

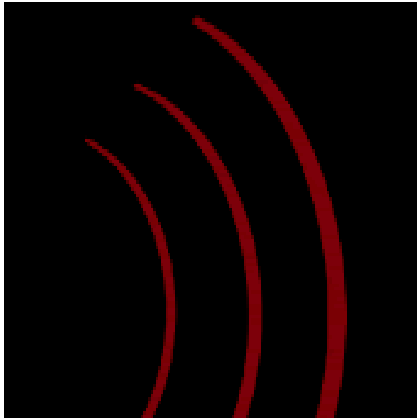
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The American Recovery and Reinvestment Act of 2009

April 30, 2009

Barry Ohlson, Partner, Wilkinson, Barker, Knauer, LLP
Brian Fontes, CEO, NENA
Patrick Halley, Government Affairs Director, NENA



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Agenda



- Provide overview of Recovery Act Programs that can benefit 9-1-1/emergency communications
 - Focus on \$7.2 billion in broadband funds
 - Justice grants
 - State Stabilization Fund
- Describe projects that could potentially be funded
- Provide latest details on status of grant and loan programs
- Answer your questions



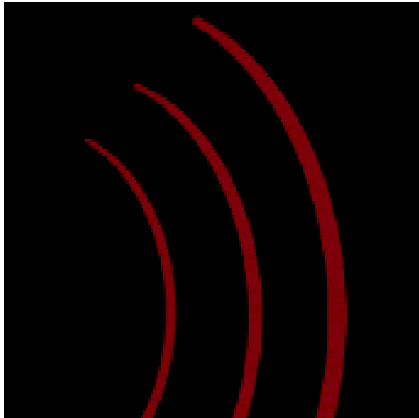
ARRA Broadband Funding



- ARRA – Signed February 17, 2009
 - \$787 billion spending bill
- NTIA: \$4.7B for a new Broadband Technology Opportunities Program (“BTOP”)
 - At least \$4.35B for grants under BTOP
 - Up to \$350M for developing and maintaining a broadband inventory map
 - May transfer funds to the FCC for BB strategy
 - \$250 million for “innovative uses” of BB
- RUS: \$2.5B for grants, loans and loan guarantees for broadband infrastructure



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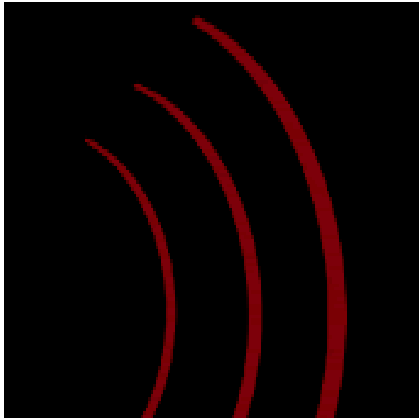
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General Objectives of NTIA's BTOP



- BTOP to be established in consultation with FCC
- BTOP is intended to:
 - provide broadband access in “unserved areas”;
 - provide improved access in “underserved areas”;
 - provide broadband education, training, access, equipment, and support to:
 - (a) schools, libraries, medical, healthcare providers, and other **community support organizations**;
 - (b) organizations that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and
 - (c) job-creating strategic facilities located within specified economic development zones
 - **improve access to, and use of, broadband service by public safety agencies**; and
 - stimulate the demand for broadband, economic growth, and job creation



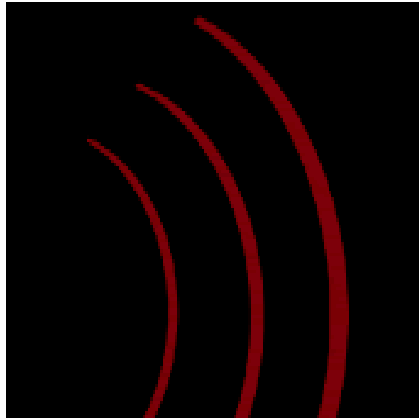
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BTOP-Eligible Projects



- BTOP competitive grants available for:
 - acquisition of broadband equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure;
 - deployment of **broadband services and related infrastructure**;
 - ensuring access to broadband service by “**community anchor institutions**”;
 - facilitating access to broadband by low-income, unemployed, aged, and “otherwise vulnerable” populations in order to provide educational and employment opportunities;
 - **deployment of broadband facilities that improve public safety broadband communications services**; and
 - **such other matters as are consistent with the purposes behind BTOP**
- Absent a need based waiver, applicant must provide 20% of the project funding



