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**DEPARTMENT OF COMMERCE**  
**National Telecommunications and Information Administration**  
**State Broadband Data and Development Grant Program**  
**Docket No. 0660-ZA29**

**AGENCY:** The National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of Funds Availability (Notice) and solicitation of applications.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, publishes this Notice to announce the availability of funds pursuant to the American Recovery and Reinvestment Act of 2009 (Recovery Act), Public Law No. 111-5 (Feb. 17, 2009), and the Broadband Data Improvement Act (BDIA), Title I of Public Law No. 110-385, 122 Stat. 4096 (Oct. 10, 2008) and to provide guidelines for the State Broadband Data and Development Grant Program (State Broadband Data Program or Program). The State Broadband Data Program is a competitive, merit-based matching grant program that effects the joint purposes of the Recovery Act and the BDIA by funding projects that collect comprehensive and accurate state-level broadband mapping data, develop state-level broadband maps, aid in the development and maintenance of a national broadband map, and fund statewide initiatives directed at broadband planning.

**DATES:** Applications will be accepted from July 14, 2009 at 8:00 a.m. Eastern Time (ET) until August 14, 2009 at 11:59 p.m. ET.

24 **APPLICATION SUBMISSION:** All applications must be submitted through the online  
25 Grants.gov system no later than 11:59 p.m. ET on August 14, 2009, as more fully described in  
26 the section entitled “Request for Application Package” below. Failure to properly register and  
27 apply for State Broadband Data Program funds by the deadlines may result in forfeiture of the  
28 grant opportunity. Applications are accepted until the deadline and processed as received.  
29 Applications submitted by hand delivery, mail, email or facsimile will not be accepted.

30 **CONTACT INFORMATION:** For general inquiries regarding the State Broadband Data  
31 Program, applicants may contact Edward “Smitty” Smith, Program Director, State Broadband  
32 Data and Development Grant Program, National Telecommunications and Information  
33 Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W. Room 4898,  
34 Washington, DC 20230; by telephone at 202-482-4949 or via electronic mail at  
35 [broadbandmapping@ntia.doc.gov](mailto:broadbandmapping@ntia.doc.gov). Information about the State Broadband Data Program can  
36 also be obtained electronically via the Internet at [www.ntia.doc.gov/broadbandgrants](http://www.ntia.doc.gov/broadbandgrants).

37 **AUTHORITY:** Title II, Division A of the American Recovery and Reinvestment Act of 2009,  
38 Public Law No. 111-5, 123 Stat.115 (Feb. 17, 2009); Broadband Data Improvement Act, Title I  
39 of Public Law No. 110-385, 122 Stat. 4096 (Oct. 10, 2008).

40 **SUPPLEMENTARY INFORMATION:**

41 Catalog of Federal Domestic Assistance (CFDA) Number: 11.558

42 Additional Items in Supplementary Information:

43 *I. Overview:* Describes the statutory origin of the broadband mapping requirement under the  
44 Recovery Act, the applicability of the BDIA, the structure of the Program and the public  
45 comment process.

46 *II. Funding Opportunity Description:* Provides a more thorough description of the Program,

47 including a description of mapping and planning priorities, and the application review process.

48 *III. Definitions:* Sets forth the key terms and other terms used in this Notice.

49 *IV. Award Information:* Describes funding availability and other award information.

50 *V. Eligibility Information:* Discusses eligibility criteria, including the 20 percent match,  
51 confidentiality requirements, and funding restrictions.

52 *VI. Application and Submission Information:* Provides information about how to apply,  
53 application materials, and the application process.

54 *VII. Application Review Information:* Establishes the scoring criteria for evaluating  
55 applications.

56 *VIII. Anticipated Award Dates:* Identifies the initial award announcement and award dates for  
57 Program awards.

58 *IX. Award Administration Information:* Provides award notice information, administrative  
59 requirements, terms and conditions, and other reporting requirements for award recipients.

60 *X. Other Information:* Sets forth guidance on funding, compliance with various laws,  
61 regulations and other such requirements.

## 62 **I. OVERVIEW**

63 A. **The Recovery Act:** Section 6001(l) of the Recovery Act requires the Assistant  
64 Secretary to develop and maintain a comprehensive, interactive, and searchable nationwide  
65 inventory map of existing broadband service capability and availability in the United States that  
66 depicts the geographic extent to which broadband service capability is deployed and available  
67 from a commercial or public provider throughout each state.<sup>1</sup> The Recovery Act requires the  
68 Assistant Secretary to make the national broadband map accessible by the public on an NTIA

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<sup>1</sup> Recovery Act § 6001(l), 123 Stat. at 516. See Section IV for the definition of “state” and other relevant definitions.

69 web site no later than February 17, 2011.<sup>2</sup> The Recovery Act authorizes NTIA to expend up to  
70 \$350 million pursuant to the BDIA and for the purposes of developing and maintaining a  
71 broadband inventory map.<sup>3</sup> Implementation of the BDIA is useful to fulfill Congress' intent to  
72 develop a national broadband map as expressed and funded under the Recovery Act.

73 B. **The BDIA:** The BDIA is intended to improve data on the deployment and adoption  
74 of broadband service to assist in the extension of broadband technology across all regions of the  
75 United States.<sup>4</sup> Section 106 of the BDIA directs the Secretary of Commerce to establish the  
76 State Broadband Data Program and to award grants to eligible entities to develop and implement  
77 statewide initiatives to identify and track the adoption and availability of broadband services  
78 within each State.<sup>5</sup> In effecting this purpose, the BDIA provides several eligible uses for grant  
79 funds, including uses related to the gathering of broadband-related data at the state level and the  
80 development of statewide broadband maps.<sup>6</sup>

81 C. **The State Broadband Data Program:** In keeping with the Recovery Act's direction  
82 that NTIA develop and maintain a comprehensive and interactive national broadband map and  
83 the requirements of the BDIA, NTIA has established this grant program. Awardees under this  
84 Program will receive grants to fund their collection of broadband-related data as well as funding

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<sup>2</sup> *Id.*

<sup>3</sup> Recovery Act, Title II, Div. A, 123 Stat. at 123 (to be codified at 47. U.S.C 1301).

<sup>4</sup> BDIA § 102, 122 Stat. at 4096.

<sup>5</sup> BDIA § 106(b), 122 Stat. at 4099. The Secretary delegated his authority to meet the obligations of Section 106 of the BDIA to the Assistant Secretary for Communications and Information (Assistant Secretary) on April 9, 2009.

<sup>6</sup> The BDIA authorizes the Secretary to make grants to eligible entities for the following eligible uses: 1) to develop and provide a baseline assessment of broadband deployment in each state; 2) to identify and track the areas with low levels of deployment, the rate at which residential and business users adopt broadband service and other related information technology services, and possible suppliers of such services; 3) to identify barriers to the adoption of broadband service and information technology services; 4) to identify the available speeds for broadband connection; 5) to create and facilitate by county or designated region in a state, local technology planning teams; 6) to collaborate with broadband service providers and information technology companies to encourage deployment and use; 7) to establish computer ownership and Internet access programs in unserved and areas with lower than average penetration on a national basis; 8) to collect and analyze detailed market data concerning use and demand for broadband service; 9) to facilitate information exchange regarding use and demand for broadband services between public and private sector users; and 10) to create within each State a geographic inventory map of broadband service. BDIA § 106(e), 122 Stat. at 4100-4101.

85 for planning programs at the state level. Awardees will use the broadband-related data that they  
86 collect to develop statewide broadband maps, which will be linked to a Department of  
87 Commerce webpage. In addition, the awardees will submit all of their collected data to NTIA  
88 for use by NTIA and the Federal Communications Commission (FCC) in developing and  
89 maintaining the national broadband map, which will be displayed on an NTIA webpage before  
90 February 17, 2011.

91 NTIA's decisions are based on the statutory requirements of the Recovery Act and are  
92 informed by NTIA's own expertise, the expertise of other federal agencies, including the FCC,  
93 and public comment.

94 D. **Public Comment:** On March 10, 2009, NTIA, the FCC, and the U.S. Department of  
95 Agriculture's Rural Utilities Service (RUS) cosponsored a public meeting to initiate public  
96 outreach about the current availability of broadband service in the United States and ways in  
97 which the availability of broadband service could be expanded.<sup>7</sup> The March 10th meeting was  
98 followed by the release of a Request for Information (RFI) and six days of additional public  
99 meetings and field hearings during March.<sup>8</sup> The RFI requested the submission of information on  
100 a broad range of topics including topics related to broadband mapping, the Recovery Act and the  
101 BDIA. The meetings and hearings included nearly 120 panelists with representatives from  
102 consumer and public interest groups, state and local governments, tribal governments, minority  
103 and vulnerable populations, industry, academia and other institutions.

104 In response to the RFI and the public meetings, NTIA received over 1,000 comments

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<sup>7</sup> See Notice: American Recovery and Reinvestment Act of 2009 Broadband Initiatives, 74 Fed. Reg. 8914 (Feb. 27, 2009).

<sup>8</sup> See Notice: American Recovery and Reinvestment Act of 2009 Broadband Initiatives, 74 Fed. Reg. 10716 (March 12, 2009). Agendas, transcripts and presentations from each meeting are available on NTIA's website at <http://www.ntia.doc.gov/broadbandgrants/meetings.html>.

