

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matters of	)	
	)	
International Comparison and Consumer	)	GN Docket No. 09-47
Survey Requirements in the Broadband	)	
Data Improvement Act	)	
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Inquiry Concerning the Deployment of	)	GN Docket No. 09-137
Advanced Telecommunications Capability to	)	
All Americans in a Reasonable and Timely	)	
Fashion, and Possible Steps to Accelerate such	)	
Deployment Pursuant to Section 706 of the	)	
Telecommunications Act of 1996, as Amended	)	
by the Broadband Data Improvement Act	)	

**COMMENTS OF THE ASIAN AMERICAN JUSTICE CENTER, MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL, NATIONAL URBAN LEAGUE AND RAINBOW PUSH COALITION IN RESPONSE TO NBP PUBLIC NOTICE #18**

The Asian American Justice Center, Minority Media and Telecommunications Council, National Urban League and Rainbow PUSH Coalition (“Civil Rights Organizations”) respectfully submit these comments in response to National Broadband Plan Public Notice #18 (“Notice”)<sup>1</sup> concerning the relationship between broadband and economic opportunity. The Commission seeks comment on a number of issues related to “small businesses...non-profit organizations, economic opportunity and workforce development.”<sup>2</sup> These entities are key to the Commission’s forthcoming National Broadband Plan to further “broadband infrastructure and services in advancing...community development...worker training, private sector investment,

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<sup>1</sup> See Comment Sought On Relationship Between Broadband And Economic Opportunity, NBP Public Notice #18, GN Docket Nos. 09-47, 09-51, 09-137 (released November 12, 2009) (“Notice”).

<sup>2</sup> Id. at 1.

entrepreneurial activity, job creation and economic growth.”<sup>3</sup> These organizations can stimulate job creation in the areas most ravaged by high unemployment—particularly urban and rural communities of color – by facilitating digital literacy through the creation of culturally relevant content, computer ownership and training, and community access to technology.<sup>4</sup>

**I. COMMUNITY HUB DEVELOPMENT SHOULD NOT SUBSTITUTE FOR HOME BROADBAND ADOPTION EFFORTS**

The Commission seeks comment on “how [community] hubs are used in ways that create economic opportunities,” particularly “[i]n areas of suboptimal deployment and adoption” where they act as “stop-gaps for individuals to obtain access to broadband.”<sup>5</sup> Key community hubs include for-profit and non-profit organizations, technology centers, economic development centers, workforce training centers, faith-based non-profits, social service organizations, or collaborative networks of these entities. These key hubs include child care facilities, parks, service-related establishments such as barber shops and beauty salons, and other locations where local residents congregate on a regular basis.<sup>6</sup>

As stated in the Broadband Diversity Supporters’ (“BDS”) National Broadband Plan (“NBP”) Comments, these entities serve a demographic cross-section of the communities in which they are located<sup>7</sup> and are vital to efforts to bridge the broadband divide. By facilitating

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<sup>3</sup> Id. (citing American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, §6001(k)(2)(D), 123 Stat. 115 (2009) (“Recovery Act”) (internal quotations omitted).

<sup>4</sup> See Initial Comments of the Broadband Diversity Supporters (Corrected), In the Matter of a National Broadband Plan for Our Future, GN Docket 09-51, filed July 5, 2009 (“BDS NBP Comments”) at 34.

<sup>5</sup> Notice at 1.

<sup>6</sup> See Joint Center Media and Technology Institute, Broadband Imperatives for African Americans: Policy Recommendations to Increase Digital Adoption for Minorities and Their Communities at 9, available at [http://www.jointcenter.org/publications\\_recent\\_publications/media\\_and\\_technology/broadband\\_imperatives\\_for\\_african\\_americans](http://www.jointcenter.org/publications_recent_publications/media_and_technology/broadband_imperatives_for_african_americans) (last visited December 3, 2009) (“Joint Center Broadband Imperatives”).

