Carole Garner

00:00:29.790 --> 00:00:42.360
We will be getting started momentarily if you need any technical assistance throughout the event, please use the chat function to send a message to the session hosts thanks again and we'll just we'll get started in just a moment.

Andy Berke

00:00:59.130 --> 00:01:04.980
Good morning and good afternoon everyone we're excited to have you here for her fourth session of our IIJA broadband programs public virtual listening series. My name is Andy Burke, and I am the Special Representative on Broadband at NTIA and I'll also be the moderator of today's session. The President believes that our economy cannot fully recover unless everyone can participate, whether it's working from home or filling out an application or studying for school tests, a connection for every American is essential. Now, before we get started let's quickly review housekeeping items.

00:02:19.590 --> 00:02:32.790
First, the presentation, along with the transcript and recording today's session will be available on the BroadbandUSA website within seven days under the events past events tab. And if at any time you're having technical issues with our platform, please use the chat to send a message to our hosts or you can send an email to broadbandforall@NTIA.gov. Today we're excited to have so many of you join us, representing a wide array of stakeholder groups provide input on our enabling Middle Mile Infrastructure Program. Our collaboration and your input will be key factors in the success of these programs, and we will open the mic to hear from as many participants, as we can. Your constructive feedback is critical to our next steps of designing and implementing these programs. Given our time constraints, however it may not be possible to hear from everyone who'd like to speak. Well, if we do not get to you or, if you would prefer to provide written comments. Please feel free to provide your input on the discussion questions for today by submitting them to the host via the chat box or you can email them to broadbandforall@NTIA.gov at any time.

00:03:43.890 --> 00:03:56.220
Now, with that let's go over today's agenda. Sarah Bleau, a broadband program specialist, will provide a high-level overview of NTIA is enabling Middle Mile Infrastructure Program and review today's discussion questions. We will then launch the listening session, which I will moderate. I'll provide additional details later and now to get us started I'm going to turn it over to Sarah Bleau.

Sarah Bleau

00:04:15.330 --> 00:04:16.440

Thank you, Andy. As Andy mentioned I'm Sarah Bleau. I am with the Office of Internet Connectivity and Growth here at NTIA and I am going to talk to you today about the Middle Mile Program. Just a quick note because there's going to be a lot of slide reading here and we are all pre-NOFO, right now. The purpose of this listening session today is to present the material that's in the legislation. We're trying to organize it in a way that's a little bit more straightforward, so that we can help you. As you think about the types of questions you might have about the program so I'm going to present this material first though I'm going to share a couple of questions that we would like you to keep in mind as you listen to this material.

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Questions that hopefully at the end when we are when we open up the floor to hear your thoughts and questions, we can take down these thoughts that you have and take those into account. Alright, so first really quickly here's what we're going to cover today, we are going to like I said go over a couple of questions for you to keep in mind as you listen to the material. We will go over a quick brief overview, we will talk about eligible uses and entities for middle mile funds, we will outline the grantee commitments and requirements, talk about prioritization and other relevant requirements for the program. Alright, so to kick things off we're doing this listening session a little bit differently, I wanted to share with you the questions that we'd like you to keep in mind as you review or listen to the content, which I'm about to present. Keep these questions in mind and use it as a framework at the end when you when the floors opened up to you to share your thoughts to ask questions of us.

00:06:09.330 --> 00:06:22.380
The first question that we would like you to keep in mind is what requirements, if any, should NTIA impose on federally-funded middle mile projects with respect to the placement of splice points and access to those splice points should NTIA impose other requirements regarding the location or locations, at which a Middle Mile grantee must allow interconnection by other providers.

00:06:36.960 --> 00:06:46.350
The second question that we'd like you to think about is: How can the Middle Mile Broadband Infrastructure Program leverage existing middle mile facilities, access to rights of way, poles, conduits, and other infrastructure and capabilities that are owned, operated, or maintained by traditional and non-traditional providers (such as public and investor-owned utilities, grid operators co-ops academic institutions, cloud service providers, and others) in order to accelerate the deployment of affordable, accessible high speed broadband service to all Americans?

00:07:14.970 --> 00:07:24.270
And the third question we'd like you to think about is: What scalability requirements, if any, should NTIA place on middle mile grant recipients?

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So with that I am going to quickly go over the program the official name is Enabling Middle Mile Broadband Infrastructure. There's a billion dollars of funding available, this is a direct competitive grant and it is tech neutral. And finally, the objective of the program is to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas and to promote broadband connection resiliency.

00:08:03.180 --> 00:08:15.600
There are funding uses that are established in legislation that the middle mile grants can be used for the construction improvement or acquisition of middle mile infrastructure. And it goes on to say that middle mile infrastructure broadly means any broadband infrastructure that does not connect directly to an end user location, including an anchor institution. Middle mile infrastructure also includes leased dark fiber, backhaul, carrier neutral Internet exchange facilities, submarine cable landing stations, subsea cables, transport connectivity to data centers and other similar services and it also includes wired and private wireless broadband infrastructure, including microwave capacity, radio tower access and other services or infrastructure for a private wireless network. Entities who might be eligible to apply either individually or through a partnership include a state or political subdivision of a state. A tribal government, a technology company, an electric utility, utility cooperative or public utility district a PUD. It might be a telecommunications company or collaborative. A nonprofit foundation corporation institution or association, a regional planning council, a native entity, or an economic development authority.

00:09:39.750 --> 00:09:51.570
The next couple of slides we're going to talk about requirements for applying entities and so first let's talk about the priorities in the application, the entity must agree to prioritize connecting middle mile infrastructure to last mile networks, who provide or plan to provide broadband services to households in unserved areas, prioritize also connecting non-contiguous trust lands or prioritizing the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.

00:10:20.190 --> 00:10:31.110
The build time is no more than five years and the complete build out middle mile infrastructure, which is described in the application should be completed and no later than five years after the grant funds are made available. There will be an extension permitted, of course, of up to a year if there are plans for use if the if there are extenuating circumstances if the projects already underway and then finally accountability is a big. it's something to keep in mind, because the Assistant Secretary shall establish sufficient transparency, accountability, reporting and oversight measures and establish build out requirements for each eligible entity that receives the middle mile grant which shall require a completion of a certain percentage of project miles by a certain date, and also penalties which might include the cancellation of funds for grantees who do not

meet the build out requirements and also note here down on the bottom of the screen that the amount of the Middle Mile grant awarded may not exceed 70% of the total project cost.

00:11:37.860 --> 00:11:49.920
Other requirements which are established in the legislation are that the act requires that proposed middle mile broadband projects be capable of supporting retail broadband service. And another requirement is interconnection and non-discrimination. That those middle mile projects shall offer using fiber optic technology, because this is a physical connection shall offer interconnection in perpetuity where technically feasible and that the interconnection required to be offered includes both the ability to connect to the public Internet. And the physical interconnection for the exchange of traffic and that the applicant shall disclose the applicants proposed interconnection non-discrimination and network management practices in the application to NTIA.

00:12:34.440 --> 00:12:41.400
And then we have connecting anchor institutions that, to the extent where it's feasible, the entity who is using fiber optic technology shall ensure that the proposed middle mile network is capable of providing broadband to anchor institutions at a speed of not less than one gigabit per second download and one gigabit per second upload and offer direct interconnection facilities to anchor institutions which are located within 1000 feet of the middle mile infrastructure.