105 from institutions and individuals on the broadband initiatives funded by the Recovery Act.<sup>9</sup>  
106 With regard to the issues surrounding the State Broadband Data Program and the national  
107 broadband map that NTIA is required to prepare under Section 6001(l) of the Recovery Act,  
108 NTIA received more than 200 comments, many of which played a role in formulating the  
109 structure of this Program. For further discussion and explanation of the policy decisions  
110 involved in establishing this program, see the attached *Policy Justification Appendix*.

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## 112 II. FUNDING OPPORTUNITY DESCRIPTION

113 A. **Program Description:** The State Broadband Data Program is a competitive, merit-  
114 based matching grant program that implements the joint purposes of the Recovery Act and the  
115 BDIA through the award of grants. This Program is designed to fund projects that gather  
116 comprehensive and accurate state-level broadband mapping data, develop state-level broadband  
117 maps, aid in the development and maintenance of a national broadband map, and fund statewide  
118 initiatives for broadband planning.

119 While the BDIA mandates that each state may have only a single eligible entity, each  
120 applicant will be carefully evaluated against a program standard. Any applicant that fails to meet  
121 the program standard will not receive grant funding; therefore, the efficient fulfillment of the  
122 goals of the Recovery Act and the BDIA will be advanced by the submission of a qualifying  
123 application from each state highly responsive to the review criteria contained in this Notice. In  
124 the event that a state fails to produce a grant awardee, NTIA reserves the right to perform the

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<sup>9</sup> Agendas, transcripts, and presentations from each meeting are available on NTIA's website at <http://www.ntia.doc.gov/broadbandgrants/meetings.html>. All public comments in Docket No. 090309298-9299-01 are on file with NTIA and may be viewed on NTIA's website at <http://www.ntia.doc.gov/broadbandgrants/comments.cfm>.

125 necessary broadband data collection.

126           1. *Use of Collected Broadband Data by Awardees.* Awardees may use the data  
127 collected under this Program for any lawful use consistent with the requirements of this Program,  
128 including the confidentiality restrictions contained herein, and existing agreements between the  
129 awardee, the state, and broadband service providers. It is expected, however, that, in addition to  
130 providing all collected data to NTIA, applicants will use the data to develop and maintain a  
131 statewide broadband map that will be separate and distinct from the national broadband map and  
132 will be tailored to suit the needs of the particular state. Though it will be separate and distinct  
133 from the national broadband map, applicants must provide NTIA with a hypertext link to the  
134 state maps for display on a web page on the Department of Commerce website.

135           2. *Use of Collected Broadband Data by NTIA and the FCC.* The data collected  
136 under this Program will be used for public purposes and also utilized by governmental entities.  
137 For example, because of its value in identifying appropriate areas for broadband investment and  
138 economic stimulus, the collected data will inform NTIA's grant-making decisions under the  
139 Broadband Technology Opportunities Program (BTOP). The national broadband map that will  
140 be developed and maintained using these and other data will publicly display the following  
141 information about broadband service available from a public or private provider:

- 142           (a) Geographic areas in which broadband service is available;
- 143           (b) The technologies used to provide broadband service in such areas;
- 144           (c) The spectrum used for the provision of wireless broadband service in such  
145           areas;
- 146           (d) The speeds at which broadband service is available in such areas; and
- 147           (e) Broadband service availability at public schools, libraries, hospitals, colleges

148 and universities and all public buildings owned or leased by agencies or  
149 instrumentalities of the states or municipalities or other subdivisions of the  
150 states and their respective agencies or instrumentalities.

151 The national map will also be searchable by address. To the greatest extent possible, at  
152 every address, the type and speed of broadband service will be provided. For providers of  
153 wireless broadband service, the spectrum used for the provision of service will be provided. If  
154 the applicable broadband service provider so chooses, the provider's identity will also be  
155 available, otherwise the map will simply display that an anonymous provider utilizing a  
156 particular type of technology is providing service to a location. Furthermore, to the extent  
157 possible, the service areas of individual providers will be aggregated with other providers of the  
158 same technology type.

159 Though collected under this Program, data concerning the Average Revenue Per User  
160 (ARPU) and data regarding the type, technical specification, or location of infrastructure owned,  
161 leased, or used by a broadband service provider will not be displayed on the public national  
162 broadband map.<sup>10</sup> The above paragraphs notwithstanding, if provider consent is granted, NTIA  
163 may display the above provider-specific information on the national broadband map.

164 In addition to the above broadband-related information, the national broadband map may  
165 display a wide range of additional, economic, and demographic data derived from other sources.  
166 Such data, however, are not the subject of this Notice.

167 B. **Program Priorities:**

168 1. *Broadband Mapping.* With respect to this Program, NTIA's highest priority is the  
169 development and maintenance of a national broadband map. Therefore, NTIA intends to fund

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<sup>10</sup> However, NTIA is considering methods for displaying some pricing data that will be collected through other avenues.

170 high-quality projects that are designed to gather data at the address-level on broadband  
171 availability, technology, speed, infrastructure, ARPU, and, in the case of wireless broadband, the  
172 spectrum used, across the project areas. NTIA has determined that the BDIA's eligible uses  
173 regarding state-specific data collection and geographic inventory broadband mapping activities  
174 are encompassed within the broadband mapping grant guidelines described herein. Successful  
175 projects must propose: (a) to provide comprehensive and verifiable data meeting the Program  
176 standards as published in this Notice, such data will be accessible and clearly presented to NTIA,  
177 the public, and state and local governments without unduly compromising data or the protection  
178 of Confidential Information as defined in this notice; (b) a workable and sustainable framework  
179 for repeated updating of data; (c) a plan for collaboration with state-level agencies, local  
180 authorities, and other constituencies, as well as a proposal for planning projects designed to  
181 identify and address broadband challenges in the state; (d) feasible projects as demonstrated by a  
182 reasonable and cost-efficient budget, and a showing of applicant capacity, knowledge and  
183 experience; and (e) a timeline for expedient data delivery.

184           2. *Broadband Planning.* Only applications that meet the broadband mapping  
185 purposes set forth in the above paragraph will be considered for planning funding, and mapping  
186 proposals do not need to include a planning component. However, applicants may propose  
187 projects or award uses that relate to an enumerated BDIA purpose described in Section I of this  
188 Notice that addresses a need in their state. Any proposed use of funds that is not directed  
189 towards the collection of data for, or the development and maintenance of, the state or national  
190 broadband map will be considered a planning use. There is a presumption that the BDIA  
191 purposes involving the identification of barriers to the adoption of broadband service and  
192 information technology services, the creation and facilitation of local technology planning teams,

193 and the establishment of computer ownership and Internet access programs are not mapping-  
194 related and therefore are only eligible for broadband planning funding. However, applicants may  
195 demonstrate in their applications how a use under such categories will inform the collection of  
196 broadband data or development of state and national broadband maps. Broadband planning  
197 funds will be limited, and broadband planning-related uses under any grant application budget  
198 may not exceed \$500,000.

199 C. **Review and Selection Processes:**

200 The review process involves the three stages outlined below. NTIA anticipates that the  
201 processing and selection of applications for funding will require one (1) month from the date of  
202 submission.

203 1. *Eligibility.* Upon receipt, NTIA will screen applications for factors determining  
204 eligibility as described in the section entitled “Eligibility Information” below. In the case that  
205 NTIA determines that an application fails to address adequately any eligibility criteria before the  
206 application deadline, NTIA may alert the applicant of such deficiency and the applicant may  
207 revise such application before the application deadline to comply with Program requirements.  
208 However, NTIA has no affirmative obligation to notify applicants of a deficient application and  
209 will not be held responsible for any deficiencies that are not remedied in a timely manner.

210 2. *Technical Review.* Each eligible application will be reviewed by a panel of at  
211 least three peer/expert reviewers who have demonstrated expertise in both the programmatic and  
212 technological aspects of the Program. The peer/expert review panel members will individually  
213 evaluate applications according to the review criteria provided in Section VII of this Notice and  
214 provide ratings to the Program staff. Each peer/expert reviewer will be required to sign and  
215 submit a nondisclosure and confidentiality form to prevent the dissemination of Confidential

216 Information, and to prevent financial and other conflicts of interest.

217           3. *Programmatic Review and Revision Process.* Following the Technical Review,  
218 each eligible application will be reviewed by Program staff for policy determinations and  
219 conformity with programmatic goals. Program staff will analyze applications considered for  
220 award to assess: (a) whether a proposed project meets the Program's funding constraints; (b) the  
221 eligibility of costs and matching funds included in an application's budget; and (c) the extent to  
222 which an application complements or duplicates projects previously funded or under  
223 consideration by NTIA or other federal programs. Following this programmatic review,  
224 Program staff may contact an eligible applicant to discuss any recommended adjustments or  
225 revisions to their applications necessary to better meet Program goals. Revisions are intended to  
226 resolve any differences that exist between the applicant's original request and what the State  
227 Broadband Data Program proposes to fund and, if necessary, to clarify items in the application.  
228 Staff may also request additional corroborating documentation from applicants. These  
229 documents will be reviewed by Program staff with the support of external engineering, design,  
230 information technology, geographic information systems, broadband, and other subject-matter  
231 experts to evaluate the consistency of the applications with the supporting documents and ensure  
232 that applications merit State Broadband Data Program awards.