<sup>7</sup> BDS NBP Comments at 33-34.

digital literacy through the creation of culturally relevant content, encouraging computer ownership and training, and expanding community access to technology, community hubs have the potential to stimulate job creation in areas of high unemployment.<sup>8</sup>

The role of community hubs must be expanded. However, as stated by the Commission, these institutions should be viewed as a stop-gap.<sup>9</sup> The ultimate goal of the National Broadband Plan should be to provide affordable broadband access to the home. Broadband in the home promotes the skills “necessary for success in higher education and the workplace.”<sup>10</sup> We agree, and continue to maintain that affordable home broadband opens doors to limitless “distance learning opportunities, job search services, digital information, specialized content, computer specific skills and other benefits derived from broadband.”<sup>11</sup> As the Broadband Opportunity Coalition (“BBOC”) asserted in its Section 706 Comments, “All children should have available, via the Internet, the same advantage of advanced teaching techniques, and opportunities to use broadband in their homes, that children from prosperous families enjoy.”<sup>12</sup>

## **II. BUSINESS ADOPTION AND USAGE: SDBs AND MBEs REQUIRE AFFORDABLE BROADBAND OPTIONS AND DIGITAL LITERACY TRAINING**

The Commission seeks comment on “what level of connectivity is required for businesses of varying sizes and in different business verticals, and how those capabilities are best utilized by businesses.”<sup>13</sup> Specifically, the Commission inquires as to the particular needs of small

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<sup>8</sup> Id.

<sup>9</sup> Notice at 1.

<sup>10</sup> BDS NBP Comments at 24.

<sup>11</sup> Id.

<sup>12</sup> Comments of the Broadband Opportunities Coalition In Response to the Section 706 Notice of Inquiry, and A National Broadband Plan for Our Future, GN Docket Nos. 09-51 and 09-137 (September 4, 2009) at 3-4 (“BBOC Section 706 Comments”).

<sup>13</sup> Notice at 2.

businesses including Small Disadvantaged Businesses (“SDBs”)<sup>14</sup> and “the unique needs of businesses that are primarily owned and controlled by women.”<sup>15</sup>

As BDS stated in its NBP comments, participation of MBEs and SDBs in the broadband marketplace is essential because these businesses reinforce the American Recovery and Reinvestment Act of 2009 (“Recovery Act”) objectives of stimulating these businesses.<sup>16</sup> Ubiquitous broadband is essential to small business development and competition. Companies of any size cannot adopt or use broadband where it is not available.

The Commission asks whether “mobile broadband services for businesses constitute a reasonable alternative (rather than a complementary solution) to wireline access.”<sup>17</sup> As BDS stated in the NBP proceeding, the low cost of wireless broadband network entry will increase the likelihood of successful SDB entry when compared to traditional means of broadband distribution.<sup>18</sup> Wireless broadband is an attractive option for some SDBs and MBEs where available, though all options for affordable broadband should be available for each company to assess based on its unique business model.

Affordability is an additional barrier to adoption and affordable alternatives to broadband access are necessary for innovation and competition. All companies face challenges in the current economic climate, but small, minority, and women owned businesses face greater challenges when attempting to obtain financing. According to the Broadband Diversity

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<sup>14</sup> Id. at 3 (“...defined as a small business that is at least 51 percent owned and controlled by a socially and economically disadvantaged individual or individuals. Such entities include: African Americans, Asian Pacific Americans, Hispanic Americans, Native Americans and Subcontinent Asian Americans.”).

<sup>15</sup> Id.

<sup>16</sup> BDS NBP Comments at 28 (citing American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) (“Recovery Act”)).

<sup>17</sup> Notice at 2.

<sup>18</sup> BDS NBP Comments at 18.

Supporters, ubiquitous, affordable broadband “would provide vast opportunities for technology entrepreneurs and other small businesses.”<sup>19</sup> The Commission should create incentives for investment in broadband technologies in unserved/underserved, low-income, minority, and multilingual communities to encourage participation by MBEs and SDBs as contractors and subcontractors.<sup>20</sup>

The Commission also asks “[w]hat key applications are most critical to business productivity” and “the role that broadband plays in enabling these applications[.]”<sup>21</sup> We suggest that the Commission address digital literacy before discussing how applications may be used. As stated in MMTC’s Disadvantaged Business Comments in this proceeding, digital literacy is as important for SDBs as it is for students.<sup>22</sup> BDS and others have recommended that the Commission promote and fund digital literacy programs in unserved and underserved areas.<sup>23</sup> This enables all companies to have more digitally savvy employees, giving small businesses the

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<sup>19</sup> Id. at 7-8 (citing Improving Internet Access to Help Small Business Compete in a Global Economy: Hearing before the Committee on Small Business and Entrepreneurship, United States Senate, One Hundred Tenth Congress, first session, Opening statement of the Honorable John F. Kerry at 2 (September 26, 2007), available at <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110%5Fsenate%5Fhearings&docid=f:40810.pdf> (“Small Business Competition Hearings”)) (last visited December 2, 2009)).