00:13:12.030 --> 00:13:20.130
And mapping, one of the requirements established talks about mapping, in that the eligible entity building out terrestrial or fixed wireless middle mile infrastructure shall use the most recent data available from one of the following sources: one: the FCC fixed broadband map, two: the State or the tribal government who has jurisdiction over that area, or three: speed and usage surveys. Additionally, the eligible entity, who constructs, improves, or requires middle mile infrastructure using this grant money will share the location of that infrastructure with the Assistant Secretary, the Commission, the tribal government with jurisdiction over the area if applicable, and state broadband office for the state where the area being served is located. The Assistant Secretary will determine what the uniform format in order to submit this information shall be and also know that this information is only being used for the purposes of carrying out the grant program and any related reporting.

00:14:29.580 --> 00:14:47.370
Now we will talk about prioritization. In awarding middle mile grants, the Assistant Secretary should give priority to projects that leverage existing rights of way, assets, and infrastructure in order to minimize financial regulatory and permitting challenges. To projects in which the eligible entity designs the route of middle mile infrastructure to enable connection of unserved anchor

institutions, including tribal anchor institutions. To projects that facilitate the development of carrier neutral interconnection of facilities. And projects which improve the redundancy and resiliency of existing middle mile infrastructure and also reduce regulatory and permitting barriers in order to promote the construction of new middle mile infrastructure. There's a lot, which should be given priority. The Assistant Secretary shall give priority to applications from eligible entities meeting at least two of the next five conditions. First, those applications which adapt fiscally sustainable middle mile strategies. Two those who commit to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and anybody else making a bona fide request. Three those applications which identify specific terrestrial and wireless last mile broadband providers who have expressed written interest in interconnecting with middle mile planned and demonstrated a sustainable business plan or adequate funding sources with respect to the interconnect. Four the eligible entity has identified supplemental investments or in-kind support which might accelerate completion of the land project. Five the eligible entity demonstrates that the infrastructure will benefit the US national security interests.

00:16:40.230 --> 00:16:53.310
And finally, as it relates to tribal governments, the Assistant Secretary may waive certain requirements if the Assistant Secretary finds the waiver requirement necessary for the effective delivery and administration of middle mile grants to tribal governments or the construction improvement or acquisition of middle mile infrastructure on trust land. And now it is my pleasure to hand back over to Andy my colleague who will open up the floor so that we can listen to your questions and thoughts on this content, thank you very much.

Andy Berke

00:17:23.220 --> 00:17:34.020
Now we're going to try to the moderated portion of this, we want to hear from you, it is really important for you to give critical feedback, as we work on this program so If you would like to participate, please make sure that you raise your hand.

00:17:40.290 --> 00:17:58.500
Of course, in the desktop application there you can go to reactions and click raised hand and the phone application, similarly, you can hit on the button and get to the raise hand and, of course, if you are on audio only hit star nine to raise your hand. So, let's get started.

Andy Berke

00:18:11.070 --> 00:18:31.140
Okay, I'm going to call on one person and then put another person on deck so please be ready when I call on you, so we can make sure that we maximize the amount of time that that we have for these first let's hear from Jonathan Baker and Paul Gee you are on deck.

Jonathan Baker	00:18:36.180 --> 00:18:38.100 Great so I'm from the Vermont Communication Union district organization and we've had a lot of difficulty when building our municipal broadband networks with pole owning utilities and ISPs using trade secret protections to hide the locations of already built infrastructure. Even infrastructure that's been funded wholly or in part with public money. And that would give us a huge cost savings when doing our, you know, high level and detailed designs if we could sort of see where existing assets have already been built. That would be one of the hugest cost savings for us. And second comment would be on the FCC maps that are used to determine eligible areas, we see a lot of the incumbent ISPs up here, using those to protect their sort of business areas that they have sort of monopolies on from competition so we'd like to see the ISP no longer self - report speed data to the FCC and for the FCC to collect that data directly from the public with some sort of publicly built speed testing tool. Those would be our two suggestions thanks.
Andy Berke	00:19:51.810 --> 00:19:56.370 Thank you so much Jonathan. Now we will go to Paul and Mary Bauer, you are on deck.
Paul Gee	00:19:59.160 --> 00:20:05.400 I thank you very much for the time I'll be as efficient as possible, you have to understand there are good players and bad players that are seeking this money. The bad players are the ones that created the digital divide, those are the very same incumbents that are going gunning for this money. And they have written in all the back doors to try to get the money, what you have to understand is the role they played to date and put them on the sidelines and actually go with the municipal broadband people and be honest and straightforward, because these companies are not honest straightforward. Let's get clear public money put all of the fiber in the ground from 1993 to the present. These companies, claiming ownership over that is false and illegal and they are attempting to take that asset and hide it from us. That's wrong. You, the NTIA should stand up and say that it's game over we're now don't identify everything in all the public conduit and we're going to make maximum use of it. I talked to a 30-year employee of AT&T. He retired last year, and we spent two and a half hours talking. He said there's a lot of dark fiber in the ground. It just was never deployed because strategically they made more money for wireless. it's all there to be used this middle mile thing isn't as hard as you think it is a lot of it's already there you just have to identify it and put it in the public records, so we all know where it is and we all have a right to connect to it. Now, what you have to realize is the wireless world irrevocably changed on August 13 of 2021. When the US Court of Appeal DC circuit remanded FCC order 19 126 back to the FCC leaving the nation with no rf microwave radiation maximum public exposure guideline above 6000 megahertz. All 6000 plus megahertz deployment presently operating there are a lot of them are now illegal and must be powered off until the FCC completes its court

mandated environmental review. Of the 11,000 plus pages of peer reviewed scientific evidence that the environmental health dress and children's self-defense and other plant is placed on the FCC is public record. This is a bell you cannot un-ring and cannot ignore, because we placed it in your public record the NTIA. You must look at those 11,000 pages of evidence, in order to decide who will get this money. And when you do it isn't true that everything can be technology neutral, because one of these technologies actually damages and hurts people there's your problem. The whole thing must be focused on ftp fiber optic to the presence that's what was promised back in the mid 90s that's what these companies committed to do 45 megabits up and 45 megabits down it's in the contracts that they breached. When they breach those contracts, they lose all claim over all assets, the evidence establishing the truth is in your record. And it doesn't matter what the propaganda says, you know the propaganda that mainstream media dutifully distributes on behalf of the actual bosses of the FCC the ones actually calling the shots.

Andy Berke

00:22:58.170 --> 00:22:59.700
Paul we have a we have a two minute limit so if you could try to make it.

Paul Gee

Sure will. I'll pass it on Mary Bauer okay look for that evidence and understand that the Court mandated environmental reviews was issued in 2019 and 2020 therefore nothing can happen through fixed wireless until that review is completed, I would like to yield to Mary Bauer.

Andy Berke

Okay, thanks so much Paul I'm going to before I turn it over to Mary I just want to make sure that I repeat it, we have a two minute rule, so please try to keep your comments short, so it to make sure I see a lot of hands raised, and we want to get to everybody and then. If you can make sure that you say your name and if you're representing someone who you represent so with that I'll send it over to Mary Bauer and we've got Brian O'Hara on deck.