233           Upon the conclusion of the programmatic review and revision process, each application  
234 will continue through the selection process. The Program Director will prepare and present a  
235 slate of recommended grant awards to the Associate Administrator for review and approval.  
236 The Program Director's recommendations and the Associate Administrator's review and approval  
237 of those recommendations will take into account the selection factors listed below.

238           Upon approval by the Associate Administrator, the Program Director's recommendations

239 will be presented to the Selecting Official, the Assistant Secretary. The Assistant Secretary  
240 selects the applications for grant award, taking into consideration the Program Director's  
241 recommendations and the degree to which the slate of applications, taken as a whole, satisfies the  
242 selection factors described below and the Program's stated purposes as set forth in the section  
243 entitled "Program Description."

244 The Selecting Official will issue awards after considering the following selection factors:

- 245 (a) The evaluations of the peer/expert reviewers;
- 246 (b) The analysis of Program staff;
- 247 (c) The degree to which the proposed grants meet the Program's purpose as  
248 described in this Notice;
- 249 (d) Avoidance of redundancy and conflicts with the initiatives of other federal  
250 agencies; and
- 251 (e) The availability of funds.

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### 253 **III. DEFINITIONS**

254 For the purposes of this Program, NTIA has adopted the following definitions for the  
255 State Broadband Data Program, many of which were developed for BTOP, pursuant to Recovery  
256 Act Section 6001(a). Applicants for these grants should refer to the following definitions when  
257 completing their applications:

258 Applicant. An entity requesting approval for an award under this Notice.

259 ARPU. Average Revenue Per User. Average Revenue Per User for this Program is as  
260 defined in the *Technical Appendix*.

261 Assistant Secretary. The Assistant Secretary for Communications and Information,

262 National Telecommunications and Information Administration, Department of Commerce, or the  
263 Assistant Secretary's designee.

264 Associate Administrator. The Associate Administrator of the National  
265 Telecommunications and Information Administration, Department of Commerce/ the Director of  
266 the Office of Telecommunications and Information Applications, or the Associate  
267 Administrator's designee.

268 Available. Broadband service is "available" to an end user at an address if a broadband  
269 service provider does, or could, within a typical service interval (7 to 10 business days) without  
270 an extraordinary commitment of resources, provision two-way data transmission to and from the  
271 Internet with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least  
272 200 kbps upstream to the end user at the address.

273 Award. A grant made under this Notice by NTIA.

274 Awardee. A recipient of an Award under this Notice; a grantee.

275 Broadband. Data transmission technology that provides two-way data transmission to  
276 and from the Internet with advertised speeds of at least 768 kilobits per second (kbps)  
277 downstream and at least 200 kbps upstream to end users, or providing sufficient capacity in a  
278 middle mile project to support the provision of broadband service to end users within the project  
279 area.

280 Broadband Service. The provision of broadband on either a commercial or non-  
281 commercial basis.

282 BTOP. The Broadband Technology Opportunities Program, administered by NTIA,  
283 under Section 6001 of the Recovery Act.

284 Community Anchor Institutions. Schools, libraries, medical and healthcare providers,

285 public safety entities, community colleges and other institutions of higher education, and other  
286 community support organizations and entities.

287 Confidential Information. Any information, including trade secrets, or commercial or  
288 financial information, submitted under this Program that: 1) identifies the type and technical  
289 specification of infrastructure owned, leased, or used by a specific broadband service provider;  
290 2) identifies the average revenue per user (ARPU) for a specific broadband service provider; or  
291 3) explicitly identifies a broadband service provider in relation to its specific Service Area or at a  
292 specific Service Location. For example, a broadband service provider's specific service  
293 "footprint", as identified with such provider, will be considered Confidential Information for the  
294 purposes of this Program and will either (a) be aggregated with other available providers of the  
295 same technology type before being published in the national broadband map, in which case the  
296 map would only display the aggregated list of providers that have consented to have their names  
297 displayed for such service area; or (b) in the absence of other providers of the same technology  
298 type with which a provider's specific service "footprint" can be aggregated, be displayed without  
299 providing the provider's identity, unless the provider gives its consent. NTIA and the FCC may  
300 otherwise aggregate, combine or mask broadband service provider data, and take other steps so  
301 as to make such data suitable for public release.

302 Notwithstanding the foregoing, Confidential Information, as defined herein and as  
303 provided as part of a project funded under this Program, will not be made publicly available,  
304 pursuant to the limitations set forth in the BDIA, except as required by applicable law or judicial  
305 or administrative action or proceeding, including the Freedom of Information Act  
306 requirements.<sup>11</sup>

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<sup>11</sup> BDIA § 106(h), 122 Stat. at 4101.

307           Data. Statistics, figures, descriptions, maps, geographic coordinates, or other such  
308 information relating to the provision of broadband services.

309           End User. A residential or business party, institution or state or local government entity,  
310 including a Community Anchor Institution, that may use broadband service for its own purposes  
311 and that does not resell such service to other entities or incorporate such service into retail  
312 Internet-access services. Internet Service Providers (ISPs) are not “end users” for this purpose.

313           In-kind Contribution. Qualifying non-cash donations, including third-party in-kind  
314 contributions, of property, goods or services, which benefit a federally-assisted project, and  
315 which may count toward satisfying the non-federal matching requirement. See the section  
316 entitled “Eligibility Information” below for a full discussion of the Program’s treatment of in-  
317 kind contributions and the federal structure for determining when a contribution qualifies.

318           Pre-Award Costs. Reasonable costs incurred after the enactment of the Recovery Act  
319 (February 17, 2009) but prior to the effective date of the award directly pursuant to and in  
320 anticipation of the award where such costs are necessary to comply with the proposed delivery  
321 schedule or period of performance. Such costs are allowable only to the extent that they would  
322 have been allowable if incurred after the date of the award, and only with the written approval of  
323 NTIA.

324           Recovery Act. The American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-  
325 5, 123 Stat. 115 (2009).

326           Rural Area. Any area, as confirmed by the latest decennial census of the Bureau of the  
327 Census, which is not located within: (i) a city, town, or incorporated area that has a population  
328 of greater than 20,000 inhabitants; or (ii) an urbanized area contiguous and adjacent to a city or  
329 town that has a population of greater than 50,000 inhabitants. For purposes of the definition of

330 rural area, an urbanized area means a densely populated territory as defined in the latest  
331 decennial census of the U.S. Census Bureau.

332 Secretary. The Secretary of Commerce.

333 Service Area. The entire area within which an existing service provider offers broadband  
334 service.

335 Service Location. The specific geographic point or location at which a service provider  
336 offers broadband service, such as a specific residence or business.

337 State. A state, the District of Columbia, or a territory or possession of the United States.

338 For the purposes of the designation of an eligible entity, the term “State” will be interpreted to  
339 mean the Governor or in the absence of a designation by the Governor, the Legislature, officer,  
340 or executive agency within the State that the Governor or State Constitution authorizes to take  
341 binding action for the state. In the case state, the District of Columbia, or a territory or  
342 possession of the United States, the terms Governor, Legislature or State Constitution shall mean  
343 their respective functional equivalents.

344 Substantially Complete Data Set. - A data set is substantially complete when it contains  
345 data on broadband services provided by a) 70 percent of broadband service providers in a state;  
346 b) to 80 percent of households in a state; c) to 90 percent of households in rural areas of the state;  
347 and d) to 95 percent of public Community Anchor Institutions.

348 Underserved Area. An area composed of one or more contiguous census blocks meeting  
349 certain criteria that measure the availability of broadband service and the level of advertised  
350 broadband speeds.<sup>12</sup> Specifically, an area is underserved if at least one of the following factors is

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<sup>12</sup> Census blocks are the smallest geographic areas for which the U.S. Bureau of the Census collects and tabulates decennial census data. Census blocks are formed by streets, roads, railroads, streams and other bodies of water, other visible physical and cultural features, and the legal boundaries shown on Census Bureau maps. Census data at

351 met, though the presumption will be that more than one factor is present: i) no more than 50  
352 percent of households in the service area have access to facilities-based terrestrial broadband  
353 service at greater than the minimum broadband transmission speed (set forth in the definition of  
354 broadband above); ii) no fixed or mobile broadband service provider advertises broadband  
355 transmission speeds of at least three megabits per second (“mbps”) downstream in the area; or  
356 iii) the rate of broadband subscribership for the area is 40 percent of households or less.<sup>13</sup> A  
357 household has access to broadband service if the household can readily subscribe to that service  
358 upon request.

359 Unserved Area. An area composed of one or more contiguous census blocks where at  
360 least 90 percent of households in the service area lack access to facilities-based terrestrial  
361 broadband service, either fixed or mobile, at the minimum broadband transmission speed (set  
362 forth in the definition of broadband above). A household has access to broadband service if the  
363 household can readily subscribe to that service upon request.

