

Minority Media and Telecommunications Council

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January 4, 2010

Blair Levin, Esq.
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Federal Communications Commission
445 12th St. S.W.
Washington, D.C. 20554

RE: The Commission's National Broadband Plan Policy Framework
GN Dockets 09-47, 09-51 and 09-137

Dear Mr. Levin:

The Commission's National Broadband Plan Policy Framework, released December 16, 2009 ("Framework") is a step in the right direction toward developing a broadband policy that is reflective of those developed by the nations that lead the world in broadband penetration and adoption. However, we remain concerned, not with the overall vision of the Framework, but with the non-inclusion of critical issues raised and the proposals advanced by civil rights organizations throughout several sets of comments, four staff workshops, and at the Charleston and Memphis field hearings.

The Framework contains no mention or discussion of minorities, the digital divide, minority business enterprises, disadvantaged business enterprises, or minority media.

As further explained in the attachment to this letter, the Framework contains the following structural deficiencies that are inconsistent with Congress' intent to achieve universal broadband access and adoption:

1. SDB and MBE Engagement. The Framework fails to mention market entry barriers affecting SDBs and MBEs. Further, the Framework fails to prioritize the use of Tribal-owned broadband providers in the development of Tribal lands.
2. Present Effects of Past Discrimination. The Framework fails to discuss how the National Broadband Plan will seek to bring broadband to communities—many of which lack basic electricity—where historical racial discrimination and credit redlining persist to this day.
3. The Unique Circumstances of Women. The Framework fails to address the unique circumstances of low-income women, many of whom are minorities seeking to re-enter the workforce.

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4. Tribal Lands. The Commission's efforts to address broadband in Tribal communities should be more robust. The plan should include a joint Federal/Tribal board to monitor the use of USF funds, a generously increased allocation of spectrum to Tribal lands, and a commitment to ongoing research and mapping of broadband in Tribal lands.
5. Hyper-Targeted Adoption Efforts. The National Broadband Plan should be hyper-targeted to specifically address the unique needs of local communities.
6. Education. The Framework does not address the desirability of using E-Rate funds for teacher development, digital literacy for non-adopting businesses and consumers, and home broadband adoption for students.
7. Specific Voting Reforms. The Framework does not address the specific reforms raised by civil rights organizations to improve voter registration, privacy, and online voting in areas predominantly comprised of minority and low-income constituents.

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We respectfully request that you incorporate these issues in the National Broadband Plan. If you'd like, our team is available for meetings with you and your staff.

Sincerely,



David Honig
President and Executive Director

Attachment: List of Framework Deficiencies

Appendix

National Broadband Plan Framework Deficiencies

Network

- Within unserved and underserved communities, the highest priority should be building infrastructure and providing affordable service to low income communities where racial discrimination in the form of credit redlining has lingered persistently across many generations.¹

Applications and Content

- To accommodate access to online job training programs for women, the Commission should recommend that online job training programs provide laptop computers to women who do not have access to broadband at home.²

Tribal Lands

- The Commission should mandate representation for Tribal entities on the Federal State Joint Board on Universal Service to ensure that Tribal interests are fully represented during any consideration of shifting the scope of the USF to broadband.³
- The Commission should increase access to spectrum and remove barriers to use of spectrum by Tribal entities.⁴
- The Commission should adopt a Tribal priority for spectrum and revise the Tribal lands bidding credit.⁵

¹ See Initial Comments of the Broadband Diversity Supporters, In the Matter of A National Broadband Plan for Our Future, GN Docket 09-51 (June 8, 2009) (“BDS National Broadband Comments”) at 32.

² See Comments of the National Coalition on Black Civic Participation-Black Women's Roundtable In Response to NBP Public Notice #18, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 4, 2009) at 3.

³ See Reply Comments of United Keetoowah Band of Cherokee Indians on NBP Public Notice #5, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 9, 2009) at 3.

⁴ See Joint Reply Comments of Native Public Media and the National Congress of American Indians in Response to NBP #5, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 9, 2009) at 10.

⁵ See id.

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- The Commission should resolve the white spaces barrier to entry in international exclusion zones.⁶
- The Commission should encourage and fund additional research, data collection, and analysis of broadband deployment in Indian Country.⁷
- The Commission should require certification of Tribal entities for broadband mapping on Tribal lands.⁸
- Tribal-owned service providers should be the “carriers of first resort” for deploying broadband service.⁹

Adoption and Use

- The Commission should promote broadband adoption by using the media outlets, particularly minority media, that are most likely to reach unserved and underserved communities.¹⁰
- The Broadband Clearinghouse should be a repository of innovation from a variety of sources and the Commission should avoid onerous rules that stifle its very purpose.¹¹
- The Broadband Clearinghouse should be a collaborative endeavor of all stakeholders designed to optimize consumers' best interests.¹²

⁶ See id.

⁷ See id.

⁸ See Reply Comments of the League of United Latin American Citizens, Minority Media and Telecommunications Council and the Rainbow PUSH Coalition in Response to NBP Public Notice #5, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 10, 2009) at 4.

⁹ See id. at 7.