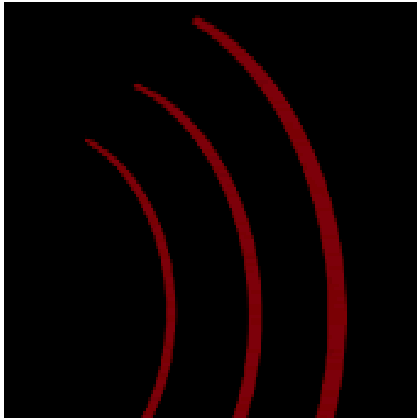
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BTOP-Eligible Entities



- States and political subdivisions, territories or possessions of the United States, Indian Tribes, native Hawaiian organizations, and non-profits are automatically eligible for BTOP funding
- “any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest”
 - To the extent practicable, this rule must advance the pro-broadband purposes of the Act in a “technology neutral” manner





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Factors For NTIA Consideration



- NTIA has discretion in selecting the grant recipients consistent with the broad objectives of BTOP
 - At least one award in each State, if practicable
 - Consider whether infrastructure grant will address affordability; scope; speed; and/or service
 - A socially and economically disadvantaged small business concern
 - No minimum speed thresholds are mandated
 - NTIA is to “take into consideration the technical differences between wireless and wireline networks”
- When NTIA issues RFP, it must, “in coordination with the FCC”:
 - Publish non-discrimination and network interconnection obligations
 - Contractual conditions of grants
 - Including, at a minimum, adherence to the FCC’s August 5, 2005 Internet access policy statement





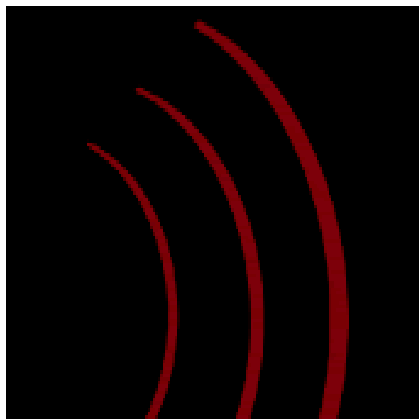
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Factors For NTIA Consideration



- Grants are available in rural, suburban and urban areas
- NTIA may consult States with respect to the identification of unserved and underserved areas, and the allocation of grant funds within its jurisdiction
- NTIA also must consider “unjust enrichment”
- ARRA requires applicants to show that the project would not have been implemented during the grant period without Federal grant assistance
 - Applicants must provide assurance that they will substantially complete their proposals in accordance with project timelines, not to exceed 2 years following the award
- Section 1602 requires preference to activities that can be started and completed expeditiously
 - Goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after enactment of ARRA



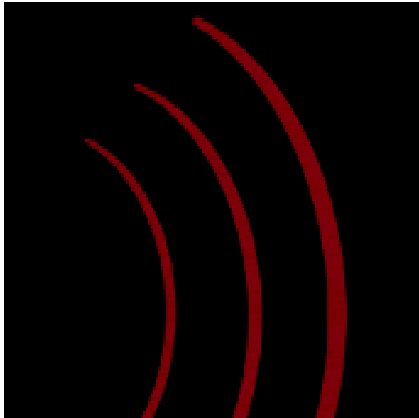
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Next Steps At NTIA



- NTIA must create BTOP “as quickly as possible”
- Sept. 30, 2010 deadline for awards
- Public input into process
- Consultation with FCC
- RFI for comments were due April 13, 2009
- Notice of Funds Availability (NoFA) or rulemaking
- Technology Opportunities Program (TOP) and Public Safety Interoperable Communications (PSIC) grant programs as models
- RFP to seek applications and announce non-discrimination and interconnection requirements
- Application process/negotiation
- Consultation with states, etc to identify unserved and underserved areas and regarding grants within state
- Award funds





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RUS



- \$2.5B in RUS grant, loan and loan guarantee funding is available for use anywhere in the United States,
 - At least 75 percent of the area to be served by a funded project in a rural area
- Available for obligation until September 30, 2010
- No “double dipping” but possible complimentary funding with BTOP