364

#### 365 **IV. AWARD INFORMATION**

366 **A. Funding Availability and Estimated Funding:** The Recovery Act authorizes NTIA  
367 to expend up to \$350 million for the purposes of developing and maintaining a broadband  
368 inventory map and pursuant to the BDIA.<sup>14</sup> NTIA expects grant awards to range between \$1.9  
369 million and \$3.8 million per state for the mapping portion of each project, and up to \$500,000 for  
370 the planning portion of each project. The exact size of any award will depend on the specifics of

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this level serve as a valuable source for small-area geographic studies. See the Census Bureau’s website at <http://www.census.gov> for more detailed information on its data gathering methodology.

<sup>13</sup> These criteria conform to the two distinct components of the BIP and BTOP categories of eligible projects – Last Mile and Middle Mile.

<sup>14</sup> Recovery Act, Title II, Div. A. 123 Stat. at 128.

371 each project, the quality of each project as determined in NTIA's review, as well as demographic  
372 and geographic features unique to each state. Project budgets will be carefully reviewed to  
373 ensure that they are appropriate given the specifics of the project and the project state. Fiscally  
374 irresponsible budgets will be detrimental to an application. Any funds not expended under this  
375 Program will be reallocated to BTOP purposes.

376 Publication of this Notice does not obligate NTIA to award any specific project or  
377 obligate all or any parts of any available funds.

378 B. **Award Period:** All awards under this Program must be made no later than  
379 September 30, 2010. The period of performance will be five (5) years from the date of award.

380 C. **Type of Funding Instrument:** Grant

381

382 V. **ELIGIBILITY INFORMATION**

383 A. **Eligible Applicants:** Pursuant to the BDIA, eligible recipients of State Broadband  
384 Data Program grants are:

385 (a) Entities that are either (i) an agency or instrumentality of a state, or a  
386 municipality or other subdivision (or agency or instrumentality of a  
387 municipality or other subdivision) of a state; (ii) a nonprofit organization that is  
388 described in Section 501(c)(3) of the Internal Revenue Code of 1986 and that is  
389 exempt from taxation under Section 501(a) of such Code; or (iii) an independent  
390 agency or commission in which an office of a State is a member on behalf of the  
391 State; and

392 (b) The single eligible entity in the State that has been designated by the State to

393 receive a grant under this section.<sup>15</sup>

394 **Matching Funds and Cost Sharing Requirements:** Awardees under this Program will be  
395 required to provide and document at least 20 percent non-federal matching funds toward the total  
396 eligible project cost.<sup>16</sup> Applicants must document their capacity to provide matching funds.  
397 Matching funds may be in the form of either cash or in-kind contributions consistent with 15  
398 C.F.R. §§ 14.23, 24.3, and 24.24. Certain pre-award costs may be credited towards an  
399 applicant's matching funds requirements. As provided in 48 U.S.C. § 1469a, the requirement for  
400 local matching funds under \$200,000 (including in-kind contributions) is waived for the  
401 Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the  
402 Commonwealth of the Northern Mariana Islands. Grant funds under this Program will be  
403 released in direct proportion to the documented expenditure of matching funds.

404 *In-Kind Contributions.* In-kind contributions, which include third-party in-kind  
405 contributions, are non-cash donations of property, goods or services, which benefit a federally  
406 assisted project, and which may count toward satisfying the non-federal matching requirement  
407 when they meet certain criteria.<sup>17</sup> The rules governing allowable in-kind contributions are very  
408 detailed and encompass a wide range of properties and services. NTIA encourages grant  
409 applicants to consider thoroughly potential sources of in-kind contributions which, depending on  
410 the particular property or service and the cost principles applicable to the applicants'  
411 organization type, could include: employee or volunteer services; equipment; supplies; indirect

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<sup>15</sup> BDIA § 106(i)(2)(B), 122 Stat. at 4102.

<sup>16</sup> BDIA § 106(c)(2), 122 Stat. at 4099. Generally, federal funds may not be used as matching funds except as provided by federal statute. See "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-profit, and Commercial Organizations," 15 C.F.R. § 14.23(a)(5); see also "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 15 C.F.R. § 24.24(b)(1).

<sup>17</sup> 15 C.F.R. §§ 14.23, 24.3, 24.22, 24.24. See also OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments" (Rev. May 10, 2004), OMB Circular A-122, Cost Principles for Non-Profit Organizations (Rev. May 10, 2004), and 48 C.F.R. pt. 31, "Contract Cost Principles and Procedures."

412 costs;<sup>18</sup> computer hardware and software; use of facilities; expenditures for existing programs  
413 presented as part of the project proposal under this Program. In addition, applicants may propose  
414 as in-kind contributions the ascertainable fair market value of data previously collected and  
415 related to the BDIA-eligible uses under this Program. If data previously collected is to be  
416 claimed as an in-kind contribution, applicants must provide a basis for estimating fair market  
417 value, including but not limited to the documented costs incurred for data collection. NTIA  
418 reserves the right at its discretion to provide in-kind credit for an amount different than that  
419 claimed by the applicant.

420       B.       **Confidentiality Requirements:** The BDIA requires that to be eligible to receive a  
421 grant under this Program entities must agree to treat any matter that is a trade secret, commercial  
422 or financial information, or privileged or confidential, as a record not subject to public disclosure  
423 except as otherwise mutually agreed to by the broadband service provider and the entity.<sup>19</sup> As a  
424 condition of grant funding under this Program, awardees may not agree to a more restrictive  
425 definition of Confidential Information than the definition adopted by this Program.

426               *Nondisclosure Agreements.* As a measure to protect the confidential or proprietary  
427 nature of the information received from broadband service providers and other organizations  
428 during the data collection phase, awardees may execute nondisclosure agreements (consistent  
429 with applicable law) that require the awardees to treat any matter that is a trade secret,

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<sup>18</sup> Reasonable indirect costs may be included as part of cost sharing or matching only with the prior approval of NTIA. The amount of indirect charges allocated to the budget is based on an applicant's indirect cost rate. An applicant may already have an indirect cost rate negotiated with a federal agency, in which case, that rate may be applied to the applicant's grant if it is current. If it is not current, the applicant will need to update it. If an applicant does not have a negotiated rate, but would like to include indirect costs, the applicant will need to establish a rate with the Department of Commerce.

<sup>19</sup> BDIA §§106(c)(3) and 106(h)(2), 122 Stat. at 4101-2 (This requirement applies only to information submitted by the FCC or a broadband provider to carry out the provisions of the BDIA and shall not otherwise limit or affect the rules governing public disclosure of information collected by any federal or state entity under any other federal or state law or regulation).

430 commercial or financial information, or privileged or confidential, as a record not subject to  
431 public disclosure except where mutually agreed upon by the information provider and the  
432 awardee, provided, however, that any such nondisclosure restriction a) will not restrict the  
433 providing of all data collected under this Program to NTIA, nor b) restrict NTIA's use of such  
434 data as contemplated under this Notice (including sharing such data with the FCC or other  
435 federal agencies).

436 To the extent required by law, NTIA agrees that it will not publicly disclose any  
437 Confidential Information, as defined herein, provided to it by an applicant or awardee under this  
438 Program. Providing Confidential Information to the FCC, or other federal agencies as necessary,  
439 shall not constitute public disclosure. In any disclosure to the FCC or other federal agencies,  
440 NTIA will request that such agency make no further disclosure of the Confidential Information  
441 except as required by applicable law or judicial or administrative action or proceeding.<sup>20</sup>

442 C. **Information Provided:** In order to be eligible for a grant under this Program, each  
443 applicant must agree to provide NTIA with broadband data, of the type and in the format  
444 provided in the *Technical Appendix*, from all commercial or public providers of broadband  
445 service in their respective states, including, but not limited to, commercial or public providers of  
446 broadband service to Indian tribes (as defined in Section 4 of the Indian Self-Determination and  
447 Education Assistance Act<sup>21</sup>), Native Hawaiian organizations, Community Anchor Institutions or  
448 agencies or instrumentalities of the states, or municipalities or other subdivisions of the states  
449 and their respective agencies or instrumentalities.

450 In no case, however, are applicants required to propose collecting data on broadband  
451 service provided by the federal government or any agencies or instrumentalities of the federal

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<sup>20</sup> The provisions of this section notwithstanding, all information submitted by an applicant or awardee to NTIA for the purposes of this Program will be subject to Freedom of Information Act requirements under 5 U.S.C. § 552.

<sup>21</sup> 25 U.S.C. § 450(b).

452 government or broadband service provided on property owned or leased by the federal  
453 government or any agencies, or instrumentalities of the federal government.

454 Failure to agree to collect the required data will render an applicant ineligible for  
455 funding under this Program.

456 D. **Participation Limit:** This is a new program and no activities have been funded  
457 under it as of the date of this Notice. BDIA stipulates that no state-designated entity may receive  
458 a grant under this Program to fund activities described above if that entity, or another entity  
459 designated by that state, obtained prior grant awards under this section to fund the same activities  
460 in that state in each of the previous four (4) consecutive years.<sup>22</sup> Because the Recovery Act  
461 requires the obligation of all funds by September 30, 2010, NTIA does not anticipate any  
462 situations where a violation of this provision could occur.

463 E. **Funding Restrictions:**

464 1. *Eligible Costs.* Grant funds must be used only to pay for eligible costs. Under this  
465 Notice, eligible costs are governed by the federal cost principles identified in the applicable  
466 OMB circulars and in the Program's authorizing legislation.<sup>23</sup> In addition, costs must be  
467 reasonable, allocable, necessary to the project, and comply with the funding statute requirements.  
468 Neither mapping nor planning projects may include any construction costs.

