



MONTANA  
TELECOMMUNICATIONS  
ASSOCIATION

April 9, 2010 (revised)

(via email to [Nicholas A. Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov))

Mr. Nicholas Fraser  
OMB Desk Officer

RE: Submission for OMB Review; Comment Request. OMB Control Number 0660-0031. Fed. Reg./Vol. 75, No. 65/April 6, 2010/Notice. Page 17376.

Dear Mr. Fraser,

The Montana Telecommunications Association (“MTA”) hereby submits these comments in response to the above-referenced Comment Request as published in the Federal Register of April 6, 2010, p. 17376.

MTA represents both member-owned rural telecommunications cooperatives and shareholder-owned rural telecommunications companies providing voice communications and broadband services in Montana. Montana’s rural telecommunications providers have deployed over 9,000 miles of middle-mile and last-mile fiber optic facilities throughout the state.<sup>1</sup> Several MTA member companies provide access to broadband telecommunications services to nearly 100% of their customers.

MTA has filed comments with the National Telecommunications and Information Administration (“NTIA”) and other federal agencies expressing our concerns with NTIA’s priority given to “comprehensive community infrastructure” (“CCI”) projects which threaten to duplicate existing network facilities. Duplication of existing facilities with taxpayer-funded networks threatens to remove anchor institutions from public networks, thereby threatening sustainable returns on investment for these networks. Instead of expanding the availability of broadband capacity in rural America, NTIA’s CCI initiative threatens to discourage investment, job creation and economic development in rural America; to raise rates for last mile consumers; and to waste taxpayer funds by diverting investment from unserved areas most in need of stimulus funding.

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<sup>1</sup> See attached Montana Fiber Assets map. The 9,000 miles of fiber deployed by Montana’s rural telecom providers do not include the additional fiber deployed by other middle- and last-mile networks including those of Qwest, 360networks, AT&T, *inter alia*.

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In this regard, MTA appreciates the opportunity NTIA is offering to broadband service providers to submit information regarding “their service offerings in proposed funded service areas so that the agency may assess the extent to which an area is considered ‘unserved’ or ‘underserved’...”<sup>2</sup> Further, the revisions that NTIA is proposing are constructive.<sup>3</sup>

Notwithstanding these improvements over the first round information collection procedures, MTA remains extremely concerned with the lack of adequate opportunity for broadband service providers to respond in a timely manner to grant applications which threaten to discourage sustainable broadband investment in rural America by overbuilding existing network facilities.

At a minimum, MTA recommends extending the comment period from 15 days to 30 days as provided in the first round Notice of Funds Availability (“First NOFA”). This concern is echoed by Members of Congress who similarly express concern about the insufficient time given to broadband providers to respond to CCI projects that duplicate existing network facilities.<sup>4</sup> Although the proposed information collection request indicates that “at least” 15 days will be provided, “NTIA does not guarantee it will consider this information [provided outside of the 15-day window] in its evaluation of an applicant’s Last Mile or Middle Mile service area(s) as unserved or underserved.”<sup>5</sup> Thus, the 15-day window must be considered a requirement and not an option. Fifteen days is insufficient time to gather the information being required to reply to information collection template.

Middle-mile (CCI) projects traverse dozens or more Census block groups or Census tracts. While rural telecom providers are most familiar with Census tracts, there is no assurance that grant applicants will file data by tract or by block group. If applicants file block group data, broadband providers will face a formidable challenge in “translating” block groups into tracts, and then overlaying applicants’ data over providers’ maps.

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<sup>2</sup> See “SUPPORTING STATEMENT.” U.S. Department of Commerce; National Telecommunications and Information Administration; Broadband Technology Opportunities Program; comprehensive Community Infrastructure, Public Computer Center, and Sustainable Broadband Adoption Applications Requirements. OMB Control No. 0660-0031. April 1, 2010.

[http://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201003-0660-001](http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201003-0660-001)

<sup>3</sup> SUPPORTING STATEMENT, p. 3. “These changes include: --Elimination of the mapping tool used in the first round and allowing applicants to submit maps in a variety of common formats; --Changing service area definitions from Census blocks to Census tracts and block groups; [and] --Allowing service providers to file a single consolidated response instead of one per application.”

<sup>4</sup> See the attached letter sent to NTIA from the co-chairs of the Congressional Rural Caucus and the Rural Telecommunications Task Force and other Members of Congress. March 11, 2010.

<sup>5</sup> “Broadband Technology Opportunities Program; Frequently Asked Questions,” March 23, 2010. p. 24. <http://broadbandusa.gov/files/NOFA2%20FAQs%203-23-10.pdf>.

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The Second NOFA streamlines the mapping process, but it remains a challenging and time consuming task to collect data—often from billing systems—and then format the data required to comply with the information collection templates.

MTA further recommends that NTIA expand and enhance the opportunity for public comment on proposed stimulus funding applications—beyond the opportunity given only to broadband providers to comment in the proposed information collection template. There should be an opportunity for any aggrieved party to submit evidence that a proposed grant application threatens existing investment or duplicates existing network facilities or poses other negative public interest consequences. Such expanded opportunity for public comment enhances the transparency and accountability of the BTOP program and ensures that taxpayer funds are not wasted while leveraging NTIA's due diligence efforts.

Given the above concerns, MTA recommends the following:

- Extend the information collection period to 30 days from 15 days; and
- Expand and enhance the public response opportunity to include the submission of comments by affected parties, not just broadband providers whose service areas may be overbuilt by proposed funded projects.

MTA is pleased to respond to any questions or comments you may have. Again, we appreciate the opportunity to this request for comments.

Respectfully submitted,

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Attachments:

Congressional Rural Caucus letter, March 11, 2010  
Montana Rural Fiber Assets map