Mary Bauer

00:24:03.330 --> 00:24:13.650
Okay, thank you, so my name is Mary Bauer, I represent Virginians for Safe Tech. I also work across the country with other safe tech groups like the one Paul is in Wired America. I'm going to pick up where he left off, and my concern with accountability and transparency is the timing of how NTIA is releasing these funds. There's a lot of lawsuits in the hopper that are going to change the FCC rules supposedly because of the record of evidence that Paul talked about. And I kind of feel this is going to be another FAA and a mock debacle where they're claiming six months everything's going to be fixed, but yet at the same time they're saying no it's more like two years for you know the small regional airplanes, and this is kind of how I feel with the traditional carriers. Serious problems that Paul brought up cannot be addressed or cured and the time NTIA has allotted to issue BEAD funds so the NTIA should only issue the funds for companies, committing to install fiber to every home in business. Something that well known incumbents committed to do in the mid 90s, but never did the contracts call for 45 up and 45 down. And the incumbents breach their

contracts breach of contract means they should pay you back, and we should get that wired service that was promised it's safer and there are at least three lawsuits in the hopper. That talk about the guidelines being obsolete, and this is clearly omitted from everything that you've put up on the screen here today. All the safe tech groups are watching you know what you're doing here, with these incumbents and have they have scanned it with the money. And in a cross subsidize and misappropriated copper wireline money to 4G wireless networks and according to the regulator's suit you know stole grandma's landline phone bill and charged her a lot of money for something you know services that she wasn't even getting. So the 11,000 pages of evidence and NTIAs record conclude that wireless radio frequency microwave radiation is bioactive and is currently being insufficiently regulated by localities that have a duty to preserve its residents quiet enjoyment and streets, privacy, public safety and per the TCA act of 1996 there's a TCA conference report document that recommend recognizes a legislative intent of 1996 was to have those localities protect the people and there's a lawsuit Palos Verdis v Abrams in the brevity of time I'm not going to cite from the report. The 1996 report that talks about the localities ability to regulate health and safety and the propaganda is basically that they're preempted and they're not, and this has to stop.

00:26:45.300 --> 00:26:48.000
Where we are we're getting we're way over your time to go in and you need to finish up and I'll be happy to do that before we turn it over to Brian.

Mary Bauer

00:26:53.400 --> 00:27:02.850
Yes, in conclusion, were concerned about what you're allowing in front of the homes, based on all these lawsuits that are making a record of all and are being totally ignored that's it.

Andy Berke

00:27:03.630 --> 00:27:04.770
Great thank you so much. I'll turn over to Brian O'Hara and we have Kevin Haymer up next.

Brian O'Hara

Well, thank you very much, Brian O'Hara with the National Rural Electric Cooperative Association very good presentation, I appreciate the opportunity to weigh in. Two points I want to make. First, I think, Sarah once in the last slide you talked about data three sets of data, you don't rely on the FCC maps state data and then potentially speed surveys that companies could do, and I think you said that there would be some standards for that. My advice first to say if there's going to be standards by which speed tests and surveys that would be used to verify service. You know if you're going to set standards, let that be known as soon as possible, because I know folks that are already starting to look to their areas and find whether they're a service. And then on the middle mile just want to bring up again, I know there's been some concerns before that there could be a lot of rural areas that have fiber running through it, but they don't serve those communities. Right, it may run from an urban area to have an urban area through the rural without serving them so just because there happens to be fiber there does not mean a community is being served. In the

middle mile context so just wanted to bring that up and make that point and
thank you for the opportunity to leave it there.

Andy Berke

00:28:20.250 --> 00:28:27.750
Thanks so much I appreciate that Brian and now let's go to Kevin Hamer next
with Peter Silverman after that.

Kevin Hamer

00:28:29.910 --> 00:28:38.760
Hi, thank you for the opportunity to provide my comments, my name is Kevin
Hamer and I'm the general manager of the Yukon Cusk web delta tribal
broadband consortium. And in our area of Southwest Alaska middle mile
infrastructure for fiber doesn't exist, the closest opportunity we have for any
landing station is hundreds of miles away, so we are looking to try and use
middle mile infrastructure grant funding to provide fiber optic broadband. We
represent 17 tribes in a 55,000 square mile area of Southwest Alaska. Fiber
optic cable is going to be an answer the long term answer for us, but it also
needs to be combined with other technologies in order to extend the fiber optic
across hundreds and thousands of miles of tundra and protected lands to reach
some of our villages, none of whom are connected to each other through roads
or other infrastructure, they are in fact, islands unto themselves you reach them
either by plane, boat or frozen river in the winter, so the transportation and the
connectivity of trenching or even aerial fiber optic through these villages, is
going to take years and years and more money than the billions of dollars that's
available in this entire Program. So, taking advantage of fiber optic landing
stations and building at least some connectivity to some of our villages and then
extending that through other means is I hope you will consider those hybrid
options that incorporate fiber optic but provide the most fiber broadband
connectivity to the most citizens tribal citizens that we can throughout our
network. And I would add one more thing in consideration of some of the
requirements NTIA has done a tremendous job and outreach to tribal tribes and
tribal consultation sessions out of the travel broadband connectivity program. I
applaud them for that I would hope that there is some consultation
opportunities for this middle mile broadband for tribes specifically geared
towards tribes and tribal governments and travel organizations. And lastly, if I
could ask to make sure that NTIA requires tribal consent from tribal
governments for carriers that are proposing to operate this broadband
Infrastructure there's minimal broadband through or on tribal lands or travel
service areas that would help ensure that tribal governments are in the loop and
are actually agreeing that the services can be provided on Atlanta requires
carriers to deal with negotiate tribal and get acceptance and approval from
tribal governments for work that is going to be done in their lands, instead of
being sort of an afterthought. So appreciate the opportunity, thank you.

Andy Berke

00:31:40.500 --> 00:31:47.250
Thanks so much appreciate it let's go to Peter Silverman and Sachin Gupta is on
deck.

Peter Silverman	00:31:48.690 --> 00:31:59.280 Thank you, I am Peter Silverman director of legal Operations of Adaptive Spectrum and Signal Alignment incorporated known as Ostia, thank you for this opportunity. I've noticing in the comments and also in the presentation, the need for meaningful measurement of the need and performance of broadband that the for enhancements and performance of broadband networks, and I think it's so small part, and this is a This is one small part of the broad that aspects of the infrastructure act. Isn't NTIA and the FCC jointly together, as required by the act planning to revisit how measurements are made how broadly they are done moving beyond simply self-reporting in order to ensure you know accurate measurements, upon which decisions, such as the broadband in middle mile can be made. There seems to be an opportunity here given by the APP and given by its very requirements to address these issues of deep level and come up with a way that the various parties' interests can be properly presented in the data collected. These involving broader collection anonymized collection of data from large numbers of large numbers of customers, etc. There are many opportunities here, and these can be done both within this particular question being discussed today and the overall requirements of the broadband act. I thank you very much and appreciate the opportunity of speaking.
Andy Berke	00:33:34.140 --> 00:33:39.330 Right, appreciate it, and let's go to Sachin Gupta and Stan Santos on deck.
Sachin Gupta	00:33:44.460 --> 00:33:57.750 We can excellent, thank you for giving me a chance to speak I work for Central Rural Electric Cooperative in Oklahoma that through its subsidiary central net is deploying fiber to the home to all its members. Because we are a small band in a small rural area, one of our biggest problem is a lack of competition that we get from backhaul operators, so our backhaul costs are quite a bit, and this is not true, just for us it's true for all nine cooperatives that are providing fiber to the home in Oklahoma and all 27 cooperatives in Arkansas that are providing fiber to the home. To alleviate this problem of a lack of competition in back haul networks, you know I'd like to suggest these cooperatives connect over 90% of the landmass of the United States to the public's interest would be best served if NTIA priorities building middle mile using cooperatives. This will give you two shots for one hour or right it'll allow you to use the existing infrastructure and the right of way that the cooperative already owns and has already in place and it will also allow you to connect the different cooperatives that provide last mile service to their members with each other, thereby creating a much bigger and much more resilient network, thank you.
Andy Berke	00:35:22.770 --> 00:35:23.340 Thank you. Let's go to Stan Santos if you're there with Nathan Gilmore on deck
Stan Santos	00:35:35.760 --> 00:35:43.110