<sup>20</sup> See BBOC Section 706 Comments at 12. Actions the Commission should take to incentivize investment in these areas include: working with minority banks to develop a line of credit for SDB broadband ventures; supplying direct loans for investment in broadband technologies in these areas; using the interest generated from spectrum auction proceeds to reinstate the Telecommunications Development Fund; using tax credits and reinstate the tax certificate policy to encourage DBE and MBE participation; increasing broadband demand by creating digital literacy and training programs in vulnerable communities; and allocating certain USF funds to state grant programs to increase broadband facilities in unserved communities. Id.

<sup>21</sup> Notice at 2.

<sup>22</sup> See Reply Comments of MMTC In Response to NBP Public Notice #9, GN Docket Nos. 09-47, 09-51, 09-137 (November 17, 2009), at 4 (“MMTC DBE Reply Comments”).

<sup>23</sup> See, e.g. MMTC Roadmap for Telecommunications Policy (July, 2008) (“MMTC Roadmap”) at 10 available at <http://mmtconline.org/lp-pdf/MMTC-Road-Map-for-TCM-Policy.pdf> (last visited December 3, 2009) (stating that Internet literacy in public schools is a legislative priority.); see also BBOC’s NBP Comments at 6-7 (stating that improving digital literacy must be the Commission’s first priority in developing the National Broadband Plan).

ability to compete with larger business that have resources to provide digital training to their employees.

The Commission seeks comment on the “economic effects of business broadband” and asks “[w]hat best practices / examples for fostering entrepreneurial development currently exist that could benefit from broadband-enabled services?”<sup>24</sup> In July 2009, MMTC submitted to the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS) a list of thirteen proposed best practices to enhance SDB and MBE participation in the broadband stimulus.<sup>25</sup> These proposals were founded upon approaches taken by the Public Service Commission of Maryland and the California Public Utilities Commission with the cooperation of participating prime contractors. As MMTC recently restated in its DBE Reply Comments, the Commission should follow the lead of Maryland and California and enter into nationwide MOUs with prime contractors stating that these contractors would make best efforts to engage MBEs and SDBs, as evidenced by certain benchmarks, in exchange for incentives provided by the Commission.<sup>26</sup>

### **III. REGIONAL ECONOMIC DEVELOPMENT CAN BE STIMULATED BY LOCAL BUSINESSES USING BROADBAND-ENABLED DIGITAL TECHNOLOGY**

The Commission seeks comment on “ways in which broadband might help localities and regions attract new businesses and build up economic bases” and “seek[s] to better understand

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<sup>24</sup> Notice at 3.

<sup>25</sup> See Best Practices for Engaging Minority Business Entities, In the Matter of Joint National Telecommunications and Information Administration-Rural Utilities Service Request for Information Docket No. 090309298-9299-01 (July 19, 2009), available at <http://mmtconline.org/lp-pdf/MMTC-MBE-BestPractices-071909.pdf> (last visited December 3, 2009).

<sup>26</sup> MMTC DBE Reply Comments at 5-7.

ways in which broadband does and does not facilitate that development and what institutions are critical in supporting that development.”<sup>27</sup>

Not long after the Commission initiated this proceeding, MMTC developed a proposal for a series of field hearings to enable the Commission to hear directly from those most in need of universal, competitive, affordable, and accessible broadband service.<sup>28</sup> One suggested hearing location was Greenville, Mississippi. Greenville, one of the largest cities in one of the poorest regions on the country – the Mississippi Delta – has a majority African American population.<sup>29</sup> Reliable broadband service is a significant issue for all of Greenville and surrounding Washington County.<sup>30</sup>

Washington County chose a company called NorthStar to apply for stimulus funds on its behalf.<sup>31</sup> Local development centers were working to provide reliable broadband technology to local companies such as Greenville-based SentryNet in order to generate employment opportunities and bolster the regional economy.<sup>32</sup> For SentryNet, broadband was reportedly so unreliable in Greenville that the company contemplated leaving the market altogether.<sup>33</sup>

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<sup>27</sup> Notice at 3.

