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September 4, 2014

Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Inquiry Concerning the Deployment of	)	
Advanced Telecommunications Capability	)	GN Docket no. 14-126
to All Americans in a Reasonable and	)	
Timely Fashion, and Possible Steps to	)	
Accelerate Such Deployment Pursuant to	)	
Section 706, as Amended by the Broadband	)	
Data Improvement Act	)	

Comments of Rural Broadband Company, Inc.,
pursuant to the TENTH BROADBAND PROGRESS NOTICE OF INQUIRY

To: Honorable Thomas E. Wheeler, Chairman
Federal Communications Commission
via electronic filing to: http://fjallfoss.fcc.gov/ecfs2/

From: Tony Ramos, President, Rural Broadband Company, Inc.

With contributions from :

Rex R. Helwig, Computer Manager, Finger Lakes Library System
Steven J. Bachman, Executive Director, Four County Library System
Harriet (Hattie) W. Grifo, Director, Cragsmoor Free Library
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Rick Ench, Independant Consultant on Issues of Native American Policy
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Mark Bayliss, FCC Consultant
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I.

INTRODUCTION

Rural Broadband Company, Inc. (RBC), is an independent company that provides professional services relative to funding for the expansion of the most modern, high quality and capacity voice/data/graphics/video communications carrier-neutral infrastructure in rural America.

Our services include project origination, organization, development, funding and fulfillment, and include seeking funding from JOBS Act securities offerings recently approved by the Securities and Exchange Commission, as well as from grants, rural loan programs, State-level Executive and Legislative funding programs, and other sources, where available.

As a part of our company mission, we seek to add infrastructure, signal and components to rural community anchor institutions that serve vulnerable populations, including Tribal lands. As a part of our library program, we seek to lend out tablets, like lending out a book, through our Lend-A-Gadget program.

The Chairman has invited Comment on GN Docket No. 14-126 on the topic of “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”[1]

The Notice sets forth eleven essential topics of inquiry, and makes further expansion of its request within those topic areas. With such an expansive breadth, the Notice provides ample opportunity for RBC to address those topics and issues that most impact its core function of seeking funding solutions for the expansion of carrier-neutral rural broadband infrastructure. Such a discussion allows for a sharp focus on infrastructure, while leaving for other commentators a discussion of issues of benchmark speeds, among other things.

When considering that the Notice provides dramatic statistical differences among broadband adoption between urban/suburban vs. rural America, we say that the Notice begs the question as to whether such rural areas should be, and can be treated differently for purposes of infrastructure. Rural America is already being treated differently, in a negative manner. Thus, we make the case for a divergence in two core areas. Such a divergence can provide the best and most practical manner in which to close the longstanding and seemingly intractable gap between urban/suburban vs. rural for the most modern, high quality and capacity voice/data/graphics/video communications carrier-neutral infrastructure in America. These are:

I. by in fact, decoupling urban/suburban from rural infrastructure until parity is achieved, and;

[1] *TENTH BROADBAND PROGRESS NOTICE OF INQUIRY, FCC 14-113, p.2.*

2. by diverging policy and laws so that issues of infrastructure travel along their own path, while issues of broadband benchmark speeds and Internet technology travel along their own paths.

We seek this divergence because, among other reasons, there appears to be no benefit in a discussion of broadband benchmarks in areas where there is no infrastructure to carry any such broadband signal.

Such divergence can provide the complement to the removal of barriers to deployment of a modern, high quality and capacity voice/data/graphics/video communications carrier-neutral infrastructure.

II.

COMMENT SUBJECT AREAS

A.

COMMENT ON SECTION D.: 'What Actions Can Accelerate Deployment?'

In order to promote infrastructure build, the Notice states that the Commission "must 'take immediate action to accelerate deployment of such capacity by removing barriers to infrastructure investment and by promoting competition in the telecommunications market."[2]

We say that ALL Americans, as a numerical matter of fact, must have the most modern, high quality and capacity voice/data/graphics/video communications carrier-neutral infrastructure available to them.

The creation of robust capital markets, providing for tax incentives, and for public/private partnerships are tools that must be brought to bear in order to make infrastructure available to ALL Americans. At the same time, although ultimately insufficient, grant

[2] *Supra.* at p. 24.

opportunities at both the State and Federal levels can play a continuing role, as can the self-funded and incremental expansion by broadband providers.

In all cases, however, every effort must be made to achieve funding so as to provide enough incentives for broadband providers to be able to come onto such infrastructure. Such incentives will encourage such providers to sell their services at a price that is more affordable to the consumer.

Among the technologies that should have been included in Section B. is FCC-created white space technology availability.[3]

B.

COMMENT ON SECTION C.: "All Americans."

1.