I am Stan Santos and I'm with Communication Workers of America and I'm also a splicing technician with AT&T. And what I've seen in rural areas is really been an abomination as far as the lack of service and adequate service connectivity, so the middle mile projects that are being proposed a really a lifesaver. But again, I'll just reiterate some of the things that other people have said about the lack of data, the lack of accurate data to do the self-reporting and also the fact that a lot of their assets are just totally not disclosed and held as proprietary information which I think should be public information. The other point I would like to make is that I've witnessed under grounding projects in fire country you know the California has been ravaged over the last several years, and you know the io use the energy companies will go in and I've seen open trenches where they're sitting in conduit in order to place cable and you know AT&T telephone poles are seeing that there within about 50 feet and you see this. Telephone wires zigzagging crossing the streets and going up and down into the communities there well, everything else is being underground an AT&T is just saying we're just not going to do it, it happens with caltrans with major freeway construction things of that nature, where we could be underground in that, and it could be even just dark fiber but the point is fiber should really be the product of choice or the platform of choice. The money that was given to Elon Musk a billion dollars for satellite technology, which is totally unproven and which is going to be another couple of generations before anything can really be done it's really much money that could have been diverted to fiber would have gone a lot further so that would be my and thank you again that's my opinion, thank you.

Andy Berke

00:37:32.670 --> 00:37:41.460
Thanks so much appreciate your comments let's go to Nathan Gilmore next and after that we'll go to Harold Buddy Robinson.

Nathan Gilmore

00:37:44.070 --> 00:37:53.520
Good afternoon, thank you for your time on this I am Nathan Gilmore from Dubuque County Iowa. I have two or three points that I'd like to work through. Dubuque county is currently designing and with the intention to build a middle mile infrastructure connecting most of the anchor institutions that would be appropriate and then leasing ducted out to ISPs. We are fortunate that we do have multiple ISPs that are experienced and are eager to do fiber to the home deployments. The goal is to reduce the cost of entry barriers for them and middle mile plus the other benefits of it. Our plan currently we are looking to use ARPA funds as the start to get this going but realistically, we're looking at a 13 or 14 year build out. However, if we are allowed to use ARPA funds as our match with this program we could potentially exponentially reduce that we could do this and maybe four or five or six years. So I really hope NTIA will allow federal ARPA funds to be used as the match for these grants, it will significantly help some of us that are doing middle mile accelerate that. The other point I would do is I would really encourage NTIA to take a hard look at the State governments that apply for this grant and put counties a higher priority. In our case, our state government has not what I would say, done very well by the counties, you know the state government of Iowa feels that Dubuque county is

100% correct. When you look at their maps, we have no need for any broadband investment, so we have gotten none from their cares they dumped 300 million into broadband from cares and Dubuque county has not been able to get any of it, because they feel we're okay, when we are obviously not okay in any way, shape or form. The final thing I would like to ask is, you should be aware that there is a lot of anti-dig once policies being developed at the state level. These are being sponsored by the incumbent telecoms hate once. There is multiple legislations working through the state of Iowa right now that basically make it extremely difficult for counties to implement a good stewardess dig once policy. So I would implore you to be aware of that try to get out in front of it, and you know if a federal dig once policy is even remotely possible please pursue that, if not, maybe put in the guidance with this some sort of promote dig once to help us get around that. Thank you for your time.

00:41:00.780 --> 00:41:11.190
Andy Berke: Thanks Nathan, before you drop off, I can answer this, but we have someone messaged me and asked about with you would define ARPA Fund, please. So the ARPA funds, the American Rescue Act funds back from March of 2021 most counties got a sizable investment. The final roll that came out made the spending even more flexible, we are planning on spending several million of that to start our middle mile project and invest in it from our own general fund going forward to grow it over time, but realistically, I mean it will take us 15 years to do it on the time table that I'm working with right now, whereas if we can use that as a match and award this to this, we could greatly accelerate, but a lot of federal grants don't allow federal money to be used for federal match.

Andy Berke

00:42:08.220 --> 00:42:10.260
Thank you, thank you so much Nathan.

00:42:12.540 --> 00:42:18.540
Let's go to H Buddy Robinson with Leslie O'Shaughnessy on deck.

Buddy Robinson

00:42:21.510 --> 00:42:38.580
Yes, I'm Harold Buddy Robinson we're site acquisition, in fact, our development company in Atlanta Georgia, we have been installing and site acquisition and developing towers in Georgia, Alabama, Mississippi, in the northern part of Florida, and the Gulf panhandle of Florida, and over the years I have installed cell towers in about every county in these regions. I have extreme knowledge on all these dead zones that are within these county governments and there's numerous areas where there's no 911 signals or emergency connectivity in these dead zones, so my question is. What are the mapping requirements for local county governments and we're working with several local county governments in the States regarding wireless cell tower installations and dead zones? On these unserved and rural counties of Georgia, I would like some of the mapping strategies that we need to comply with the NTIA and get guidance for accurate mapping. Sometimes the states show you dead zones, but I think we need to get more exact as to where the existing towers are so that we can plan accordingly, where to install future infrastructure and these dead zones

that are numerous in each of these rural counties in these in these states I just mentioned. The second question I have. What are the requirements and the criteria for the counties on submitting the application for these funds regarding the BEAD program I like to see a clear identification of the criteria that we need to comply with, so that we, when we submit it to the state, we have covered the information that's required for review and that's really what I'd like to comment. I think the infrastructure installation is important in these dead zones. So that future of public safety programs would have an infrastructure to co located on the broadband IPS systems would have infrastructure to co locate on and there's just numerous wireless facility and wireless phones. Connecting that these homes, the fiber and Internet are good, but it's also good to have wireless phone connections and these unserved areas, so I look forward to working with NTIA and all the State governments that we've been holding hands when over the over the years.

Andy Berke

00:45:16.950 --> 00:45:26.010
Thanks so much and just to be clear, I know that you have a lot of comments in there, we will certainly take those comments but, of course, this is a listening session so it's not a place where we could really answer questions, but I know that those questions are important for us to tantalize so thank you so much, Mr. Robinson let's go to Leslie O'Shaughnessy with Lilibeth Gangus on deck.