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<sup>22</sup> BDIA § 106(f), 122 Stat. at 4101.

<sup>23</sup> The government has established a set of federal principles for determining eligible or allowable costs. Allowability of costs will be determined in accordance with the cost principles applicable to the entity incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular A-122, "Cost Principles for Non-Profit Organizations." The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A-21, "Cost Principles for Educational Institutions." The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 C.F.R. pt. 74, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals." The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A-122 is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 C.F.R. pt. 31. See 15 C.F.R. §§ 14.27, 24.22 (governing the Department of Commerce's implementation of OMB requirements).

469                   2. *Recovery Act-Specific Restrictions.* The Recovery Act imposes an additional  
470 limitation on the use of funds expended or obligated from appropriations made pursuant to its  
471 provisions. Specifically, for purposes of this Notice, none of the funds appropriated or otherwise  
472 made available under the Recovery Act may be used by any State or local government, or any  
473 private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or  
474 swimming pool.<sup>24</sup>

475

476 **VI.           APPLICATION AND SUBMISSION INFORMATION**

477       A.       **Address to Request Application Package:** To ensure a successful submission,  
478 applicants must apply for State Broadband Data Program funding through the online Grants.gov  
479 system through the Authorized Organization Representative (AOR). Grants.gov, an e-  
480 Government initiative, is a “storefront” that provides a unified process for all seekers of federal  
481 grants to find funding opportunities and apply for funding. If applicants have previously used  
482 Grants.gov, the existing account may be used for the State Broadband Data Program. States that  
483 have not previously submitted an application through Grants.gov are strongly encouraged to  
484 initiate the registration process as soon as possible. Instructions are available on the Grants.gov  
485 website ([www.grants.gov](http://www.grants.gov)). Application forms and instructions are also available at Grants.gov.  
486 To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then  
487 select “Download Application Package.” Enter the CFDA and/or the funding opportunity  
488 number located on the cover of this announcement. Select “Download Application Package,”  
489 and then follow the prompts. To download the instructions, go to “Download Application  
490 Package” and select “Instructions.” Applicants should visit Grants.gov prior to filing their  
491 applications so that they fully understand the process and requirements. Failure to properly

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<sup>24</sup> Recovery Act § 1604, 123 Stat. at 303.

492 register and apply for State Broadband Data Program funds by the deadlines may result in  
493 forfeiture of the grant opportunity. Applications are accepted until the deadline and processed as  
494 received. Applications submitted by hand delivery, mail, email or facsimile will not be accepted.

495 B. **Registration:**

496 1. *DUNS Number.* All applicants must supply a Dun and Bradstreet Data Universal  
497 Numbering System (DUNS) number. Applicants can receive a DUNS number at no cost by  
498 calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at  
499 <http://www.dunandbradstreet.com>.

500 2. *Central Contractor Registration (CCR).* All applicants must provide a CCR  
501 (CAGE) number evidencing current registration in the Central Contractor Registration (CCR)  
502 database. If the applicant does not have a current CCR (CAGE) number, the applicant must  
503 register in the CCR system available at: [www.ccr.gov/StartRegistration.aspx](http://www.ccr.gov/StartRegistration.aspx).

504 C. **Content and Form of Application Submitted Through Grants.gov:** The  
505 following is a list of required application forms:

- 506 • Standard Form 424, Program Abstract/ Program Narrative;
- 507 • Standard Form 424, Application for Federal Assistance;
- 508 • Standard Form 424A, Budget Information – Non-Construction Programs;
- 509 • Standard Form 424B, Assurances – Non-Construction Programs;
- 510 • Standard Form LLL, Disclosure of Lobbying Activities;
- 511 • CD-511 Certification Regarding Lobbying; and
- 512 • Letter of State Designation.

513

514           **Program Narrative.** The applicant must complete a Program Narrative including  
515 responses to the five review criteria listed in Section VII (A) and listed below.

516           The Narrative should begin with an introduction that serves as an Executive Summary of  
517 the project. It should be a brief, straightforward statement of what the application proposes to  
518 accomplish.

519           The Narrative should also include a description of all unserved and underserved areas in  
520 their state as defined herein, to the extent they are known, and a prioritization for the allocation  
521 of grant funds within that state for projects in or affecting the State.<sup>25</sup>

522           The Narrative should then address the five review criteria in separate sections of the  
523 Narrative. Applicants should address the five criteria in the following order and each section  
524 should be labeled with the name of the criterion being discussed to help the reviewers who  
525 evaluate the application. Any exhibits, maps, timelines, or spreadsheets should be placed within  
526 the appropriate section of the narrative.

527           1. *Data:*

528           (a) Data Gathering. Applicants must provide a comprehensive description of how the  
529 applicant plans to obtain all data required under the *Technical Appendix* from  
530 commercial or public providers, as applicable (such description should identify  
531 general or specific methods, or legal authorities upon which applicants will rely to  
532 obtain the required data). Applicants should refer to specific data elements in the  
533 Technical Appendix when appropriate as part of their narrative.

534           (b) Accuracy and Verification. Applicants must provide a description of what  
535 methods the applicant intends to employ to verify data accuracy.

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<sup>25</sup> Applicants may illustrate such known unserved areas through submission of a map.

536 (c) Accessibility. Applicants must provide a description of how the state's broadband  
537 data will be publicly accessible, clearly presented, and easily understood by the  
538 public, government and the research community. Applicants must also describe  
539 the applicant's proposed state-level map.

540 (d) Security and Confidentiality. Applicants must provide a description of what  
541 methods the applicant intends to employ to ensure both transparency of process  
542 and protection of collected data, including Confidential Information as defined  
543 herein.

544 2. *Project Feasibility*:

545 (a) Applicant Capabilities. Applicants must provide a detailed budget narrative  
546 providing detailed description of proposed project costs (including a detailed  
547 description of any proposed expenditures for the purchase of computer hardware,  
548 software, other information systems or the compensation of information  
549 technology personnel that will be used to collect and store all required data) and  
550 describing any proposed sources of in-kind match. The budget narrative must  
551 provide sufficient explanation of each budget category in order to establish the  
552 need for the funds in each category, and the basis for figures used. The budget  
553 narrative must be accompanied by a spreadsheet supporting how the budget  
554 request was calculated.

555 Applicants that include requests for Broadband Planning activities within their  
556 application must provide a separate budget narrative and spreadsheet for the  
557 planning portion of their request.

558 All applicants must demonstrate that they have the ability to secure the funding

559 necessary to meet the required 20 percent non-federal matching contribution.

560 (b) Applicant Capacity, Knowledge and Experience. Applicants must provide a  
561 description of applicant qualifications, including knowledge and experience of the  
562 applicant and the associated project personnel with conducting projects of similar  
563 scope and scale, including dealing with broadband or telecommunications  
564 technology, overseeing the projects that collect broadband or  
565 telecommunications-related data, or Geographic Information System (GIS) data.

566 3. *Expedient Data Delivery*:

567 Applicants must provide a timeline for major project goals, including anticipated  
568 dates of data delivery. This timeline should be ambitious and designed to  
569 facilitate the delivery of all data required by the *Technical Appendix*. NTIA will  
570 have a preference for the provision of a substantially complete set of availability  
571 data by November 1, 2009. Applicants that cannot provide a substantially  
572 complete set of availability data by November 1, 2009, may propose to provide an  
573 alternative data set by that date. Applicants must demonstrate that they have the  
574 ability to complete the project requirements within the proposed timeline,  
575 including the requirements to provide a substantially complete set of all  
576 broadband mapping data on or before February 1, 2010 and to complete such data  
577 collection by March 1, 2010. All data provided in the first collection should be  
578 accurate as of June 30, 2009.

579 4. *Process for Repeated Data Updating*:

580 Applicants must provide a description of what methods the applicant intends to  
581 use to provide for repeated updating of data on at least a semi-annual basis

582 continuing for at least five (5) years after the date of the initial collection.<sup>26</sup>

583 5. *Planning and Collaboration:*

584 Applicants must provide a description of how the applicant intends to collaborate  
585 with state-level agencies and local authorities in carrying out the mapping effort.

586 Applicants that include a planning component must provide a description and  
587 justification on how well the proposed planning process will address one or more  
588 of the projects identified earlier in the BDIA.

589 The narrative should be no longer than forty (40) pages in length, single spaced in 12  
590 point Times New Roman font (or equivalent).

591 **Letter of State Designation**

592 This letter, signed by the Governor or equivalent chief executive of the state, or his duly  
593 authorized designee, affirms that the applicant is the single eligible entity in the state that has  
594 been designated by the state to receive a grant under this Program.

595 D. **Submission Dates and Times:** All applications must be submitted between July 14,  
596 2009 at 8:00 a.m. ET and 11:59 p.m. ET on August 14, 2009. The electronic application system  
597 at Grants.gov will provide a date and time stamped confirmation number that will serve as proof  
598 of submission.

599 E. **Material Representations:** The application, including certifications, and all forms  
600 submitted as part of the application will be treated as a material representation of fact upon  
601 which NTIA will rely in awarding grants.

