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ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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March 28, 2013

The Honorable Larry Strickling
Assistant Secretary for Communications and Information Administration
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Assistant Secretary Strickling:

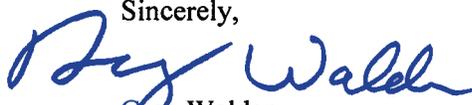
Thank you for appearing before the Subcommittee on Communications and Technology on Wednesday, February 27, 2013, to testify at the hearing entitled "Is the Broadband Stimulus Working?"

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and then (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by mail by the close of business on Thursday, April 11, 2013. Please also e-mail your responses to the Legislative Clerk in Word format at Charlotte.savercool@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden
Chairman
Subcommittee on Communications and Technology

cc: Anna Eshoo, Ranking Member,
Subcommittee on Communications and Technology

The Honorable Joe Barton

1. NTIA recently issued the funding announcement for the state planning grant program. I understand the grant performance period is three years and that there could be a second phase adding another two years. How do you reconcile a three to five year planning period with the fact that on Saturday during the National Governors Association conference Board Chairman Sam Ginn testified that the Board has already "architected the system" and "know[s] what it's going to look like"?
2. I am encouraged that FirstNet has been visiting the states, including Texas recently, and may potentially move forward with all the suspended BTOP projects if terms and conditions can be successfully negotiated over the next 90 days. I understand, however, that one such condition would be to transfer control of the BTOP assets to FirstNet. Wouldn't the effect of this transfer of assets be to eliminate a state's statutory right to opt-out of the FirstNet deployment since it would otherwise be left with no beneficial access to these assets? Stated differently, wouldn't this create a de facto opt-in position for BTOP jurisdictions prior to their being presented a plan to make an opt in/opt out decision? What would be the purpose of requiring agreement to a transfer of control now as opposed to waiting until the plan for a particular state is complete?
3. In the last FirstNet meeting held on Feb 12, 2013, the board approved resolution 18 directing the board to negotiate spectrum lease agreements with BTOP public safety grant recipients within 90 days. Texas was not included within that resolution and there are concerns with the Special Temporary Authority (STA) process being temporary causing jurisdictions concern about investing money into the network and planning within Texas. Is there planning within NTIA and FirstNet to ensure that Texas also is allowed to negotiate a long term spectrum lease agreement and if so when can it be expected.
4. The current authority for the Texas Public Safety Broadband buildout is only for a total of 14 sites within Harris Co area. Just to deploy the Harris Co area would require approximately 90 sites. It is my understanding that jurisdictions within Texas have local funding to invest in infrastructure however they cannot proceed within the current approved authority. What is being done within NTIA and FirstNet to work with Texas to allow them to continue to buildout infrastructure beyond the current 14 sites?

The Honorable Cory Gardner

1. Is delivering middle mile facilities to unserved and underserved locations one of the main objectives of the NTIA BTOP grant?
2. Was it a goal of NTIA to collaborate with existing providers where sufficient broadband already existed?
3. What were the criteria used to determine whether sufficient broadband existed within unserved and underserved areas, and did NTIA have a step-by-step process in place to determine where sufficient fiber optic facilities existed? If so, what was that process?
4. If sufficient broadband existed, did NTIA guidelines have steps in place to ensure that BTOP grant awardees had a process to evaluate the best possible use of existing facilities and BTOP grant dollars?
5. Can you justify a circumstance where an unserved or underserved community did not get fiber with Eaglenet's BTOP middle mile grant, yet other locations that appeared to be well served received funding? Please explain in the context of the priorities of the BTOP grant program how this could occur.

Are BTOP awardees such as Eaglenet required to provide annual audited financials? If so, where are they sent?

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