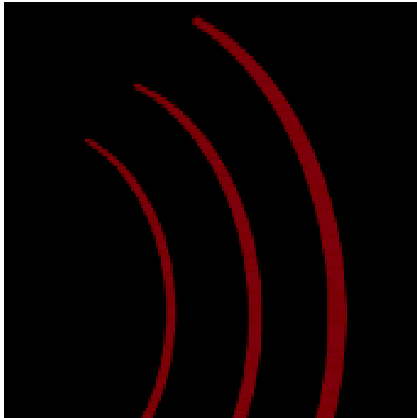


RUS



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- Priority must be given to:
 - project applications for broadband systems that will deliver end users a choice of more than one service provider;
 - projects that provide service to the highest proportion of unserved rural residents;
 - project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers;
 - project applications that demonstrate that, if the application is approved, all project elements will be fully funded;
 - project applications for activities that can be completed if the requested funds are provided; and
 - activities that can commence promptly following approval



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Other Funding Opportunities



- Law Enforcement: \$2 Billion
 - “[A]dditional personnel, equipment, supplies, contractual support, training, technical assistance and information systems for criminal justice”
- State Stabilization Fund
 - \$8.8 billion available for flexible block grants to avert budget cuts in education or in other basic state services, such as public safety and law enforcement
- High Tech Training: \$750 Million
 - Funding for worker training and placement in high growth and emerging industry sectors
- HHS Electronic Health Records: \$2 Billion (\$17 Billion in incentives through Medicare and Medicaid)
- DOT Intelligent Transportation funding: ITS eligible for up to \$29 Billion through grants to states





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Broadband Mapping / National Broadband Plan



- NTIA must develop and maintain a “comprehensive nationwide inventory map of existing broadband service capability and availability”
 - Map must be made available on a web site no later than February 17, 2011, in a form that is “interactive and searchable”
- No later than Feb. 17, 2010, FCC must submit to Congress a national broadband plan that “shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal”
 - Comments due to FCC on June 8, 2009
 - Reply comments due to FCC on July 7, 2009



Related Statutes Consistent with Purposes of ARRA



- NET 911 Improvement Act of 2008
 - Amended purposes of 9-1-1 grant program authorized by the ENHANCE 911 Act of 2004 to make grants available for “the migration to an IP-enabled emergency network”
 - Tasked National E9-1-1 Implementation and Coordination Office (ICO) with issuing a plan for “migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.”

This requires “access to, and use of,” broadband!



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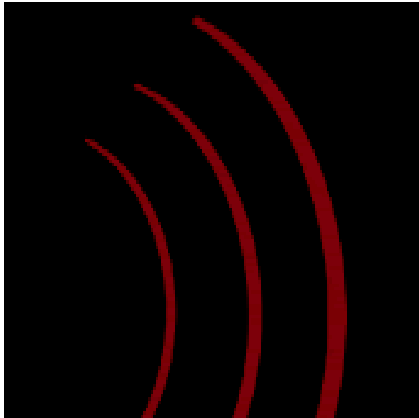
Related Statutes Consistent with Purposes of ARRA



- Section 6107 of Food, Conservation, and Energy Act of 2008 (“Farm Bill”)
 - RUS authority to make loans to State or local governments, Indian tribes, or other public entities for facilities and equipment to expand or improve in rural areas “9-1-1 access, integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services, homeland security communications, transportation safety communications, or location technologies used outside an urbanized area.”



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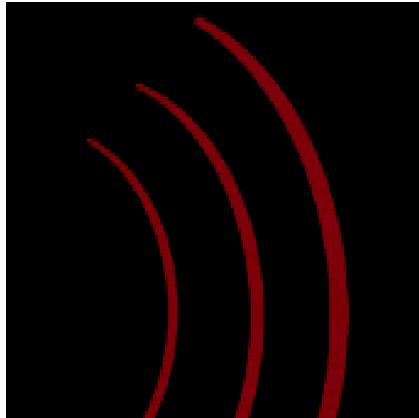
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NENA Position on Grant “Selective Criteria”



