



March 12, 2009

MEMORANDUM TO CLIENTS

Re: NTIA and RUS Issue a Joint Request for Information and Notice of Public Meetings on a List of Topics Relating to the Broadband Deployment Programs under the American Recovery and Reinvestment Act of 2009

Written Comments Due: April 13, 2009

**Public Meetings Scheduled:
March 16, 19, 23 and 24, 2009 (Washington, DC)**

**Field Hearings Scheduled:
March 17, 2009 (Las Vegas, NV) and March 18, 2009 (Flagstaff, AZ)**

The National Telecommunications and Information Administration of the U.S. Department of Commerce (“NTIA”) and the Rural Utilities Service of the U.S. Department of Agriculture (“RUS”) have issued a Joint Request for Information and Notice of Public Meetings (the “Joint Request”) in connection with the American Recovery and Reinvestment Act of 2009 (the “Stimulus Act”).¹ The Joint Request was published in the *Federal Register* today and can be accessed at <http://edocket.access.gpo.gov/2009/pdf/E9-5411.pdf>.

Specifically, the two agencies have invited interested parties to submit written comments for the record and to attend public meetings on a series of topics to assist NTIA and RUS in establishing and administering their broadband plans under the Stimulus Act.

The Joint Request seeks comment on fifteen topics relating to the NTIA program, including:

- How should the five purposes of the NTIA program be best supported.
- What is the role of the states.
- What standard should apply for eligibility of private companies.
- How should selection criteria be established.
- What showing should be required that a proposal would not have been implemented without federal assistance.

¹ The Stimulus Act, which was enacted on February 17, 2009, provides \$7.2 Billion of funding for broadband deployment, adoption and mapping. The funding is divided into two broadband programs, one (\$4.7 Billion) called the “Broadband Technology Opportunities Program” consisting of grants to be administered by NTIA and the other (\$2.5 Billion) called the “Distance Learning, Telemedicine and Broadband Program” consisting of grants, loans and loan guarantees to be administered under RUS.

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- What showing should be required that a project will be completed within two years.
- How to define “unserved areas,” “underserved areas,” and “broadband.”

The Joint Request also seeks comment on five topics relating to the RUS program, including:

- How best to insure that rural residents lacking access to broadband will receive it.
- In what ways can RUS and NTIA align their programs to maximize efficiency and effectiveness.
- How to define “rural economic development” and “high speed broadband service.”
- What value should be assigned to four specified program priorities in selecting applications.

We would be pleased to respond to any questions regarding these matters or to discuss the preparation of written comments.

FLEISCHMAN AND HARDING LLP