Leslie O'Shaughnessy

00:45:49.110 --> 00:46:07.320
Hello, my comment, which is also a question is, you indicated that the entities that would be eligible for this type of funding, including the tribal and technology companies and the PUCs and the communications companies for industry or in a Public Private Partnership grant application, if you will. Could you provide the clarity on how an industry partner can apply for this grant funds, particularly for middle mile that would establish connectivity to a rural area such as a tribal nation. There was one comment that said they may not exceed of 70% of the total cost, which is a specific criteria, and I'd like to understand what the other criteria are to be able to build these middle mile areas that are already identified.

Andy Berke

00:46:51.990 --> 00:47:06.090
Thanks so much. As I said, unfortunately we can't answer questions. There will be a notice a funding opportunity that will come out for this. Right now, today, our goal is to get comments from people. Particularly about these questions, although that you see up on the screen, although of course people can offer any comments that they want, but today we're just not in position to answer the questions. And, but understand that that even your questions are giving us a point of view so thanks so much. Okay let's go to Lilibeth with Benny Lee on deck.

Lilibeth Gangus

Thank you so much for taking the time in the comments, my name is Lily Gangus and I'm the Chief Community Officer at the Kapor Center a private foundation, where we are working to remove barriers specifically for black, Latino, and

indigenous communities to enter the tech ecosystem and entrepreneurship and ultimately make it more diverse inclusive and impactful, as we know, we're in this digital first world. I'm also part of the Oakland and divided group that has been a coalition that it has come together since the beginning of the pandemic to help get 98% over students here connected and our goal is to continue to connect all of Oaklanders and one of the key areas that I wanted to share for feed back. And I'll uplift with the first speaker mentioned that we definitely need better maps. First and foremost there's a lot of not only low income urban areas, but also when you split it by demographics racial makeup income level, and then you also look at the speed tests. We have communities out in East Oakland that are totally left behind, but yet are seen as connected. And so I want to make sure that we are pushing forward for no more self-reporting by any of these ISP providers. We really, really need to have a clear sense of data, where we stand and be able to understand who is being serviced and who is not and we need to have it at the zip code level as much as possible. I think the issue with having dark fiber data be limited, it also creates additional rework and it prevents us being able to build as we need to. Secondly, I want to make sure that we're also. making sure that the funds are going to be distributed as soon as possible so then that way cities can also start to collect better data and making sure that we're not being driven by false or just playing out under reported data by some of the ISP providers. I want to make sure that that also takes place. Lastly, it's accountability. I think one of the speakers also earlier mentioned that we need to also take a look at the county level and city level as the project so who's being funded how they're being measured, we want to make sure that there's accountability and transparency, specifically, to make sure that cities like Oakland are not left behind because they're being also undercounted. Based on the erroneous maps also making sure that we're prioritizing high poverty areas that are substantially underserved. For the rapid deployment is possible by funding wise and making sure that we're also looking at how to fund apartment Wi-fi, for example. So with that said Thank you so much for all the work that you do and I'm looking forward to helping our communities and making sure that we're looking at this work with a racial and economic justice lens. Thank you.

Andy Berke

00:50:15.810 --> 00:50:22.980
Thank you let's go to Benny Lee and after Benny will go to Jerry Everest.

Benny Lee

00:50:23.760 --> 00:50:30.570
Thank you. Oh, I handle the public Wi-fi program for the county of San Miguel and was formerly council member for the city of San Leandro. In the county of San Mateo we have 1400 public Wi-fi access points in our facilities, as well as shared use non accounting facility facilities in partnership with underserved communities institutions. Much of this presentation appears to cover increasing subscription based, but our public Wi-fi is non subscription based so consideration on encouraging that non subscription base is my focus. This moves to a greater degree for public use and adoption in the much challenge underserved in unserved digitally divided community. I'm also looking for allocation of a reasonable percentage of dark fiber resources for non-

commercial government and public views to local governments from this funding. This is a model that was used in the city of San Mateo where a Public Private Partnership with a fiber provider allocated 10 to 20% of the dark fiber spans. For this purpose, this is a good model that becomes the enabler for local government to increase digital access and adoption investments. This would encourage local government institutions to add public Wi-fi access in underserved and unserved communities to cover gaps with non-subscription based to increase greater adoption in the digital divide. Your consideration on trying to push for this would be helpful, thank you.

Andy Berke

00:51:50.010 --> 00:51:51.750
Thank you so much Gary let's go to Scott Turner and then Essam El-Beik.

Jerry Everett

00:52:09.270 --> 00:52:10.140
Jerry Everett from Big Rapids Township in Michigan. It appears that we've got the mice guarding the cheese. There's an accurate representation of where we have and where we don't have coverage. It's a guessing game at best. I don't understand why we don't have an organization like NTIA deciding to take charge and say all right we're going to make sure that we've got accurate information so that our goals can be clearly identified and we could work and all that direction. I apologize for this just being a complaint, because I don't have a solution, except somebody needs to take charge of actually giving us an honest representation of what is where because what we have now is pretty much useless. Thank you.

Andy Berke

00:53:05.520 --> 00:53:09.960
Thank you so much. Essam will go to you and then followed by Scott Turner.

Carole Garner

00:53:16.350 --> 00:53:21.180
Actually, we have Scott Turner next, and then Essam will be after that.

Scott Turner

00:53:22.110 --> 00:53:30.690
Okay, thank you for this forum. My name is Scott Turner legislative political campaign lead for the northern California Communication Workers America district nine. Also, on the Broadband brigaid we're doing a work to pass broadband legislation to make sure every American has broadband accessibility. One of the brothers spoke earlier about the fiber running through communities to a specific destination, but they don't stop. So we can envision this as being like a freeway. You only got stops in the downtown areas. Who the heck's going to drive on a freeway and not be able to jump off into their neighborhood? That's nonsense. I just wanted to put that in to start.
And then also just want to make these two points, the Covid 19 pandemic exposed the gaps in the broadband services. When the pandemic ends the gaps are still going to be present – they're not going to go away.
Americans need high speed affordable broadband to work, to learn, to shop, to succeed in the world today. However, millions of us do not have reliable, affordable broadband access. And the second part of this piece of the

broadband infrastructure law means universal access and affordability, corporate accountability. Brothers and sisters spoke of that broad public oversight and the creation of good union jobs. This law helps ensure that no child has to drop out of school due to lack of Internet access or that a senior citizen goes without medical care, because they do not have affordable broadband. This law makes an enormous difference in the lives of millions of folks, especially those living in underserved communities in order to succeed in America. Everyone and I'm going to repeat that word, everyone needs to be on a level playing field and that's what this law does with these funds and with the broadband in the middle mile. Everyone should have that equal opportunity to thrive in society, be safe, and have a future present for themselves. Thank you guys for this forum.

Andy Berke	00:55:16.620 --> 00:55:20.640 Thanks so much Scott. Let's go to Essam and then we'll go to Brian Cornish.