Broadband Deployment

Whereas the Notice can identify the current results and extent of deployment, as indicated, we say that the inquiry essentially is one of whether its methodology of measurement is accurate and practicable, and also, of what actual deployment currently exists?

We say that a continuing reliance on one speed level vs. another is not an answer to the deployment issue for rural America. Such speed levels become irrelevant in a rural area setting because, in fact, our experience has been that the dilution of signal, the oversubscription rate, largely accounts for whether an area can be designated as having a 'footprint' or as being 'served, 'underserved,' or 'unserved.'

Such dilution, and the inventive techniques of the resellers, while providing a short term solution, has not resulted, in our experience, in the actual expansion of infrastructure of any kind.

[3] FCC 12-36, Docket No. 02-380 and FCC DA 13-324, Docket No. 04-186

Some clear examples of ‘no broadband’ can easily be obtained through the FCC’s own broadband mapping tool, the mapping tool of the United States Department of Agriculture, and of most of the mapping tools of the States[4]

Thus, when considering that the FCC has already implemented, after a great effort since the year, 2009, with stimulus funding, such mapping tools, it must now shift to a practice of having all users utilize such tools. The result for accuracy and transparency will greatly accelerate the identification of unserved areas. As other layers are added onto the maps, they will also be instrumental in showing what are actual underserved areas.

2.

In a reasonable and timely manner

When considering the statutory language in law, made applicable by regulations, issues of what is ‘reasonable’ or ‘timely’ should now give way to an interpretation of those terms that involves a deliberate and identifiable timeline. Anyone’s attempt to define those terms can be as varied as what any jury would be asked to consider on any given day on any given case. Such a case- by- case approach to such a national issue only further delays the ultimate deployment of infrastructure.

Thus, ‘reasonable’ is often interpreted as, ‘we’re doing the best that we can.’ ‘Timeliness’ is often interpreted as ‘we can’t go any faster.’ Such tactics are not a strategy for achieving parity.

Further, such underwhelming interpretations have caused great harm in the deployment of rural infrastructure. In a world to where the Commission may, as it indicates, be seeking alternative ways for funding of such infrastructure, we say that there is an extreme unlikelihood that any attempts at private investment will succeed in the absence of some determination by government on a national level.

[4] The mapping tools of New York and of Arizona were recently utilized by RBC as a part of its grant preparations for the USDA Community Connect grants.

C.

FURTHER COMMENT ON SECTION C.: "Price, Quality and Adoption."

We say that, whereas price does remain a big issue, the resellers do work hard to cut into that issue, and, to some extent, do succeed. Such a pricing scenario, we have found, is at the expense, however, of quality and adoption. With resellers, and even the incumbent providers selling at an oversubscription rate with low margins, the opportunity of infrastructure expansion falls to almost zero.

Thus, the FCC must mandate an expansion for rural America of infrastructure, irrespective of the type, but to include white space, to where such new build, and renovation of old build, must be of a level of technology that is capable of a future expansion rate for speeds that can be dictated by the market rate.

In the E-Rate discussions, for example, this issue of price/quality/adoption clearly shows infrastructure limits that continue to plague rural America. Some rural libraries, for example, can be made to function at a rate of 1000 mbps, a figure that has been acknowledged by the FCC.[5]

For many libraries, however, there is no known or available infrastructure that could come close to accommodating such speeds.[6]

Thus, in terms of a divergent path from lumping in signal with infrastructure, the FCC must take an approach that considers every effort to expand a large capacity, carrier-neutral infrastructure, and also to provide incentives to replace what is clearly under-capacity existing infrastructure, and it must do so now.

D.

COMMENT ON SECTION B.: "How Should Broadband Deployment be Measured?"

The Notice seeks comment on the various types of infrastructure, but only in the context of largely provider-based data that cannot fully account for actual deployment.

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[5] *See,* Institute of Museum and Library Services, April 17, 2014, Hearing: Libraries and Broadband: Urgency and Impact, including comments of Chairman Wheeler, *and see* RBC Comments provided to IMLS for transmission and comment to the FCC after the hearing.

[6] e.g., William B. Ogden Free Library, Delaware County, New York.

Further, the Notice indicates that the FCC intends "to continue relying on SBI Data to provide fixed deployment estimates in the next report…"[7]

In addition to such data sources, and until a more uniform system can be devised, the FCC must rely, in addition to SBI maps, on its National Broadband Map,[8] and also on the USDA's mapping tool.[9]

With such high technology tools now available, the FCC must focus on the constant review of the transparency of the data, and must develop safeguards to prevent the submission of data for areas where there is an alleged 'footprint' by a provider, or outright assumptions that areas are covered. Such, 'staking of a claim' benefits no rural community, and thus, a system of actually and physically checking the infrastructure must also be instituted as a further safeguard.