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<sup>26</sup> Broadband mapping data should be updated at least on March 1 of each year (by submitting data as of December 31 of the previous year) and at least September 1 of each year (by submitting data as of June 30 of that year). Because the initial data collection is due on February 1, 2010, the next update will be due on September 1, 2010 but should include data accurate as of both December 31, 2009 and June 30, 2010, after which, the collections will follow the specified schedule. For the purposes of this program, an update will be deemed to be a verification of existing data and a collection of any additional data reflecting the expansion or contraction of broadband availability since the previous data collection or update.

602 F. **Material Revisions:** No material revision will be permitted for any applicant after  
603 the submission deadline.

604

605 **VII. APPLICATION REVIEW INFORMATION**

606 A. **Evaluation Criteria:** NTIA will evaluate applications for Mapping Grants on the  
607 basis of the following criteria. The relative weight of each criterion is identified in parenthesis.

608 1. *Data (30%)* – All applicants will be evaluated based on the data they propose to  
609 provide to NTIA. As provided above in the section entitled “Eligibility Information”, each  
610 applicant must agree to provide NTIA with broadband data, of the type and in the format  
611 provided in the *Technical Appendix*, from all commercial or public providers of broadband  
612 service in their respective states, including, but not limited to, commercial or public providers of  
613 broadband service to Indian tribes (as defined in Section 4 of the Indian Self-Determination and  
614 Education Assistance Act), Native Hawaiian organizations, Community Anchor Institutions or  
615 agencies or instrumentalities of the states, or municipalities or other subdivisions of the states  
616 and their respective agencies or instrumentalities. Failure to agree to collect such data will  
617 render an applicant ineligible for funding under this Program. In no case, however, are  
618 applicants required to propose collecting data on broadband service provided by the federal  
619 government or any agencies or instrumentalities of the federal government or broadband service  
620 provided on property owned or leased by the federal government or any agencies, or  
621 instrumentalities of the federal government.

622 Reviewers will consider the following factors in scoring this criterion:

623 (a) Accuracy and Verification. Data accuracy is extremely important and, while  
624 NTIA recognizes that 100 percent accuracy is not possible, reviewers will

625 carefully consider an applicant's proposed methods for verifying data.<sup>27</sup> Also,  
626 proposed data collection methods that do not provide more than one way to  
627 determine the accuracy of availability data at any given location will not receive  
628 high scores.

629 (b) Accessibility. Applicants will be evaluated based on how the data are accessible  
630 to, clearly presented to, and easily understood by the public, including members  
631 of the research community, and local and state government, excluding any data  
632 considered to be Confidential Information, as defined in this Notice.

633 (c) Security and Confidentiality. Some data collected under the Program may be  
634 considered highly sensitive or confidential. Therefore, applicants must  
635 demonstrate and will be evaluated based on how well the applicant proposes to  
636 protect collected data, including Confidential Information as defined herein, while  
637 fulfilling the other criteria provided in this section.

638 2. *Project Feasibility (30%)* –

639 (a) Budget. This criterion evaluates whether the applicant presents a budget that is  
640 both reasonable and cost efficient, considering the full nature and scope of the  
641 project. Reviewers will also consider whether the applicant has demonstrated  
642 ability to secure the funding necessary to meet the required 20 percent non-federal  
643 matching contribution.

644 (b) Applicant Capacity, Knowledge, and Experience. Reviewers also will assess

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<sup>27</sup> For example, a project should propose to collect availability data by address, as required by the *Technical Appendix*, and should cross-check that data for accuracy by using at least one other metric (e.g., the location and capability of local infrastructure and whether such infrastructure could realistically serve a supposed service address, on-the-ground verification or telephone survey. Each method should be used to check a statistically significant sample of all addresses, and a statistically significant sample of rural addresses).

645 whether the applicant possesses the necessary qualifications to complete the  
646 proposed project within Program standards. In performing this assessment  
647 reviewers will consider the capacity and relevant subject matter specific  
648 knowledge and experience of the applicant and the associated project personnel  
649 with conducting projects of similar scope and scale. Reviewers will assess the  
650 qualifications and past experience of the project leaders and/or partners in dealing  
651 with broadband or telecommunications technology and in designing,  
652 implementing, and effectively managing and overseeing the projects that collect  
653 broadband or telecommunications-related data, and utilize and manage  
654 Geographic Information System (GIS) data.

655 3. *Expedient Data Delivery (20%)*. Applicants will be reviewed based on the  
656 timeline on which they project delivery of the initial submission of a substantially complete set  
657 of broadband mapping data. This timeline should be ambitious and designed to facilitate the  
658 delivery of all data required by the *Technical Appendix*. NTIA will have a preference for the  
659 provision of a substantially complete set of availability data by November 1, 2009. Applicants  
660 that cannot provide a substantially complete set of availability data by November 1, 2009, may  
661 propose to provide an alternative data set by that date. Applicants must demonstrate that they  
662 have the ability to complete the project requirements within the proposed timeline, including the  
663 requirements to provide a substantially complete set of all broadband mapping data on or before  
664 February 1, 2010 and to and to complete such data collection by March 1, 2010. All data  
665 provided in the first collection should be accurate as of June 30, 2009.

666 4. *Process for Repeated Data Updating (10%)* – The broadband landscape is rapidly  
667 changing, and both the state broadband maps and national broadband map must be able to reflect

668 these changes. All applicants will be evaluated based on their ability to update the data at least  
669 semi-annually and on a continuing basis. Because the initial data collection is due on February  
670 1, 2010, the next update will be due on September 1, 2010 but will collect data as of both  
671 December 31, 2009 and June 30, 2010. For all subsequent data updates, data should be updated  
672 at least on March 1 of each year (by submitting data as of December 31 of the previous year) and  
673 at least September 1 of each year (by submitting data as of June 30 of that year), so as to  
674 coincide with the Federal Communications Commission's Form 477 data collections. Applicants  
675 are expected to propose to update data for at least five (5) years from the date of award.  
676 Applicants are encouraged to consider methods of automated or direct-from-provider data input,  
677 while also considering Data Accuracy and Verification needs.

678 5. *Planning and Collaboration (10%)* –

679 (a) Collaboration. Collaboration with state-level agencies, local authorities,  
680 businesses and non-profit organizations will be a critical component of any  
681 successful data collection or mapping effort. Reviewers will carefully consider  
682 the transparency and inclusiveness of the process used to plan and execute data  
683 collection and state-level broadband mapping. Reviewers will also examine the  
684 existing relationships and proposed collaborations with necessary parties,  
685 including broadband service providers, information technology companies,  
686 mapping companies, state and local governments, geographic information  
687 agencies and councils, Community Anchor Institutions, consumer and public  
688 interest groups, Indian tribes (as defined in Section 4 of the Indian Self-  
689 Determination and Education Assistance Act), Native Hawaiian organizations,  
690 minority and vulnerable populations, industry, and other such parties and

691 institutions.

692 If applicable, any applications that do not include the collection of data from  
693 Indian tribes (as defined in Section 4 of the Indian Self-Determination and  
694 Education Assistance Act), tribal lands, or Native Hawaiian organizations will not  
695 be eligible for grants.

696 (b) Planning. In addition to inclusiveness and collaboration, proposals including  
697 planning components will be evaluated based on how well the proposed planning  
698 process will identify service availability and gaps, analyze problems and  
699 opportunities related to broadband deployment, and determine priorities as well as  
700 resolve conflicting priorities. Planning proposals must present the following: (1)  
701 the BDIA-related purpose as listed footnote 6; (2) the problem(s) to be addressed;  
702 (3) the proposed solution; (4) the anticipated outcomes of the project; and (5) the  
703 cost of such proposal in light of the previous factors.

704

705 **VIII. ANTICIPATED AWARD DATES**

706 NTIA will announce the awards starting on or about September 15, 2009. NTIA will  
707 make award documents available to successful applicants within thirty (30) calendar days of the  
708 award announcement. NTIA expects compliance with all applicable documentation  
709 requirements from successful applicants within sixty (60) calendar days of award announcement.

710

711 **IX. AWARD ADMINISTRATION INFORMATION**

712 A. **Award Notices**: Applicants will be notified by the Department of Commerce's  
713 Grants Officer if their applications are selected for an award. If the application is selected for

714 funding, the Department of Commerce's Grants Officer will issue the grant award (Form CD-  
715 450), which is the authorizing financial assistance award document. By signing the Form CD-  
716 450, the awardee agrees to comply with all award provisions. NTIA will provide the Form CD-  
717 450 by mail or overnight delivery to the appropriate business office of the recipient's  
718 organization. The awardee must sign and return the Form CD-450 without modification within  
719 thirty (30) calendar days of receipt.

720 If an applicant is awarded funding, neither the Department of Commerce nor NTIA is  
721 under any obligation to provide any additional future funding in connection with that award or to  
722 make any future award(s). Amendment or renewal of an award to increase funding or to extend  
723 the period of performance is at the discretion of the Department of Commerce and of NTIA.

724 B. **Award Terms and Conditions:**

725 1. *Scope.* Awardees, including all contractors and subcontractors, are required to comply  
726 with the obligations set forth in the Recovery Act and the requirements established  
727 herein. Any obligation that applies to the awardee shall extend for the life of the  
728 federally-funded facilities.

