99-293A1.pdf>. Indeed, the State Members filed April 24, 2009 comments in the docket that lead to this report, pointing out: “[T]he State members . . . have already begun the process of developing a best practices compilation or inventory of programs and initiatives in order to make available relevant information for industry, consumers and fellow government entities.” See, *State Member Comments in the Matter of Report on Rural Broadband Strategy*, GN Docket Number 09-29 (filed April 24, 2009), at page 4, available online at: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520214919.

Utility Commissioners (NARUC) members, and the members of numerous other State and local government, public interest and industry associations, to populate the data fields.

The website, www.BroadbandBestPractices.org, can and likely will evolve over time. It is currently being maintained by the National Regulatory Research Institute (NRRI), an independent research agency specializing in utility and regulatory practices. At the request of the State Members, the NARUC provided the NRRI a one-time financial grant to assist in the website's development.

State Members expect in a few months that www.BroadbandBestPractices.org will provide a useful and searchable reference guide to broadband expansion programs across the country.

The primary feature of the State Member's website is the creation of a National Inventory of Broadband Projects and Programs, including descriptions of Lessons Learned. The objective of the website design is for public and private broadband project managers and sponsors to voluntarily add details about their infrastructure projects and/or adoption programs to the national inventory. All descriptions of broadband projects/programs can be edited and updated by the original authors or other participants as the projects/programs are completed or expanded. The State Members believe the site can provide a valuable data resource to federal, state and local broadband policymakers and to public and private organizations interested in developing new or expanding existing broadband infrastructure projects or adoption programs.

The FCC should encourage participation on the Joint Conference Website.

The FCC should be complimented for its efforts to utilize the 706 Joint Conference members and structure as part of the NBP process. Both FCC Chairman Genachowski and Mr. Blair Levin, the coordinator for the NBP, have been gracious in assuring State Conference member input and presence at the NBP field hearings and in soliciting ideas on how to improve and critique the FCC's data collection efforts. The State members recognize and appreciate both those efforts and the complexity and breadth of the challenge facing the FCC's NBP team. With all the initiatives underway at the FCC, there have not been additional meetings recently to update the Commission on the status of this State member initiative and it is understandable that it did not appear in this notice. However, respectfully, after suggesting the Joint Conference take on this project, after many hours expended on its creation, after the website has been launched and after some have already or are in the process of actively inputting their State's broadband deployment projects, we believe that it would be inefficient for the FCC to consider another modality to launch a duplicative broadband clearinghouse effort.

Rather the FCC should immediately complete federal commissioner appointments to the Joint Conference and use the conference as the vehicle to suggest any useful changes that might be developed by the response to this notice. In any case, State members respectfully request that the FCC join NTIA in expeditiously approving the October 6, 2009 request by District of Columbia Public Service Commission Chairman Kane on behalf of the State Members to add a

hyperlink from relevant WebPages to www.BroadbandBestPractices.org to encourage further additions of broadband projects and programs.⁵

The FCC, through the Joint Conference, should provide some staff and/or funding assistance.

NRRI is currently providing administrative and maintenance services related to www.BroadbandBestPractices.org free of charge to the State Members of the Joint Conference. These services include: (1) reviewing and approving user-generated project and program descriptions; (2) reviewing and approving edits to user-generated content; (3) keeping up-to-date other unique site content, such as a list of broadband mapping vendors and the list of State-level mapping authorities; (4) providing IT infrastructure; and (5) responding to customer service issues. NRRI is likely to need additional staffing and/or funding assistance as the popularity of www.BroadbandBestPractices.org grows. How much support will be needed is directly related to the volume of future website traffic. As suggested earlier, the State members believe the FCC should use the full 706 Joint Conference to accomplish one of the primary tasks for which it was specifically created - to coordinate efforts to improve the best practices website as a vehicle to advance deployment initiatives. As part of that charge, the Joint Conference should also coordinate a regular assessment of the site and assure any needed additional staff and funding support is provided.