Such a new high technology mapping program as just discussed is particularly important to the FCC in determining what is actually currently usable infrastructure, as opposed to what is actually there, but not really usable. An old copper infrastructure with an extremely limited dial up era capacity as an add- on to a phone line is not a broadband infrastructure.

We say that rural America is entitled to the most modern, high quality and capacity infrastructure, and we make our views known to the Members of Congress at every opportunity.[10]

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[7] *TENTH BROADBAND PROGRESS NOTICE OF INQUIRY, FCC 14-113, p.17. (Note: SBI Data is described as 'State Broadband Initiative' data, as collected by the state broadband program offices pursuant to authorization and funding from the stimulus program.*

[8] "The National Broadband Map is a tool to search, analyze and map broadband availability across the United States.Created and maintained by the NTIA, in collaboration with the FCC, and in partnership with 50 states, five territories, and the District of Columbia." www.broadbandmap.gov.

[9] At, http://broadbandsearch.sc.egov.usda.gov/

[10] *See,* letters of Congressman Gibson and Senator Gillibrand attached to these Comments.

E.

COMMENT ON LIBRARY INFRASTRUCTURE CAPACITY

The Notice seeks comment at different parts, concerning the role of, and advantages of libraries to communities.[11] In particular, the Notice posits the following request for comment: "Should we establish a speed benchmark for libraries?"[12]

We say that a speed benchmark is the wrong benchmark to adopt for libraries and other community anchor institutions that serve vulnerable populations. We say this for rural America because, in our experience, such would be harmful to the overall distribution of signal.

Rather, for libraries and other community anchor institutions that serve vulnerable populations, we say that an infrastructure capacity benchmark, up to 1000 mbps, can and must be adopted.

In point of fact, the library market would determine what speeds it needs and wants, subject to a host of considerations for each particular need. Some rural libraries, for example, could never achieve a demand for 1000 mbps, and would likely, therefore, E-Rate or not, not budget for it. Others need 5000 mbps at the present time.

With libraries, moreover, when considering that such are an integral part of the national broadband discussion, the case may be made that the collateral effects of mandating a minimum 1000 mbps capacity infrastructure for libraries would benefit any community. By bringing that capacity to a library, such is brought to the community as a whole, and thus, ready for expansion to the greater community.

Thus, discussions of E-Rate modernization, shown in footnote 88 of the Notice, are brought to bear only to the extent that there is any capacity for expanded signal through which E-Rate signal may flow.

As with our discussion throughout, the emphasis must be on a divergence towards the physical infrastructure, for without such, rural libraries and other community anchor institutions that serve vulnerable populations can never achieve needed speeds.

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[11] *TENTH BROADBAND PROGRESS NOTICE OF INQUIRY, FCC 14-113, pp. 13, and 19.*
[12] *Supra.* at p. 13.

F.

COMMENT ON TRIBAL LANDS INFRASTRUCTURE CAPACITY

The Notice, similarly, points to issues specific to Tribal Lands.[13] Specifically, the Notice asks: "What additional concrete steps should the Commission take to assess and improve the state of broadband on Tribal lands?"[14]

We say that, to the extent that Tribal Lands residents, consistent with the voting of Tribal Members through their respective governments, are no different than 'All Americans,' the infrastructure plan that we envision will include such lands as among any other surrounding lands.

In fact, by making Tribal Lands as a specialized category, in some senses segregating those lands from the surrounding community, market forces will likely continue to militate against a successful infrastructure solution.

In our experience, Tribal Lands that we have identified are, in fact, a part of a local community. Non-Tribal communities sit, as lessees, on Tribal Lands. Some Tribal Lands contain substantial revenue generating industry for both agriculture and tourism, among others.

Thus, by making unique that which is not unique, an expanded market for the broadband provider, and thus added revenue, and therefore, services, may be precluded.

Any rural infrastructure must come to bear equally on the entire rural area being built, because, among other things, that expands the market, expands competition, and therefore, expands service.

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[13] *Id.* at pp. 20,24 and 25.
[14] *Id.* at 25.

III.

CONCLUSION

The Board of Rural Broadband Company, Inc. thanks the Chairman for the opportunity of providing these Comments.

We say that the FCC must seek a divergence that will allow for the decoupling of signal from physical infrastructure in rural America.

We say that issues of infrastructure for rural America are different from those of urban/suburban, as shown by the FCC's own statistics, and that, therefore, a further divergence should occur until our great Nation reaches infrastructure parity.

Consumer demand for signal will vary with the interests of the consumer, but the access to the signal must be equally available to all Americans.

Terms such as 'reasonable' and 'timely' are as varied and subject to as many interpretations as that allowed by any jury in any courtroom on any given day. Such interpretations do not, and, more specifically, have not lead to the solving of the problem of infrastructure parity for rural America. The FCC must adopt more forward-looking language.

