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PUBLIC SERVICE COMMISSION

March 25, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., N.W.
Washington, D.C. 20554

Re: GN Docket No. 09-29

Dear Secretary Dortch:

By Public Notice issued March 10, 2009 the Commission sought comment on Congress's directive in the Food, Conservation and Energy Act of 2008 that the Chairman of the Commission develop, in consultation with the Secretary of the Department of Agriculture, a comprehensive rural broadband strategy. These are the comments of the New York State Office for Technology and the New York Public Service Commission submitted pursuant to that notice.

The Notice quoted Section 6112 of the statute, which requires that the Chairman and the Secretary file a report responding to the statutory directives. Our comments are organized around those directives.

The report must include recommendations

*“(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to streamline or otherwise improve and streamline the policies, programs, and services; [and]
(B) to coordinate existing Federal rural broadband or rural initiatives;*

The collaboration and joint efforts the FCC, the NTIA and the USDA have embarked upon are a strong first step to promoting interagency coordination of federal agencies with regard to policies and procedures for rural broadband. These efforts will further coordinate existing Federal broadband initiatives. The next step must be to continue and build upon those efforts. This can be accomplished by formalizing this interagency collaborative effort to address the establishment of all policies and procedures needed to coordinate Federal broadband initiatives, including those for rural areas. Formalizing this interagency coordination will ensure a singularity of purpose among the various Federal agencies and programs that address the issue of improving broadband access throughout the nation, and in particular, rural areas. Establishing this single point of contact will simplify the efforts of concerned citizens, communities, and broadband providers seeking information and funds to address broadband deployment issues. Moreover, such coordination of efforts will create a singularity of purpose with respect to this issue which in turn increases the success rate of the policies and programs designed to improve broadband access throughout the nation, and in particular, rural areas.

The key to defining the issue of rural broadband is mapping the area to determine the broadband services available in the area, their speeds, and the portions of the area where such services are available. Many states have undertaken such efforts either on their own, such as New York and Massachusetts, or through third parties, such as Kentucky, Tennessee and Minnesota. Any federal policy or program must be based on solid mapping data. The enhanced reporting requirements under the FCC's Form 477 are the logical starting point for such efforts. Any federal policies and programs should be based on this data until such time as the national mapping effort is concluded.

In addition to continuing the collaboration between federal agencies as discussed above, a review of the broadband policies and programs undertaken by various states is integral to the development of any federal policies or programs. An examination of the state efforts will inform the federal agencies because the states have the most intimate knowledge of the local communications environment, geography and demographics that both created and affect the delivery of broadband services to rural areas. New York State has undertaken several efforts that could inform the federal agencies: the "New York State Universal Broadband Strategy" issued by the NYS Universal Broadband Council in 2008 and the "Study of Rural Customer Access Advanced Telecommunications Services" issued by the New York State Department of Public Service; and, the "Policy Alternatives Supporting Deployment of Broadband Services in Rural Areas of New York State" issued by Empire State Development both issued in 2007.

The variety of state initiatives shows that there is no one size fits all solution for rural broadband. Although many communities share the common moniker of being "rural" each area has its own unique needs and issues. In order to respond to these unique needs the federal government's reliance on the work the states have done in establishing policies and programs to address their particular rural broadband issues is the most effective way to adhere to the purposes of the ARRA. This effort will best be served by establishing and maintaining an ongoing dialogue between the Federal agencies and the states because the states have valuable knowledge and experience that can inform the Federal agencies in establishing broadband policies and initiatives. Through their policies and programs the states have begun to chart paths to improving the delivery of broadband service to rural areas. The federal agencies can learn from the states by examining the paths the various states have charted to address this issue. This will not only save the federal agencies time and money, more importantly it will increase the likelihood of success of a national broadband plan and speed the deployment of broadband services to rural areas.

(C) to coordinate both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and application of the recommendations for Federal, State, regional, and local government policymakers;

The most effective way to coordinate short and long term needs assessment and solutions for a rapid build-out of broadband solutions, including those in rural areas, is for the Federal agencies to examine the policies and programs deployed by the states and to consult with states in establishing the goals/objectives and the path to their achievement for a national broadband plan. Many states have convened bodies comprised of state and local officials and providers to identify the broadband needs in their state and to chart a course to addressing those needs by the establishment of policies and programs. In 2007 New York established the New York State Council for Universal Broadband which drafted the "New York State Universal Broadband

Strategy". The challenges to increasing broadband deployment faced by these entities and the policies and programs they develop vary due to the unique needs of each state, including its rural areas. The efforts undertaken by the states can serve as a blueprint not only for other states, but for the federal agencies and the drafting of a national broadband strategy as well. This can best be achieved by establishing and maintaining an ongoing dialogue between the Federal agencies and the states.

As noted above, the key to defining the issue of rural broadband is mapping the area to determine the broadband services available in the area, their speeds, and the portions of the area where such services are available.

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment;

Establishing and maintaining an ongoing dialogue to collaborate and coordinate with the states that have already begun to address the issue of rural broadband is the most efficient and effective way for federal agency programs and resources to overcome the obstacles that impede the delivery of broadband services in rural areas and to increase the deployment of broadband services in these areas. In order to respond to these unique needs the federal government must rely on the work the states have done in establishing policies and programs to address their particular rural broadband issues. The states have the knowledge and experience. Through their policies and programs the states have begun to chart paths to improving the delivery of broadband service to rural areas. The federal agencies can learn from the states by examining the paths the various states have charted to address this issue. This will not only save the federal agencies time and money, more importantly it will increase the likelihood of success of a national broadband plan and speed the deployment of broadband services to rural areas.

Again, as noted above, the key to defining the issue of rural broadband is mapping the area to determine the Internet services available in the area, their speeds, and the portions of the area where such services are available.

(2) a description of goals and timeframes to achieve the purposes of the report.

As important as it is for the federal agencies to coordinate their efforts and present a single point of contact to concerned citizens, communities, and providers, it is equally important for the states to identify to the federal agencies the single entity responsible for addressing broadband issues in each state for the purpose of establishing and maintaining an ongoing dialogue between the Federal agencies and the states. Cataloging such entities and the policies and programs they have established and undertaken is important to achieving the purposes of the report.

Cordially,

Maureen Harris
Maureen Harris, Commissioner
for the New York Public Service Commission

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