¹⁰ See Comments of the Asian American Justice Center, League of United Latin American Citizens, Minority Media and Telecommunications Council, National Association for the Advancement of Colored People, National Urban League, and One Economy Corp., In Response to NBP Public Notice #16, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 2, 2009) at 9.

¹¹ Comments of the Joint Center for Political and Economic Studies in Response to NBP Public Notice #10, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Nov. 16, 2009) at 5.

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- The Broadband Clearinghouse should promote broadband adoption by implementing social media best practices but should also use traditional media to include perspectives of non-adopters.¹³
- The Commission should use the opportunity presented by the Broadband Clearinghouse to obtain needed information on unserved and underserved communities.¹⁴

Education

- The Commission should update E-Rate to improve teacher training and professional development and offset the cost of computers and home broadband.¹⁵
- The Commission should ensure that SDBs and MBEs have access to affordable broadband options and digital literacy training.¹⁶
- The Commission should consider restructuring universal service programs with voucher programs similar to those proposed and developed during the DTV conversion process.¹⁷
- The Commission should allow schools to leverage broadband networks, via E-rate, to bring broadband into the homes of their neighborhoods.¹⁸

¹² See id. at 6.

¹³ See id. at 9.

¹⁴ See id. at 9.

¹⁵ See BDS National Broadband Comments at 24.

¹⁶ Comments of the Asian American Justice Center, Minority Media and Telecommunications Council, National Urban League and Rainbow PUSH Coalition in Response to the NBP Public Notice #18, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 4, 2009) at 3.

¹⁷ See Comments of the Asian American Justice Center, National Council of La Raza and Rainbow PUSH Coalition in Response to NBP Public Notice #19, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 7, 2009) at 7.

¹⁸ See id. at 26.

Economic Opportunity

- The National Broadband Plan should seek to remove market entry barriers that impede SDBs and MBEs from fully participating in the broadband economy. Removing these barriers will foster greater competition and support the important federal and state policy goals enunciated in the Notice.¹⁹
- Advances in technology and spectrum management require that the Commission revisit its rules and policies to ensure that they do not hinder growth or market entry for small, minority and women owned companies.²⁰
- The Commission should implement a caseworker system to improve SDB/MBE engagement for the purpose of increasing the use of existing initiatives and reducing overlap and waste.²¹
- The Commission should rely on MBEs, SDBs, and nonprofit organizations to execute the national broadband plan elements.²²
- Government agencies should not penalize SDBs and MBEs by imposing excessive years-in-business, bonding, large project experience requirements, or by “bundling” programs without a compelling need to do so.²³
- The Commission should ensure that the national broadband plan moves forward in closing the digital divide. Traditional market forces are not sufficient to resolve the digital divide. MBEs and SDBs have the incentives, though not the capital, to serve untapped minority and low-income markets, and have expertise in producing culturally-specific service options and content.²⁴
- The national broadband plan should measure:
 - Participation by qualified socially and economically disadvantaged small business concerns as provided by Section 6001(h)(3) of the Recovery Act; and

¹⁹ See id. at 18.

²⁰ See id.

²¹ See id. at 22.

²² See id. at 26.

²³ See id. at 30.

²⁴ See id. at 31.

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- Success in attaining the statutory objectives of (a) increasing the affordability and subscribers to broadband in the area addressed, (b) providing the fastest broadband speed possible to subscribers, and (c) enhancing health care delivery and education as provided by Section 6001(h)(2) of the Recovery Act.²⁵
- The Commission should incorporate the following recommendations, found in MMTC’s Rural Broadband Comments, as components of the national broadband plan:
 - Deploy broadband services to communities not situated along major highways;
 - The Commission should work with USDA to provide those rural communities historically victimized by race-based redlining with top priority and special funding for broadband access and adoption; and
 - The plan should designate funds to equip residences with adequate electrical outlets and wiring that are needed to use broadband services safely.²⁶
- The Commission’s employment and procurement practices for national broadband plan efforts should reflect the ethnic, racial and gender makeup of unserved and underserved individuals to foster trust in those communities, provide the agency with a range of diverse viewpoints to draw from, and reduce the incidence of unconscious bias in grant review and funding allocation.²⁷
- The Commission should use specific tactics that incentivize SDB utilization in the broadband construction process.²⁸
- The Commission should adopt an MOU framework as part of its mandate to encourage diversity in the media and telecommunications industries.

²⁵ See id. at 32.

²⁶ See id. at 37-38.

²⁷ See id. at 43.

²⁸ Reply Comments of the Minority Media and Telecommunications Council in Response to NBP #9, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (Nov. 17, 2009) at 5.

Civic Engagement

- The Commission should make the voting process less reliant on paper forms.²⁹
- The Commission should ensure that security is enhanced during voter registration.³⁰
- The National Broadband plan should incorporate provisions to ensure that existing voters have a secure and reliable way to update their registrations online.³¹

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²⁹ See Comments of the Lawyers’ Committee for Civil Rights Under Law in Response to NBP Public Notice #20, In the Matters of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act et al., GN Docket Nos. 09-47, 09-51, 09-137 (December 10, 2009) at 2.

³⁰ See id. at 3.

³¹ See id. at 5.