Essam El-Beik

00:55:23.040 --> 00:55:31.560
Hello, thank you. I'm Essam El-Beik of Central Illinois Central Network. I have a short comment, based on your second listening question. You know if the strategy of an applicant is to build a middle mile network with plenty of dark fiber available, then it may be that some existing middle mile fiber that's available in the ground with perhaps not fiber available that that would not be able to be leveraged. In other words, you know the strategies to build a middle mile that with plenty of dark fiber available than the maybe existing middle mile infrastructure that is not available to be leveraged. Thank you for the opportunity to comment.

Andy Berke

00:56:18.240 --> 00:56:19.200
Terrific. Let's go to Brian and then after Brian will go to Lisa Southern.

Brian Cornish

00:56:28.140 --> 00:56:45.540
Brian Cornish. I'm the Director of Outside Plant for Kansas Fiber Network, I have a comment on all three of the listening session question. So my comment on question one regarding requirements for splice points access points locations for interconnection to other providers. I think that at minimum some guidance is required, but I think, as you as the NTIA looks at any requirements just keep in mind that I think the middle mile proposals that you will receive there'll be a mix of new construction, existing facilities, IRU facilities and you can't apply the same standards across all aspects of a middle mile network. So say, for instance, you know we have if somebody has a new middle mile project that they're requesting funding for and it includes some IRU fiber. They may not have the ability to change existing splice points or access locations on that IRU route. So just keep in mind, you know that any cost-effective middle mile solution is going to have a mix of how they get from point A to point Z and that any hard and fast requirements regarding splice points or inner connection points may not be doable with every construction methodology or facilities they use in that solution. I'm now number two on how you can leverage existing facilities. I heard someone mentioned dig once and I think dig once is great. And I know

different municipalities, states, have different requirements. But I think the key on dig once is less of a mandate and more about information exchange and communication and I'm not aware of any in my area but, I think the primary driver behind dig once is to make sure that all interested parties have a chance to place facilities when whether it's a road project or even another telecom project. And, to share and spread the cost on that. And, and so I think you know any dig once initiative really needs to focus on the communication efforts and coordination efforts. And then, when you look at existing blocks, you know there's the traditional yield at access to polls that I think most all parties deal with, but I think a big one is railroad crossings. You know there's some states that have dressed and coming up with standardized intervals and formats to do applications to railroads for crossings and public right away, but that's definitely not existing in every state, but that is a big one, you know, for I know for all telecom providers across the country so. And I guess my third one would be on what scalability requirements. And I think this kind of adds to my answer on the first one, you know because there's going to be different. What's your definition of scalability you know if it's a solution that's going to include are you fiber you know it's going to have welded scalability. And if it's a new build project or greenfield project. If you have a requirement that says okay this middle mile project needs to have X number of fibers available from day one. Obviously there's a cost or says this new greenfield middle mile building these got to have X number of fibers and X number of conduits available for future use. Just keep in mind that all those have a cost, you know, and then the more fiber you put in and the more conduit you add it just increases the project costs.

Andy Berke

01:00:44.520 --> 01:00:44.940
Okay. Thank you very much appreciate it let's go to Lisa Sutherland and we'll follow Lisa with Aryeh fishman.

Lisa Sutherland

01:00:57.480 --> 01:01:07.440
Lisa Sutherland: hi this is Lisa Sutherland I'm with the Alaska federation of natives in Alaska. We serve about 229 tribes and number of other tribal organizations in the state. My first question is, I know that there was a deadline, I think it was last Friday the fourth to submit comments on a number of NTIA programs. Will there after this session will there be an additional opportunity to submit ideas, based on some of the information that different participants have suggested that's my first question? And then, my second one is BroadbandUSA is designed to be kind of the one stop shop where everyone can go to find out what better opportunities there are. I did want to mention that you know the USDA and others have opportunities too that they have deadlines coming up, but a lot of the information is not up to date. But apart from that, I think the thing that would be most helpful I know a lot of our tribes spent $50,000, $100,000 or more putting together applications for the Tribal Broadband Program including some Middle Mile applications and I'm hopeful that you might in as part of the Middle Mile NOFO for that you put out that you would allow these tribes, and maybe others as well, to take those applications – there's also tribal organizations that are allowed to apply – be allowed to put

those applications into the middle mile portal, without having to spend another $50,000 to $100,000 to put together a different application. You know, obviously there's possible there might be some statutory requirements that we're in the middle mile program that were not in the tribal broadband and you'll have to have maybe an addendum that would be submitted, but I hope you'll consider that you know now tribes, because they know decisions have been made on the tribal broadband grants they're having to also submit applications for RUS, who has a whole different application process. And so now, if we have to do, like a third application for the middle mile program it just gets to be a lot, especially for tribes that don't have a lot of capacity. So I'm hoping that you will you know, maybe allow some reciprocity and, ultimately, I think it would be good if the federal agencies could get together and create a one uniform application process and maybe you can work with Congress. I think they would be open to doing that, obviously, if you're doing a rural development application, it has to be on real lands but there's just so much overlap and so much money that's been spent on consultants and putting these applications together. And then, my last suggestion is that as you're kind of contemplating what your compliance requirements are going to be. That you work with the tribal broadband and some of the other programs, so that people don't spend all their time doing compliance. We've already seen that in especially with a lot of Indian tribes who don't have a lot of capacity. They're too busy filling out quarterly or even monthly reports for agencies. They don't have time to apply for the grants that are out there. So I hope that you'll have maybe for, especially small and needy tribes, you might consider having a reduced or just kind of a streamlined compliance process and compliance schedule.

Andy Berke

01:04:52.140 --> 01:05:02.400
Thank you. Thank you Lisa and I just want to remind everybody on here that if you have comments that you would like to submit following this presentation and this session feel free to send those to broadbandforall@ntia.gov. Again that's broadbandforall@ntia.gov so with that let's go to Aryeh Fishman and will follow our with George Kaloudis.

Aryeh Fishman

01:05:26.310 --> 01:05:37.740
Hi Good afternoon, my name is Aryeh Fishman and I represent the Edison Electric Institute EEI and we are the trade association that represents all the US investor electric companies. Just by way of introduction I would point out that EEI's members own and operate a vast overhead electric system, including the utility poles. Of what we believe typically now referring to the second question is that electric companies such as investor owned utilities can really have a big impact in terms of expediting middle mile broadband infrastructure. They typically do have rights away, and they have a long history of working collaboratively with stakeholders, such as organized Labor and electric companies could be in the solution of providing middle mile broadband infrastructure on a non-discriminatory basis. So that would we go along way to present a cost effective solution to communities. So we would be encouraging NTIA as well to bridge ISPs to enter into partnerships, but we'd also draw attention that it would be helpful to encourage the States to lower the barriers

to be able to allow companies such as hire us to leverage their electric assets, their rights away is that their calls or uses of broadband, not just electric use. So if they're not allowed to use those assets it's not going to be part of the solutions that and that I think would be a big help if there was infringement to the dates to lower those barriers. So that would be the comment I guess I'd like to offer, which is to get just to remind NTIA as well that we were very pleased to be able to offer our comments and thoughts in your response to the RFC and we look forward to hopefully being able to work with you all in the future, so thank you very much.

Andy Berke

01:07:36.150 --> 01:07:42.180
Thank you so much let's go to George and then we will follow George with Susan C. We're going to get to you let's go to Susan C and then after Susan C we'll go to Perry MulCrone. Susan.

Susan C.