<sup>28</sup> See MMTC Proposal For National Broadband Field Hearing, GN Docket No. 09-51 (June 7, 2009), available at <http://mmtconline.org/lp-pdf/MMTC-BB-Hearing-Plan-060709.pdf> (last visited December 2, 2009) (“MMTC Hearing Proposal”). MMTC drafted this proposal in response to the Commission’s National Broadband Plan Notice of Inquiry, GN Docket No. 09-51 (April 8, 2009) (“Broadband Plan NOI”).

<sup>29</sup> MMTC Hearing Proposal at 18-19.

<sup>30</sup> Id. (citing Terri Ferguson Smith, County’s Quest to Merge on the Information Highway, Delta Democrat Times (April 9, 2009), available by subscription at <http://www.ddtonline.com/articles/2009/04/09/news/news3.txt> (last visited May 7, 2009)).

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id. (quoting Executive Director of Delta Economic Development Center, Ed Johnson, “They’ve [SentryNet] had too many glitches in their system over the years because we haven’t had the technology to support that...they were seriously thinking about moving shop to Pensacola, Fla., so we have to save those jobs.”).

Numerous agencies in the region share the goal of improving the area's broadband capabilities.<sup>34</sup> Greenville is one of many areas in the country where innovation and economic development are not reaching their full potential because businesses in the region do not have access to reliable broadband service.

#### **IV. BROADBAND ACCESS IS NECESSARY FOR WORKFORCE DEVELOPMENT AND DIGITAL LITERACY**

The Commission seeks comment on a number of areas related to “how increased broadband access could impact our country's federally-supported workforce development program.”<sup>35</sup> There is a growing necessity in the digital age for access to broadband to satisfy a number of basic needs that previously were handled using traditional media. One such need is access to employment.

Broadband has the potential to help satisfy those needs in areas of chronic underemployment with improved skills that are valuable to employers in a digital economy.<sup>36</sup> As stated in the Commission's October 2, 2009 broadband hearing, approximately three-quarters of Fortune 500 companies require job applications to be completed online.<sup>37</sup> Today's workforce requires not only the skills necessary to navigate the Internet, but access to reliable broadband connections. Unfortunately, trends toward “on-line only” job applications leave those who have not been employed in digital-based services, such as those in manufacturing or skilled trades, at a

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<sup>34</sup> Id. at 19 (citing Patrick L. Ervin, Collaboration is the Key to a Community's Prosperity, Delta Democrat Times (April 17, 2009), available by subscription at <http://www.ddtonline.com/articles/2009/04/17/news/news5.txt> (last viewed May 7, 2009)).

<sup>35</sup> Notice at 4.

<sup>36</sup> See BDS NBP Comments at 5 (citing Geography of a Recession, New York Times, available at [http://www.nytimes.com/interactive/2009/03/03/us/20090303\\_LEONHARDT.html?ref=economy](http://www.nytimes.com/interactive/2009/03/03/us/20090303_LEONHARDT.html?ref=economy) (last visited December 3, 2009).

<sup>37</sup> Transcript, National Broadband Plan Workshop On Diversity And Civil Rights Issues In Broadband Deployment And Adoption (October 2, 2009) at 20 (“NBP Diversity Hearing Transcript”) (statements of John Horrigan, Consumer Research Director, Omnibus Broadband Initiative, FCC).



disadvantage. Such issues were not seen before the information age when job announcements and applications were readily available in print media and hard copy applications were the norm. This also affects seniors reentering the job market, who may be hesitant to adopt new technology.<sup>38</sup> As BDS stated in this proceeding, lack of broadband in the home restricts access to job search services.<sup>39</sup> Increased broadband access has the potential to dramatically impact communities without reliable broadband access or digital training.

Respectfully submitted,

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<sup>38</sup> Id. at 39-40 (statements of Jim Tobias, President, Inclusive Technologies).

<sup>39</sup> BDS NBP Comments at 24.