⁵ See, October 6, 2009 email from D.C. Public Service Commission Chairman Betty Ann Kane, on behalf of Commissioner Landis and the State Members of the Joint Conference, to Blair Levin, Coordinator, FCC's National Broadband Plan, asking the FCC to "assist in the promotion and use of www.BroadbandBestPractices.org by providing a cross-link button on the FCC's Broadband.gov website." NTIA has responded positively to a similar request. Note - a copy of the e-mail request to Mr. Levin is appended to these comments. State members request any waivers of the FCC's ex parte rules needed to file the e-mail in the record of this proceeding a week out-of-time.

Conclusion

For the forgoing reasons, State members respectfully request that the FCC endorse and support the State member initiative and immediately complete federal commissioner appointments to the Joint Conference and use the conference as the vehicle to suggest any useful changes that might be developed by the response to this notice.

Respectfully submitted,

State Members of the Joint Conference on Advanced Telecommunications Services

**The Honorable Larry S. Landis, State Chair,
Commissioner, Indiana Utility Regulatory Commission**

**The Honorable Rachelle Chong, Co-State Chair, Programs,
Commissioner, California Public Utilities Commission**

**The Honorable Randy Mitchell, Co-State Chair, Policy,
Commissioner, South Carolina Public Service Commission**

**The Honorable Betty Ann Kane,
Chairman, D.C. Public Service Commission**

**The Honorable Krista Tanner,
Commissioner, Iowa Utilities Board**

**The Honorable Vendean V. Vafiades,
Commissioner, Maine Public Utilities Commission**

**The Honorable Michael Moffet,
Commissioner, Kansas Corporation Commission**

APPENDIX A - October 6th E-mail from Chairman Kane to Mr. Levin for State Members

From: Kane, Betty Ann (PSC)
Sent: Tuesday, October 06, 2009 1:06 PM
To: blair.levin@fcc.gov
Cc: sharon.gillett@fcc.gov; randy.clarke@fcc.gov; llandis@urc.IN.gov; James Ramsay
Subject: Joint Conference's Broadband Website

Hello Blair:

Last Thursday, at the FCC's field hearing for the National Broadband Plan, on behalf of Commissioner Larry Landis, Chairman of the State Members of the Federal-State Joint Conference on Advanced Services (the 706 Joint Conference), I announced that we had activated a new website: www.BroadbandBestPractices.org. The development of the website took more than a year with financial support provided by NARUC and technical assistance from NRRI. The State Members of the Joint Conference issued a press release through NARUC on Friday that announced the website's launch, see: <http://www.naruc.org/News/default.cfm?pr=163>

The primary feature of the Joint Conference's website is the creation of a National Inventory of Broadband Projects and Programs, including descriptions of Lessons Learned. The Inventory currently displays a few projects/programs that were added by the Joint Conference State Members and by NRRI staff. Future Inventory listings will come from website visitors. The objective of the website design is for broadband project managers and sponsors to voluntarily add details about their infrastructure projects and/or adoption programs to the Inventory. Once a website visitor has completed the Inventory questionnaire for their project/program, the NRRI technical staff will complete a standard cursory review to ensure completeness of responses and to screen out obvious false claims before the project/program description is posted to the website's Inventory. All descriptions of projects/programs can be edited and updated by the original authors or other participants as the projects/programs are completed or expanded.

On Friday, October 2, the FCC issued a Public Notice that seeks Comment on a Broadband Clearinghouse (GN Docket Nos. 09-47, 09-51, 09-137) in order to provide "easy access to broadband best practices". While the State Members of the Joint Conference intend to submit Comments specifically in response to this Public Notice, on behalf of Commissioner Landis and the State Members of the Joint Conference, I request that the FCC assist in the promotion and use of www.BroadbandBestPractices.org by providing a cross-link button on the FCC's Broadband.gov website. The attachment provides a text design for the cross-link to the Joint Conference State Members' website.

If you or your staff has any questions regarding our request, please contact my Policy Advisor, Cary Hinton, on (202) 626-9186 or by email at chinton@psc.dc.gov.

Thank you.
Betty Ann Kane
Chairman
Public Service Commission of the District of Columbia