

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109

**Reply Comments of the
Schools, Health and Libraries Broadband (SHLB) Coalition**

**In response to the
Request for Comment on the Interconnection Obligations that
Should Apply to the Remote Access Fund.**

Feb. 17, 2012

The Schools, Health and Libraries Broadband Coalition (“SHLB Coalition”)¹ respectfully submits these reply comments in response to the Federal Communications Commission's (Commission’s) recent request in the November 18, 2011, Order and Further Notice of Proposed Rulemaking for comment on the proposed Remote Areas Fund (“the Fund”).² The SHLB Coalition supports the request of New America Foundation, Public Knowledge, and the Benton Foundation (collectively, “Public Interest Commenters”) asking the Commission to disperse any allocated funds in a way that opens the Fund to community and locally-owned broadband providers seeking to offer service in a remote area.

The SHLB Coalition is a broad-based coalition consisting of representatives of schools, health care providers, libraries, private sector companies, for-profit and not-for-profit broadband providers, state and national research and education (R&E) networks, municipalities, philanthropic foundations, consumer organizations and others. All members of the SHLB Coalition share the common goal of bringing affordable, open, high-capacity broadband to community anchor institutions (CAIs) across the United States.

In the Order and FNPRM, the Commission seeks comment on “the proposal of Public Knowledge and the Benton Foundation that CAF recipients should be required to make interconnection points and backhaul capacity available so that unserved high-cost communities could deploy their own broadband networks.”³

The SHLB Coalition strongly supports opening broadband networks to interconnection by other providers, including by communities themselves (self-provisioning). In our comments in this proceeding last August 24, 2011, we stated:

The SHLB Coalition strongly endorses the concept of open networks. While the SHLB Coalition supports Public Knowledge's call for interconnection obligations, we also ask the Commission to go further and adopt interconnection requirements for high-cost fund recipients that mirror those required of BTOP awardees. Just as the BTOP program required Infrastructure awardees to open their networks to interconnection to last mile providers, recipients of USF/CAF funding should also be required to adopt an open interconnection policy to all commercial and non-commercial providers, and users.

¹ “SHLB Coalition” is pronounced “Shell-Bee Coalition.” A list of members is available at www.shlb.org/members.

² In the Matter of Connect America Fund, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45, Order and Further Notice of Proposed Rulemaking (rel. Nov. 18, 2011) (“Order and FNPRM”).

³ Order and FNPRM, at para. 1029.

NTIA has found that the open interconnection policy of the BTOP program has been successful in leading to at least 90 different commercial interconnection agreements.⁴ Open interconnection can maximize the value of the federal investment in rural areas by encouraging the deployment of additional last mile infrastructure by entities who do not receive federal support.

We continue to believe that the deployment of open networks has a great number of advantages for anchor institutions and the communities that they serve. For instance,

- Open interconnection can encourage greater competition among broadband providers and gives community anchor institutions a greater number of options for broadband service. Broadband networks that are open to interconnection can stimulate construction of additional broadband networks by other providers to serve the needs of anchor institutions and the surrounding community.
- Open interconnection policies also allows communities the option of self-provisioning their own broadband networks. For instance, some municipalities or anchor institution coalitions may choose to deploy their own wireless networks, fiber rings, or use other technology to connect themselves to each other and to the commodity Internet.
- By encouraging additional broadband investment, open broadband networks stimulate economic growth, creating a healthier environment for small businesses, for families, and for cultural activity. A vibrant local economy will often provide more resources for anchor institutions to meet the needs of their communities.
- Open interconnect may also create a market for enterprises that are developing rural manufacturing, distribution, service and call center facilities to acquire and light their own fiber and thus enhance their capability to grow these rural based facilities. North Carolina has seen this with Google and Facebook data centers—each company acquires fiber to get backhaul to the nearest major POP (Charlotte or Raleigh) and then buys their access bandwidth in bulk from this POP.

⁴ Testimony of The Honorable Lawrence E. Strickling, Assistant Secretary for Communications and Information National Telecommunications and Information Administration United States Department of Commerce, Before the Committee on Energy and Commerce, Subcommittee on Communications and Technology, United States House of Representatives, April 1, 2011, p. 5, available at <http://energycommerce.house.gov/hearings/hearingdetail.aspx?NewsID=8384>.

The SHLB Coalition agrees with the Public Interest Commenters when they note that self-provisioning may address the needs of anchor institutions in some locations:

For example, smaller, community-driven networks such as community wireless networks or locally-owned and operated WISPs may be better equipped to address broadband needs of remote areas, offering more localized solutions that can connect residences as well as businesses, schools, hospitals, libraries, and other anchor institutions in a community. Community-driven development of broadband infrastructure in turn has the ability to deeply engage community members with the broadband deployment process, which is particularly important in communities that are presently unserved and that may need additional digital literacy training and ongoing technical support.⁵

The open Middle Mile projects supported by the Broadband Technology Opportunities Program (BTOP) provides an excellent model of how the FCC should structure its interconnection obligations for recipients of CAF funding and the recipients of the Remote Access Fund. The statutory language adopted in the American Recovery and Reinvestment Act (ARRA) required the Assistant Secretary to “publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section.” NTIA provided additional detail concerning these interconnection obligations in the Notice of Funds Availability. In particular, NTIA’s rules required that BTOP awardees:

(v) offer interconnection, where technically feasible without exceeding current or reasonably anticipated capacity limitations, at reasonable rates and terms to be negotiated with requesting parties. This includes both the ability to connect to the public Internet and physical interconnection for the exchange of traffic. Applicants must disclose their proposed interconnection, nondiscrimination, and network management practices with the application.⁶

These interconnection requirements are consistent with the "comprehensive community" approach taken by NTIA to ensure that these public investments in broadband networks meet local needs and interests. By encouraging and enabling community anchor institutions to share high-capacity broadband network assets, NTIA leverages local community investments to benefit more than one public purpose. As NTIA recognized, the Internet has become a fundamental cornerstone of modern education, learning, health care delivery, economic growth, social interaction, job training, government services, and the dissemination

⁵ Comments of Public Interest Commenters, p. 3.

⁶ NOFA2, Federal Register, Vol. 75, No. 14, January 22, 2010, P. 3800.

of information and free speech. The Commission's reform of the high-cost program and its creation of the Connect America Fund and the Remote Areas Fund provide an important opportunity to build upon the "comprehensive community" approach articulated by NTIA.

Respectfully Submitted,

A handwritten signature in black ink that reads "John Windhausen, Jr." with a stylized flourish at the end.

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