

focused organization matches HITN's unique ability to reach our nation's growing Hispanic population through a multimedia combination of television, the Internet, and community based initiatives. Since 1996, HITN has deployed distance education programs to schools and libraries in Puerto Rico and has provided training on the use of telecommunications for educational purposes.

HITN is also the largest holder of Educational Broadband Service ("EBS") spectrum in the United States, with spectrum in more than 90 markets covering over 100 million people in the U.S. and Puerto Rico. Through a partnership with Clearwire Corporation, HITN has begun providing WiMAX 4G wireless services to educational institutions and non-profits nationwide using this spectrum. HITN is poised to grow the Hispanic broadband population through a combination of media platforms, partnerships, English and Spanish language content to serve the Hispanic community.

HITN's unique and close relationship with Hispanic organizations such as the Congressional Hispanic Caucus Foundation, National Hispanic Caucus of State Legislators, National Council of La Raza, ASPIRA, U.S. Hispanic Chamber of Commerce, LISTA, LULAC, NALEO, and other major Latino organizations provides a strong audience base from the membership of these organizations and an opportunity for Hispanics and non-Hispanics alike to understand what is happening within the vibrant and growing Hispanic community. Indeed, these relationships allow HITN to produce programming originating from the conventions, events, and meetings of Latino organizations as well as showcase those proceedings on www.hitnonline.tv.

HITN supports the establishment of universal service mobility fund and agrees with other commenter's that the Commission has the legal authority to establish such a support mechanism in accordance with Sec. 254 of the Communications Act. HITN disagrees with the National Association of State Utility Consumer Advocates that establishing a mobility fund universal service support mechanism does not meet the criteria set forth under Section 254(c) of the Communications Act. HITN believes that a majority of Americans do indeed have access to mobile broadband services and we in fact argue that the Commission is obligated to ensure that all Americans, including those residing in insular and territorial areas, have access to mobile broadband services. Further, Sec. 254(c) (1) requires the universal service support should evolve with technology development. Thus, the Commission does have the legal authority to establish a new support mechanism that would ensure that all Americans, in all regions of our nation, have access to mobile broadband services.

HITN supports the position advocated by Verizon that universal service support should be "technologically neutral," i.e., the rules should not advantage or disadvantage one provider over another.¹ If a Mobility Fund is established, the Commission should ensure that new entrants have a fair and reasonable opportunity to participate in the program.

HITN shares the concern of many commenter's that question the accuracy of the American Roamer data as a standard to determine eligibility for the mobility fund support mechanism. This data is not reliable and it is very possible that data determined through empirical demonstration will contradict this carrier-reported data. Thus, the Commission should

¹ Comments of Verizon, WT Docket No. 10-208, Universal Service Mobility Fund, page 11.

establish a means to determine eligibility that allows applicants to submit data to demonstrate insufficient coverage of 3G service and therefore qualify for the mobility fund.

AT&T suggested that the Commission “scrap its proposal to require applicants for Mobility Fund support to obtain generic ETC status for the areas they propose to serve before they may apply for funding.”² HITN supports the proposal from AT&T and Sprint³ that the Commission should create a new Mobility Fund ETC Designation that would be granted by the Commission. Further, HITN supports tailoring the obligations of the Mobility Fund ETC recipient to the mobility requirements as opposed to the non-mobility fund ETC providers in the area.⁴

However, HITN is concerned about the suggestion from AT&T that applications for Mobility Fund support be subject to challenge from incumbent carriers. While incumbents should not be denied the right to challenge a finding that an area is unserved, the Commission should require empirical data to support any challenges. Advertised coverage should not be accepted as sufficient to challenge a question of coverage. Any challenge should be subjected to a high standard and provide empirical data on actual coverage and data speeds available to consumers in the area in question to be accepted by the Commission for consideration.

Finally, the Commission should prioritize eligibility for Mobility Fund support to areas with the greatest need, such as many areas in Puerto Rico. HITN currently provides fixed broadband service in Puerto Rico using satellite technology. Universal service support available

² Comments of AT&T, WT Docket No. 10-208, Universal Service Mobility Fund, page 6.

³ Comments of Sprint, WT Docket No. 10-208, Universal Service Mobility Fund, page 5.

⁴ Comments of AT&T, WT Docket No. 10-208, Universal Service Mobility Fund, page 7.

from the proposed Mobility Fund could help territories such as Puerto Rico access mobile broadband communications and HITN is in a position to provide such service if universal service support is available. Wireless mobile technologies have proven to be more resilient than fixed wire technology and this would be particularly important in a territory such Puerto Rico given its continual exposure to hurricanes.

With respect to Universal Service' Schools and Libraries program, in 1996 HITN became the first internet satellite provider in all of Puerto Rico to provide multiple media interactive services to rural and hard to reach schools and libraries.

II. CONCLUSION

HITN supports the establishment of a Universal Service Mobility Fund and believes that the Commission has the legal authority to establish such a support mechanism. Such as support mechanism should be established in a technology neutral manner and allow new entrants a fair and reasonable opportunity to participate in the Mobility Fund. Eligibility criteria, including the data used to determine eligibility and ETC requirements should be structured in a way that facilitates broad participation and competition from multiple operators. Finally, given the limited amount of support proposed, the Mobility Fund should be prioritized to provide support to areas that have the greatest need, such as US territories like Puerto Rico and remote rural high cost areas.

Respectfully submitted,
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