- Grant review/selection should include a determination of whether the application:
 - Provisions increased broadband connectivity for all 9-1-1 and emergency response agencies in unserved and underserved areas (**Access to broadband**)
 - Facilitates increased demand and greater use of broadband by emergency response entities (*which must be considered community support organizations and strategic institutions for purposes of the ARRA*) (**Use of broadband**)
 - Promotes the following characteristics applicable to emergency response agencies:
 - Lower costs for access; high speed; security; network diversity; availability/reliability
 - Promotes **education** on need for and use of broadband for emergency response
 - Promotes **new and innovative ideas** to improve emergency response





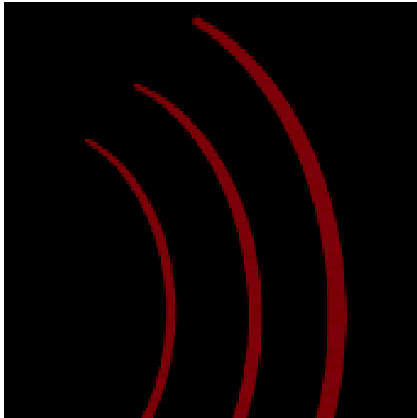
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Potential 9-1-1/Emergency Communications Opportunities



- Broadband Mapping (for emergency response)
- National Broadband Plan
- Grant application credits for applications that address safety needs
- Funding “access to, and use of” broadband for 9-1-1 and other emergency response agencies
- Potential project to fund (support state/regional projects):
 - Connectivity with existing/new broadband networks (wired and wireless)
 - Backbone networks and internetwork
 - Enterprise services
 - Core services
 - Models of managed services and applications
 - National elements (standards, governance, best practices, training, education)
 - Innovative model state/regional deployments (test beds)





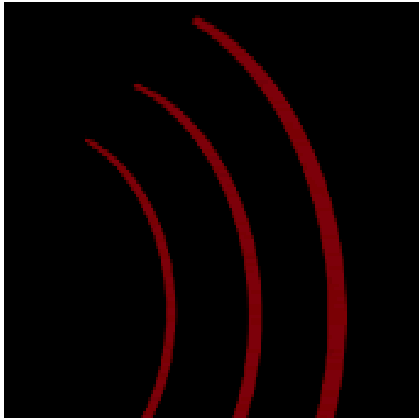
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Bottom Line...Next Steps



- This is a significant opportunity for the modernization of 9-1-1 and emergency communications
- Follow the process and learn the details:
www.ntia.doc.gov/broadbandgrants
- Start planning now; establish partnerships
- Attend NENA 2009: The 9-1-1 Conference
 - Participate in three day **9-1-1 Funding Opportunities Workshop**
(www.nena.org/conference2009)





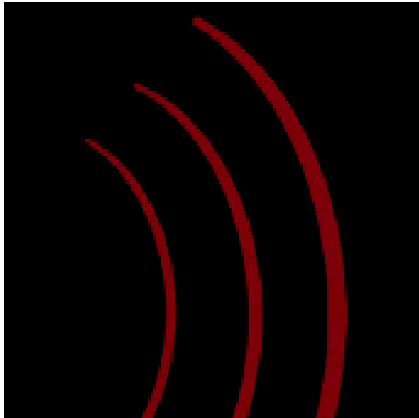
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NENA 2009: The 9-1-1 Conference



- When: June 6-11, 2009
- Where: Historic Ft. Worth, TX
- What You can Expect:
 - Special three-day 9-1-1 Funding and GIS workshops
 - Unparalleled variety and quality of educational sessions and courses
 - General sessions on “Our World of Tomorrow” and “Policy Makers & Strategic Alliances”
 - Cutting edge exhibit hall featuring a Next Generation 9-1-1 showcase

www.nena.org/conference2009



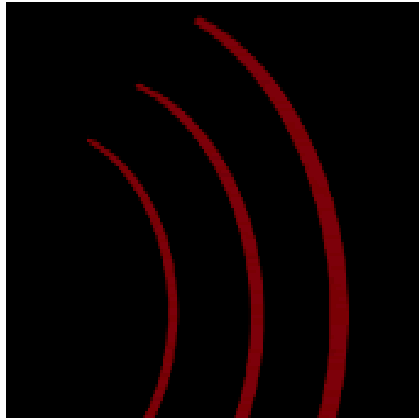
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