729 2. *Access to Records for Audits, Site Visits, Monitoring and Law Enforcement Purposes.*  
730 The Inspector General of the Department of Commerce, or any of his or her duly  
731 authorized representatives, and NTIA representatives, or any of their duly authorized  
732 representatives, shall have access to and the right to inspect any property or documents  
733 funded by the grant, or relating to the grant funding, of the parties to a grant, including  
734 their subsidiaries, if any, whether written, printed, recorded, produced, or reproduced by  
735 any electronic, mechanical, magnetic or other process or medium, in order to make  
736 audits, inspections, site visits, excerpts, transcripts, copies, or other examinations as

737 authorized by law. An audit of an award may be conducted at any time.

738 C. **Award Conditions:** Awardees are required to comply with the Department of  
739 Commerce Financial Assistance Standard Terms and Conditions (March 8, 2008), the  
740 Department of Commerce American Recovery and Reinvestment Act Award Terms (April 9,  
741 2009), and any Special Award Terms and Conditions that are included by the Grants Officer in  
742 the award.

743

744 X. **OTHER INFORMATION**

745 A. **Discretionary Awards:** The Federal Government is not obligated to make any  
746 award as a result of this announcement, and will fund only projects that are deemed likely to  
747 achieve the Program’s goals and for which funds are available.

748 B. **Third Party Beneficiaries:** The State Broadband Data Program is a discretionary  
749 grant program that is not intended to and does not create any rights enforceable by third party  
750 beneficiaries.

751 C. **Recovery Act Logo:** As provided above in the section entitled “Funding  
752 Restrictions,” neither mapping nor planning projects may include construction costs. However,  
753 all projects that are funded by the Recovery Act, including projects under this Program, shall  
754 display signage that features the Primary Emblem throughout the construction phase. The  
755 signage should be displayed in a prominent location on site. Some exclusions may apply. The  
756 Primary Emblem should not be displayed at a size less than 6 inches in diameter.

757 D. **Environmental and National Historic Preservation Requirements:** All applicants  
758 seeking federal funding may be required to provide adequate environmental information and  
759 gather information from federal and state regulatory agencies, including the designated State

760 Historic Preservation Officer and Indian tribes, as appropriate. Applications must comply with  
761 the National Environmental Policy Act of 1969, as amended (NEPA), and Section 106 of the  
762 National Historic Preservation Act of 1966, as amended (NHPA), and may require the  
763 submission of additional information early in the application process. Applicants will also be  
764 required to cooperate with NTIA in identifying feasible measures to reduce or avoid any  
765 identified adverse environmental impacts of their proposal. The failure to do so shall be grounds  
766 for not selecting an application. In some cases if additional information is required after an  
767 application is selected, funds can be withheld by the Grants Officer under a special award  
768 condition requiring the recipient to submit additional environmental compliance information  
769 sufficient to enable NTIA to make an assessment on any impacts that a project may have on the  
770 environment.

771 NEPA's implementing regulations require NTIA to provide, as appropriate, public notice  
772 of the availability of project-specific environmental documents. Detailed information on NTIA  
773 compliance with NEPA can be found at the following NOAA NEPA Web site:  
774 <http://www.nepa.noaa.gov/procedures.html> under "Department of Commerce Categorical  
775 Exclusions and Administrative Record; and the "NTIA Broadband Technology Opportunity  
776 Program Categorical Exclusions and Administrative Record". Written requests for a hard copy  
777 should be submitted to: Steve Kokkinakis, National Oceanic and Atmospheric Administration,  
778 Office of Program Planning & Integration, SSMC3, Room 15723, 1315 East-West Highway,  
779 Silver Spring, MD 20910.

780 E. **Davis-Bacon Wage Requirements:** Pursuant to section 1606 of the Recovery Act,  
781 any project using Recovery Act funds requires the payment of not less than the prevailing wages  
782 for "all laborers and mechanics employed by contractors and subcontractors on projects funded

783 directly by or assisted in whole or in part by and through the Federal Government.”<sup>28</sup>

784 F. **Buy America:** None of the funds appropriated or otherwise made available by the  
785 Recovery Act may be used for the construction, alteration, maintenance, or repair of a public  
786 building or public work (as such terms are defined in 2 C.F.R. § 176.140) unless all of the iron,  
787 steel, and manufacturing goods used in the project are produced in the United States.<sup>29</sup>

788 G. **Financial and Audit Requirements:** To maximize the transparency and  
789 accountability of funds authorized under the Recovery Act, all applicants are required to comply  
790 with the applicable regulations set forth in OMB’s Interim Final Guidance for Federal Financial  
791 Assistance.<sup>30</sup>

792 Recipients that expend \$500,000 or more of federal funds during their fiscal year are  
793 required to submit an organization-wide financial and compliance audit report. The audit must  
794 be performed in accordance with the U.S. General Accountability Office, Government Auditing  
795 Standards, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, Audits  
796 of States, Local Governments, and Non-Profit Organizations, located at  
797 <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Awardees are responsible for  
798 ensuring that sub-recipient audit reports are received and for resolving any audit findings.

799 H. **Deobligation:** NTIA reserves the right to deobligate awards to recipients under this  
800 Notice that demonstrate an insufficient level of performance, or wasteful or fraudulent spending,  
801 and award these funds competitively to new or existing applicants.

802 I. **Disposition of Unsuccessful Applications:** Unsuccessful applications accepted for  
803 review for the Fiscal Year 2009 the State Broadband Data Program will be retained for two

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<sup>28</sup> Recovery Act § 1606, 123 Stat. at 303.

<sup>29</sup> Recovery Act, § 1605, 123 Stat. at 303.

<sup>30</sup> See Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards, 74 Fed. Reg. 18, 449 (Apr. 23, 2009).

804 years, after which they will be destroyed.

805 J. **Compliance with Applicable Laws and Administrative Requirements:** Any  
806 recipient and subrecipient of funds under this Notice shall be required to comply with all  
807 applicable obligations set forth in the Recovery Act and all federal and state laws. Administrative  
808 and national policy requirements for State Broadband Data Program funding, *inter alia*, are  
809 contained in the DOC American Recovery and Reinvestment Act Award Terms (Apr. 9, 2009)  
810 and *Pre-Award Notification Requirements for Grants and Cooperative Agreements* (DOC Pre-  
811 Award Notice), published in the *Federal Register* on February 11, 2008 (73 FR 7696), as  
812 amended. This notice may be accessed by entering the *Federal Register* volume and page  
813 number provided in the previous sentence at the following Internet website:

814 <http://www.gpoaccess.gov/fr/index.html>. All State Broadband Data Program applicants are  
815 required to comply with all applicable provisions set forth in the DOC Pre-Award Notice.

816 Note that section 1515 of the Recovery Act authorizes the Inspector General to examine  
817 records and interview officers and employees of the grantee and other entities regarding the  
818 award of funds.<sup>31</sup>

819 K. **Waiver Authority:** It is the general intent of NTIA not to waive any of the  
820 provisions set forth in this Notice. However, under extraordinary circumstances and when it is in  
821 the best interests of the federal government, NTIA, upon its own initiative or when requested,  
822 may waive the provisions in this Notice. Waivers may only be granted for requirements that are  
823 discretionary and not mandated by statute or other applicable law. Any request for a waiver  
824 must set forth the extraordinary circumstances for the request and be included in the application  
825 or sent to the address provided in “NTIA Contacts” above.

826 L. **Limitation of Liability:** Under no circumstances will NTIA or the Department of

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<sup>31</sup> Recovery Act § 1515, 123 Stat. at 289.

827 Commerce be responsible for proposal preparation costs if this Program fails to receive funding  
828 or is canceled because of other NTIA priorities. Publication of this announcement does not  
829 oblige NTIA to award any specific project or to obligate any available funds.

830 M. **Cooperation with NTIA and FCC National Broadband Mapping Efforts:**

831 *Cooperation.* In addition to the other requirements provided in this Notice, all awardees  
832 agree to cooperate with NTIA and the FCC's national broadband mapping efforts. In particular,  
833 awardees agree that, to the extent necessary, they will coordinate with and lend reasonable  
834 assistance to NTIA and the FCC, or the employees, agents, representatives, contractors, vendors  
835 or consultants of each in such parties' efforts to assist the recipients in their data collection or to  
836 collect broadband mapping related data directly in the states.

837 In the case that an application on behalf of a state fails to satisfy the requirements of this  
838 Program, NTIA reserves the right to collect broadband mapping data relating to such state  
839 directly or through NTIA's authorized agent, contractor or representative, using whatever means  
840 are within its legal authority.<sup>32</sup>

841 *FCC Authority.* Insofar as awardees are unwilling or unable to obtain requested data,  
842 NTIA reserves the right to request that the FCC exercise its authority to compel data production  
843 from any broadband service provider subject to its jurisdiction.

844 N. **Administrative Procedure Act and Regulatory Flexibility Act Statement:** This  
845 Notice is being issued without prior notice or public comment. The Administrative Procedure  
846 Act (APA), 5 U.S.C. § 553, has several exemptions to rulemaking requirements. Among them is  
847 an exemption for "good cause" found at 5 U.S.C. § 553(b)(B), which allows effective  
848 government action without rulemaking procedures where withholding the action would be

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<sup>32</sup> Recovery Act § 6001(l), 123 Stat. at 516 requires that NTIA develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States.