01:08:31.110 --> 01:08:32.700
Thank you, sorry about that. My background is in public health science, Harvard School of Public Health where I was research assistant. And I just need to say that we, the primary thing that we need to look at, given the primary purposes of both the communications act and telecommunications Act, which are purpose they're very legislative purpose is to promote the safety of life and property, not just protect but promote. We have now thousand some 10 or 11,000 some pages of evidence in the anti NTIA record and on Federal Court records. As well as in general 25,000 some are more studies over the past century, this is a very well established science. Radio frequency, radiation microwave, radiation Bio effects, is an established science. That's why we need to look at this elephant in the room, primarily, and above all okay. There can be no further wireless deployment, particularly not anything over 6000 megahertz six gigahertz which we now know to be illegal per the Court decision of August 2021. But we can't build out any more wireless at all period, knowing what we know and based on that law okay. The science facts, the laws are established. This is no mere matter of concern or any other groups across the country that may express their concerns. No, this is a matter of fact and law. So I, by the way, as a person with Native American ancestry I totally agree with Katuwa bands that brought their lawsuit two years ago and also with the earlier expression, the first expression from the Alaskan tribes. We need to focus on fiber and not wireless okay, because otherwise we are damaging people we're damaging animals insects, the environment. And, as a scientist, I have to inform you that wireless facilities constitute what the military cause electronic weapons EWS. Okay, and further that we must lose all pollinators within a matter of just years. If the build out continues and even if what is already deployed continues to operate. This is why we need to cease operations immediately of everything that's operating over six gigahertz, which is the law now and cease these at least until FCC goes back and does its homework, which obviously it admitted in the last lawsuit before the DC circuit, it had not done. So, we need to prioritize life, above all, and federal law tells us. So thank you very much.

Andy Berke

01:11:23.310 --> 01:11:26.640
Thank you Susan. Let's go to Perry Mulcrone and will follow Perry with Rod Couch.

Perry Mulcrone

01:11:33.780 --> 01:11:43.290
Good afternoon, everybody. My name is Perry Mulcrone. I manage Stackon which is a fiber regional fiber network in Minnesota so Minneapolis. On my comments are more pragmatic just regard to number one on it and in respect to what the gentleman had said earlier about sometimes you won't be able to require access points for other providers, but in order to sort of future proof this stuff that goes into the into is implemented for in regards to fiber. You may want to consider having the applicant demonstrate how they're going to allow other providers to connect to the middle mile. At but with respect that he had said, you know there's RRU fiber out there, they may not be able to contractually, but they can demonstrate that in the application process on. Also, when we put in our fiber we did every 700 feet in the city every 1500 feet outside, we found that concrete handholds hold up a lot longer than the poly fiber handholds. You'd want every major intersection so 700 feet or every major intersection to allow of that what the other gentleman and said to allow jump off points. And then for future proofing also to try to I know overbuild can be a lightning word, but the big ones concept were you put in larger conduit at the beginning and encourage maybe multiple conduits instead of one and a quarter inch being put in two and a two and a half or three inch kind of and encourage those kind of statements in the application process. As far as a number two is you could also consider, in application process, giving priority where people can demonstrate entities can demonstrate that they are going to leverage existing. Infrastructure and existing middle mile. Thank you.

Andy Berke

01:13:39.390 --> 01:13:47.730
Thanks so much. Let's go to Rod Couch and then we'll get to George Hechtman.

Rod Couch

01:13:56.490 --> 01:14:15.180
Right thank you on responsiveness specifically to the questions. I work for Kamal Electric Cooperative T&T in northeast Oklahoma and we have direct connectivity to nine co-ops in northeast Oklahoma as well as 10 plus tribal nations in the northeast Oklahoma area. And so, our responses are directed towards being able to provide service to those. For number one should NTIA impose any probably middle mile projects with replacement or placement of spices. We think that you should only impose requirements for access to two points of presence, where our equipment and fiber both located. Requiring access to splice points can be detrimental to the integrity of a network as it will cost network to have stranded assets and providing a what we call chopped up but providing access to splice points in different areas. So the continuity of the network is degradated. When you require access to the POPs, system integrity is maintained by the system owner and especially when the owner has an existing system and their funding requests are for proven to that system to help provide additional bandwidth to area of fiber to the home providers, utilities, and tribal

areas. How can middle mile infrastructure. program leverage existing middle mall facilities? We believe that the rural electric cooperatives are the perfect example of non-traditional providers and have the ability to leverage your existing middle mile facilities. They have access to the right of way. Suppose condo it's another infrastructure. To provide the fiber to the home services in the areas of left abandoned by the large communication companies. We think for guidance NTIA should convene a panel made of the leaders of cooperatives and other companies where the deployment of the fiber to home successes had been established and recognized. In addition we believe obtaining easements is a major concern and cost factor for deploying the middle mile network. We believe that should be addressed. And as the network grows capacity needs in the middle mile network of should grow as well, we believe that the grant recipients should be building networks capable supporting 100 gigabit per second and higher bandwidth services these networks are a fiber based network. DWDM it's also necessary to meet those requirements so that's my input for the interest of the presentation.

Andy Berke	01:16:40.470 --> 01:16:48.360 Thank you so much Rob. Let's go to George Hechtman and then George will be followed by Odette Wilkens.
George Hechtman	
	01:16:58.980 --> 01:17:03.180 Yeah. I want to comment particularly on number two. Well I'm George Hechtman and I'm the principal of George Hechtman development and we work with a variety of communities and private companies when addressing some of these issues, and specifically. We've run into situations where there is existing fiber backbone networks to serve our research and educational on networks in states where there couldn't be fiber to every library every school every university and other such anchor institutions, but they are prohibited by law from competing with private ISPs. And we would encourage that to be a requirement of the NTIA that if such laws are in place prohibiting the use of that fiber to reach private individuals that that barrier be removed because we commented on the last session the incumbent ISPs have told us sometimes just for economic reasons, not by bad intentions, to provide service to these areas where a solution may already be underground passing by neighborhoods on the way to the school and other anchor institutions. So I think that's a very important point. Number two because there's a lot of opportunity there in many states in the country. Speaking back to, for instance, the folks in the San Mateo and Oakland, two areas that I know well. Scenic is running the golden state network they're going to Calvin network they've been provided $3 billion from the state of California. And I'm sure we'll be involved in this so we're working with them on solving exactly that type of issue to leverage that existing infrastructure in some states again like California. The Public Utility Commission, by the way, is gathering some of this connectivity information by census tract not just zip code and I think that that should be taken into account if the state has instituted that type of fact finding information in its application. Thank you.
Andy Berke	01:19:36.570 --> 01:19:44.250

Thanks so much George. Now let's go to a Odette Wilkins and Odette we're going follow you with Louis Peraertz.