We say that libraries, Tribal Lands, and other community anchor institutions that serve vulnerable populations all must have access to significant capacity for two reasons. First, so that they may use it if they need it. Second, so that a collateral market in the surrounding area may grow, and thus provide good pricing, and more expansive services in rural communities.

We say that high technology Internet mapping tools must be continuously modified and fine-tuned, so as to provide the best available data to anyone who wants to see the extent of infrastructure in any particular area. Similarly, and conversely, such dedication to perfection must provide for safeguards to detect alleged infrastructure builders who list a 'footprint' in a given area with no anticipated near-term plan to build such infrastructure in such area.

Among new technologies that can create a huge opening for rural infrastructure expansion is white space technology.

We say, finally, that among new legislation and regulations that could capture a capital market segment that is more in line with the size of investments needed for rural modern, high quality and capacity infrastructure expansion, are JOBS Act laws and regulations. The FCC should make every effort to make the expansion of the JOBS Act capital market more lucrative for investors, so that such expansion may continue in a defined, deliberative, and planned manner.

IV.

REQUEST FOR NOTIFICATION OF PARTICIPATION AT HEARINGS

We request notification of any hearings, and further request time to present our Comments in said hearings.

KIRSTEN GILLIBRAND
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COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
AGRICULTURE
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-3205

August 28, 2014

The Honorable Thomas J. Vilsack
Secretary of Agriculture
United States Department of Agriculture
Washington, DC 20250

Dear Secretary Vilsack,

I write in support of the application submitted by Rural Broadband Company, Inc. for funding from the Community Connect Grant Program through the United States Department of Agriculture. This funding will support the expansion of broadband network services to residents of Greenfield Park in Ulster County, New York.

Rural Broadband Company is committed to increasing digital infrastructure accessibility among rural and vulnerable populations. With a goal of helping regions augment emergency preparedness and economic vitality, they provide a range of resources designed to support the expansion of digital readiness and broadband infrastructure in rural America. This project will be carried out in collaboration with Greenfield Park and the Ellenville Fire District, among other partners.

The requested funding would be used to support the development of current technology broadband in unserved areas of Ulster County. The region's inaccessibility to digital services has been a cause of economic distress. Many service providers are hesitant to develop access in this area because of small population density. In addition, this lack of access to necessary broadband services hinders the growth of existing and attraction of new business to this economically depressed area. Emergency services also face obstacles when working to protect the safety of this community because of an inability to access critical resources for communication and collaboration. The proposed project will address this by expanding infrastructure to draw providers to the area. This will be done using white space technology provided, installed and maintained by a Federal Communications Commission-authorized data administration company. With this funding, Rural Broadband Company will be able to help connect the region's residents to crucial services and support, which would not be available to them in the absence of broadband.

I ask that you please give this application your full consideration. If you have any questions, or desire further information, please do not hesitate to contact my staff member Andrew Usyk at (202) 224-4451.

Sincerely,

Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

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Congress of the United States
House of Representatives
Washington, DC 20515

HOUSE AGRICULTURE COMMITTEE

Subcommittee on General Farm Commodities and Risk Management

Subcommittee on Livestock, Rural Development, and Credit

HOUSE ARMED SERVICES COMMITTEE

Subcommittee on Tactical Air and Land Forces

Subcommittee on Intelligence, Emerging Threats, and Capabilities

Subcommittee on Military Personnel

August 5, 2014

Scott Steiner, Chief, Engineering Branch, Broadband Division
Rural Development / Rural Utilities Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Mr. Steiner:

I am writing to express my support for Rural Broadband Company, Inc.'s (RBC) application for the USDA Community Connect grant application for our Greenfield Park project application area.

A public/private partnership with RBC will allow the Ulster County and Greenfield Park communities and the USDA to leverage grant resources to expand and provide many government services to our residents, where such services, without broadband, are not currently available in the absence of extreme hardship to our residents.

Prior attempts made for infrastructure expansion have relied on traditional options of towers or fiber or towers and fiber, RBC's approach relies on white space technology.

I understand that the proposal and the technology that is being advocated by RBC is a direct result of action by the Federal Communications Commission (FCC). The FCC created not only a mandate by which white space technology could become a commercial reality, but also placed a check on any builders of any such systems by requiring that any such system be operated by an FCC-authorized Data Administrator Company. RBC was able to enlist Redline Communications, Inc. as the equipment provider, installer and maintenance company. Redline works in partnership with Spectrum Bridge, Inc. one of a handful of FCC-authorized Data Administration Companies.

I am pleased to support the efforts of RBC to assist Ulster County and the Greenfield Park Community to bring current technology broadband to the unserved areas of our county. Please notify my office of your decision regarding this application. You may direct your response to my office at PO Box 775, Kinderhook, NY 12106 or by fax to 518-610-8135.

Sincerely,

Chris Gibson
Member of Congress (NY-19)

CPG/rh