849 “impracticable, unnecessary, or contrary to the public interest.”

850 Commerce has determined, consistent with the APA that making these funds available  
851 under this Notice for broadband development, as mandated by the Recovery Act, is in the public  
852 interest. Given the emergency nature of the Recovery Act and the extremely short time period  
853 within which all funds must be obligated, withholding this Notice to provide for public notice  
854 and comment would unduly delay the provision of benefits associated with these broadband  
855 initiatives and be contrary to the public interest.

856 For the same reasons, Commerce finds good cause under 5 U.S.C. § 553(d)(3) to waive  
857 the 30-day delay in effectiveness for this action. Because notice and opportunity for comment  
858 are not required pursuant to 5 U.S.C. § 553(d)(3) or any other law, the analytical requirements of  
859 the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory  
860 flexibility analysis is not required and has not been prepared.

861 O. **Congressional Review of Act:** NTIA has submitted this Notice to the Congress and  
862 the Government Accountability Office under the Congressional Review of Agency Rulemaking  
863 Act, 5 U.S.C. § 801 *et seq.* Notice is a “major rule” within the meaning of the Act because it will  
864 result in an annual effect on the economy of \$100,000,000 or more. Notice sets out the  
865 administrative procedures for making grants to state, local, tribal and other state approved  
866 organizations for the development and implementation of statewide initiatives to identify and  
867 track the availability and adoption of broadband services within each state through the State  
868 Broadband Data Program.

869 With funds made available through the Recovery Act, the State Broadband Data Program  
870 will provide approximately \$240 million in grants to assist eligible entities, including states, in  
871 developing state-specific data on the deployment levels and adoption rates of broadband

872 services. All grant funds must be obligated by September 30, 2010. The state-specific data  
873 collected through this Program will help to determine those areas of the United States that are  
874 “unserved” or “underserved” and so inform the award of grants under BTOP, which grants also  
875 must be awarded no later than September 30, 2010. The data will also be used in the  
876 development of the national broadband map that NTIA is required to create and make publicly  
877 available by February 2011 under Section 6001(l) of the Recovery Act. A 60-day delay in  
878 implementing this Notice would hamper NTIA’s mission to expeditiously provide assistance to  
879 eligible entities for the development of this key state-specific data on broadband deployment  
880 levels and adoption rates as well as hinder NTIA’s ability to meet the purposes of the BTOP and  
881 national broadband map development in a timely fashion.

882 Thus, in compliance with Section 808(2) of the Congressional Review of Agency  
883 Rulemaking Act, 5 U.S.C. § 808(2), for good cause, NTIA finds that notice and public comment  
884 on this Notice is impracticable and contrary to the public interest. This finding is consistent with  
885 the objectives of the Recovery Act, which specifically provides clear preferences for rapid  
886 agency action and quick-start activities designed to spur job creation and economic benefit.<sup>33</sup>  
887 Accordingly, this Notice shall take effect upon publication in the Federal Register.

888 P. **Paperwork Reduction Act:** This notice contains an information collection  
889 requirement subject to the requirements of the Paperwork Reduction Act (44 USC §§ 3501 et  
890 seq.). Applicants have been requested to submit applications using the Standard Form 424,  
891 Program Abstract/ Program Narrative; Standard Form 424, Application for Federal Assistance;  
892 Standard Form 424A, Budget Information – Non-Construction Programs; Standard Form 424B,  
893 Assurances – Non-Construction Programs; and Standard Form LLL, Disclosure of Lobbying  
894 Activities, all of which have been approved by OMB under the respective control numbers 4040-

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<sup>33</sup> See, e.g., Recovery Act § 1602, 123 Stat. at 302.

895 0003, 4040-0004, 4040-0006, 4040-0007 and 0348-0046.

896 Copies of all forms, regulations, and instructions referenced in this Notice may be  
897 obtained from NTIA. Data furnished by the applicants will be used to determine eligibility for  
898 Program benefits. Furnishing the data is voluntary; however, the failure to provide data could  
899 result in Program benefits being withheld or denied.

900 The collection of information is vital to NTIA to ensure compliance with the provisions  
901 of this Notice and to fulfill the requirements of the Recovery Act. In summary, the collection of  
902 broadband data, as required under the *Technical Appendix*, is necessary in order to implement  
903 this Program.

904 Notwithstanding any other provision of law, no person is required to respond to, nor  
905 shall any person be subject to a penalty for failure to comply with a collection of information  
906 subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB  
907 Control Number.

908 *1. General Recovery Act and BDIA Reporting Requirements*

909 (a) OMB Reporting Requirements Implementing the Recovery Act. Any grant awarded  
910 under this Notice shall be subject to the applicable regulations and statutes regarding  
911 reporting on Recovery Act funds. For specific Recovery Act requirements, *see* 2  
912 C.F.R. part 176.<sup>34</sup>

913 (b) Accounting. If Recovery Act funds are combined with other funds to fund or  
914 complete projects and activities, Recovery Act funds must be accounted for  
915 separately from other funds and reported to NTIA or any federal web site established  
916 for Recovery Act reporting purposes. Moreover, recipients of funds under this Notice

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<sup>34</sup> See also OMB Memorandum M-09-21, Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009, June 22, 2009 (OMB Implementing Guidance). For additional Recovery Act Implementation Guidance applicable to recipients, see OMB Implementing Guidance at 6-7.

917 must also comply with the accounting requirements as established or referred to in  
918 this Notice.

919 (c) Required Data Elements. The awardee and each contractor engaged by the awardee  
920 must submit the following information to NTIA:

- 921 i. the total amount of Recovery Act funds received;
- 922 ii. the amount of Recovery Act funds received that were expended or obligated to  
923 projects or activities;
- 924 iii. a detailed list of all projects or activities for which Recovery Act funds were  
925 expended or obligated, including (a) the name of the project or activity; (b) a  
926 description of the project or activity; (c) an evaluation of the completion status  
927 of the project or activity; (d) an estimate of the number of jobs created and the  
928 number of jobs retained by the project or activity; and
- 929 iv. detailed information on any subcontracts or subgrants awarded by the awardee  
930 to include the data elements required to comply with the Federal Funding  
931 Accountability and Transparency Act of 2006 (Public Law 102-282), allowing  
932 aggregate reporting on awards below \$25,000 or to individuals.<sup>35</sup>

933

934 2. *Reporting Deadlines*. Recovery Act reports are due to NTIA ten (10) calendar days after  
935 the quarter in which the award was issued ends and, unless otherwise noted, each quarter  
936 thereafter until a final report is made at the end of five (5) years. The final report should  
937 summarize the awardee's quarterly filings and state whether the projects goals have been  
938 satisfied. Pursuant to OMB Guidelines, reports should be submitted electronically to  
939 [www.federalreporting.gov](http://www.federalreporting.gov). If the awardee fails to submit an acceptable quarterly report

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<sup>35</sup> Recovery Act § 1512(c), 123 Stat. at 287.

940 or audited financial statement within the timeframe designated in the grant or loan award,  
941 NTIA may suspend further payments until the awardee complies with the reporting  
942 requirements. Additional information regarding reporting requirements will also be  
943 specified at the time the award is issued.

944 3. *State Broadband Data Program Reporting Requirements.* All awardees under this  
945 Program will provide quarterly reports on:

- 946 (a) achievement of project goals, objectives, and milestones (e.g., collection of a  
947 “substantially complete data set”; completion of data review or quality control  
948 process) as set forth by the applicant in their application timeline;
- 949 i. expenditure of grant funds and how much of the award remains;
  - 950 ii. amount of non-federal cash or in-kind investment that is being added to  
951 complete the project; and
  - 952 iii. whether the awardee is on schedule to provide broadband-related data in  
953 accordance with the mapping project timeline.

954 Upon completion of its state-level broadband map, each awardee will provide NTIA with  
955 a hypertext link to such map for display on a web page on the Department of Commerce website.

956 Q. **Payment of Federal Funds:** NTIA will not make any payment under an award until  
957 the grantee has returned the signed CD-450 accepting the award and unless and until the  
958 recipient complies with all relevant requirements.

959 R. **Executive Order 12372 (Intergovernmental Review):** Applications under this  
960 Program are not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal  
961 Programs."

962 S. **Executive Order 12866:** This notice has been determined to be Economically

963 Significant under Executive Order 12866. The Secretary of Commerce was authorized by the  
964 Recovery Act to fund the BDIA and implement the State Broadband Data Program. This  
965 Program will make approximately \$240 million in funds available for eligible entities to develop  
966 and implement statewide initiatives to identify and track the availability and adoption of  
967 broadband services within each state. This is a one-time grant program in which funds will be  
968 awarded no later than September 30, 2010.

969 T. **Executive Order 13132 (Federalism)**: It has been determined that this Notice does  
970 not contain policies with Federalism implications as that term is defined in E.O. 13132.

971 U. **Recovery Act**: Additional information about the Recovery Act is available at  
972 <http://www.Recovery.gov>.

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974 Dated: July 1, 2009

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978 Lawrence E. Strickling

979 Assistant Secretary, National Telecommunications and Information Administration