Odette Wilkins

01:19:50
Thank you very much. I'm Odette Wilkins and I head up an advocacy group called Wired Broadband and we are promoting fiber optics to the premises. Not wireless but fiber optics for the premises. What I want to do is, I want to address the issue of reducing regulatory and permitting barriers to promote the construction of new middle mile. Well, first of all middle mile has already been built and maybe even overbuilt I think what we're really looking for is access to the nodes so that local fiber operators can actually construct fiber to the premises. So we're looking for those nodes and what you know we're talking about reducing regulatory and permitting barriers that's not what should be reduced, those are mischaracterized as barriers, they are not. They protect the residents, health and welfare and they give them a right to be heard. And it also protects the local fiber operators to also have a right to be heard. What's being erected as it they're being used as a euphemism to erect barriers against residents to take away their right to hearings and their right to be heard. And it's a barrier to entry for local fiber operators to provide fiber to the premises. Now residents are being exposed to wireless radiation that they don't want or need. Wireless nodes facing their homes and into their children's bedrooms. For instance in Pittsfield Massachusetts in the Berkshires there have been about 17 individuals or families who have had to evacuate their homes, after a wireless tower was placed at the end of their block. Because they can't live there anymore it's a toxic zone, and they are trying desperately for the past two years to get back to their homes. So that is a problem and the end by reducing the regulatory and permitting barriers they were not given the right to be heard and they were not given the right of consent. And now they've had to be refugees out of their own homes. That is not okay, that is not what bridging the digital divide is about not forcing people out of their homes. Also the NTIA really should give priority to fiber when we talk about broadband it's fiber not wireless. Wireless are things from routers that move. Fiber to the premises is what is affordable, what is scalable, what is a superior service. It's these regulatory and permitting barriers that need to be reduced – well that's being used as a barrier to a more superior service and that's fiber because what's being done is they're using those they're saying that those are barriers, because they're trying to force everyone to accept wireless, which is an inferior service. Former FCC chair Tom Wheeler calls fiber future proof and wireless only as a last resort, not first resort. Fiber is a superior services. It's scalable from 100 megabits per second to one gigabit per second 10 gigabits per second. Wireless doesn't even come close to vibrant safe is cyber secure compared to wireless which is hazardous to your health and to trees and to pollinating insects, and the list goes on and on. I mean just look in the FCC docket. Susan C. talked about this. The DC circuit Court of Appeals remanded back to the FCC back in August of last year to reconsider its emission limit limits from 1996 the SEC violated the administrative procedures act when they refuse to consider the thousands of scientific studies of biological hazards of wireless radiation and the hundreds of personal accounts of injuries from wireless radiation, so what the NTIA what I

would suggest needs to require from the grant seekers is first of all, any entity that previously received government grants has account for those grants that they received and whether they achieved the results. If they have not they're not able to do that, they would be automatically disqualified. The barrier is here is the barrier to entry by the incumbents who are running middle mile fiber pastoral communities without serving them. Hence the digital divide, they created the digital divide. The way to handle the digital divide is to is to require them to make those nodes in the middle mile available for local fiber operators who can take care of the digital divide. So that is – that's my contribution. Thank you.

01:24:10.170 --> 01:24:24.300
Andy Berke
Thank you Odette. Let's go to Louis and follow that with Paul Narro and we've just got a few minutes left so appreciate everybody adhering to the time rules.

01:24:28.950 --> 01:24:36.960
Louis Peraertz
Okay, great. Thank you so much for holding these listening sessions and thank you for all the hard work that the NTIA staff is doing to implement this robust program. I want to say a couple of things. I want to talk about the rights away questions that you have in in question two. Section 224F of the communications act of 1934 grants rights to cable television systems and telecommunications carriers to access polls ducks conduits and rights away, but it does not extend those same rights to standalone broadband providers or broadband providers that are offering interconnected VoiP. To the extent that it is within NTIA's authority state and local government should expedite approvals for access to polls, ducts, conduits, and rights away. And we think that will go a great way towards expediting deployment of middle mile. And then also the IJA mandates that NTIA must implement this middle mile grant program in a technology neutral manner. That means that the NTIA should get fixed wireless providers a fair opportunity for these grants as it's given to fiber. I represent WISPA. It's an association that represents more than 700 fixed wireless providers. And our members are using both fixed wireless fiber and, in many cases, hybrid networks, in order to build more broadband and bridge digital divides. I also want to say one last point to those folks, such as the last speaker, that continue to misconstrue the DC circuit's opinion from August 2021. The DC circuit remanded to the FCC that it take a careful look at some of the scientific studies, because it did not provide an adequate explanation. The DC circuit did not say that anything that was currently being implemented or deployed by wireless or fixed wireless networks was illegal. On contrary to some of the speakers remarks and nor all it did, and the DC circuit did not even grant the request of the environmental parties to vacate the order or vacate the FCC rules. All it did was asked the FCC to further explain its reasoning. And with that I'll yield Thank you again for the opportunity to comment.

01:27:11.550 --> 01:27:15.660
Andy Berke
Thank you. Let's go to Paul and then to Josh Snow.

01:27:34.620 --> 01:27:48.480
Paul Narro

Yeah my name is Paul Narro. So for the for the number for the first one, the question is, why should it should require a splice point at least every 700 feet and at every intersection for the middle mile projects. And then on number two to accelerate the deployment of high speed broadband services and NTIA should require employees to have ETC status similar to RDOF. I think that works very well because that gives them the right of way so there's no delays in deployment. And then for number three NTIA should require a minimum of 240 strands of fiber deployment to allow for future growth and also multiple conduits to allow for future growth. Thanks.

Andy Berke

01:28:28.110 --> 01:28:30.810
Thank you, Paul. Josh Snow.

Josh Snow

01:28:31.980 --> 01:28:36.600
Yes, Josh Snow, President Trace Fiber Networks of Oklahoma.
We are a current btop I guess my recipient that we are using RU fibers out of the BTOP grant that came back in 2009. OKAN is the provider here, and so, so we have, I have a pretty good working knowledge of being able to access those available strands and that was installed so that's certainly a good thing. What I wouldn't make comment is that there needs to be access points along the way, not every hand-hold should be an access point. Those need to be determine when the steak and sheets in the routes are being developed, but they do need to be that forethought needs to be put into that I think we're we can better that procedure today is to come up with some sort of inventive way to access those records, because one of the things that is a little bit cumbersome now is that is a very manual process to find out what the availability is of the strands that are at those access points. So some sort of real time database that correlates with a map that shows that this route is available and it's available for joint use and are used in what the availability is on the dark strands. As it pertains to the costs, you know we can get you know into a long discussion about you know the various ease of the cost to build whether it's underground or aerial but there needs to be some sort of mechanism in place that that the cost per strand per mile is standardized so that all parties can participate in a fair and equitable rate. And as it goes to being able to make it accessible, I do agree with some of the comments have been made. If it is going to be a buried system that the minimum of three inch and a quarter inch and a half ATP polyducts should be put in the ground and that they would be made connected to points of presence that have access to tier one Internet drains so that those areas are actually connecting to something that will get the into you know lower cost per Meg Internet trends. So with that I will close.

Andy Berke

01:31:10.980 --> 01:31:23.43
Thanks so much Josh, you've got the last word because we are one minute over. I want to thank everybody for attending today. We certainly appreciate and welcome your feedback. To remind everyone once again if you want to provide additional feedback if you've got some more questions, please send those to broadbandforall@ntia.gov. This has been our fourth broadband program public virtual listening session we've got a fifth coming up on February 23, 2022. You

have the website there that you can see, for upcoming listening sessions. Thanks to everyone. We appreciate your feedback and we look forward to our success with our middle mile program. Thank you.