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Public POWER

June 2008

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By: Cathy Swirbul

Last year, when few in the public arena were talking about a national broadband strategy for the United States, Jim Baller and his law partner, Casey Lide, wrote two extensive articles making the case for such a strategy and setting forth an eight-step plan to develop one. Since then, an avalanche of discussion on the issue has emerged—and Baller was named the community broadband visionary of the year by the National Telecommunications Officers and Advisors (NATOA) “for almost single-handedly putting the issue of America’s need for a national broadband strategy at the forefront of public consciousness.”

“Support for a national broadband strategy is growing rapidly across America,” said Baller, a founder of the Community Broadband Coalition and an attorney specializing in communications law. “Individuals and organizations representing a broad cross-section of American life have now called for a national broadband strategy, including the American Public Power Association, NATOA, the National League of Cities, EDUCAUSE, Public Technology Institute, Free Press, Communications Workers of America, and many others. So, too, have many leading high technology companies and organizations, including the Fiber to the Home Council, Amazon, Cisco, COMTEL, Google, and many more. At times, even incumbents Verizon and AT&T have supported the development of a national strategy.”

Many public officials have also made the development of a national broadband strategy a priority, said Baller. Federal Communications Commission members Michael Copps and Jonathan Adelstein have repeatedly stressed that America needs a coherent and comprehensive national broadband strategy, as has Federal Trade Commissioner Jonathan Leibowitz. The major presidential candidates—Senators Barack Obama, D-Ill., Hillary Clinton, D-N.Y., and John McCain R-Ariz.—all support the idea. Sen. Jay Rockefeller, D-W.Va., at the urging of the Fiber to the Home Council, introduced Senate Resolution 191 to encourage Congress and the president to develop a national strategy that would make the United States a “100-megabit nation” by 2015. Rep. Anna Eshoo, D-Calif., took the same position in a “Dear Colleague” letter to her fellow members of the U.S. House of Representatives.

Meanwhile, Sen. Dick Durbin, D-Ill., hosted a week-long online seminar to gather ideas for a national broadband strategy. Durbin, Rep. Ed Markey, D-Mass., and Senator Daniel Inouye, D-Hawaii, have each introduced bills that would support and fund broadband mapping initiatives. Similarly, Senators John Kerry, D-Mass., and Olympia Snowe, R-Maine, conducted hearings to determine the broadband needs of America’s small businesses. Most recently, Markey introduced another bill that would, among other things, require the FCC to conduct at least eight regional broadband summits to obtain the public’s input on the matter.

The national dialogue about whether the United States needs a national broadband strategy focuses, largely, on the country’s relentless decline in international ranking in three key areas: broadband deployment as a percentage of population (or households), access to high-capacity next-generation networks, and cost per unit of bandwidth. “Americans are coming to understand that unless we quickly reverse these trends, we will not have the advanced communications infrastructure necessary to remain competitive with the leading Asian and European nations in the emerging knowledge-based global economy,” Baller said.

The Brookings Institution, an independent research and public policy institute, estimated that the broadband decline could lead to a potential loss of \$1 trillion in economic productivity over the next decade. In addition, more than 1.2 million new jobs could be created with better broadband, said Brookings. “The cutting edge of competition in Japan is now at data speeds between 100 megabits/second (mbps) and 1 gigabits/second (GBps), and that will increase to 10 gigabits by 2010,” Baller said. “The Japanese get 10 times the bandwidth and pay one-quarter of the price for broadband that Americans do.”

Amsterdam, Hong Kong, Oslo, Paris, Seoul, Stockholm, Tokyo, Vienna, and many other major cities in Asia and Europe already have—or will soon be getting—access to affordable connectivity at 100 megabits/second

(MPS) or more. No major U.S. city will have comparable broadband speeds in the foreseeable future, said Baller. "The United States is going to lose most of its traditional manufacturing jobs to low-cost countries such as China and India. We are also beginning to lose substantial numbers of accounting, engineering, and other service jobs to countries with skilled English-speaking workers who are willing accept much lower wages than their counterparts in the United States," said Baller.

"In today's global economy, American and other international employers increasingly break their production, distribution, and services into multiple tasks and assign each task to workers in countries that can perform the tasks well at the least possible cost. If we want to retain our standard of living and encourage employers to use more expensive workers in the United States, we have to prepare our work force for high-value, knowledge-based jobs," Baller said. "This requires strengthening our educational system and providing the critical broadband infrastructure that it will take for our communities and workers to be part of the global network."

The current administration's broadband policy relies heavily on the market, entrusting competition between the telephone and cable industries to drive broadband deployment. "Unfortunately, this hasn't worked out very well for the United States, as duopolists don't push each other very hard on price, product development, or service. On the duopolists' watch, the United States has fallen to somewhere between 12th and 25th in global broadband rankings, depending on the survey consulted, and that's just not good enough," Baller said.

"We must pull together as a nation and work cooperatively to create the infrastructure that will support our ability to move ahead," Baller continued. "This is the same challenge the United States faced in building an intercontinental railroad, electrifying the country, establishing a national highway system, and sending a man to the moon. With the public and private sectors working together in harmony, I am confident that we can now develop an advanced communications network that is worthy of this great nation." A key feature of Baller's eight-step plan is the formation of a non-partisan, blue-ribbon commission, broadly representative of key stakeholders in a national broadband strategy, including the established cable and telephone companies. "It will not be easy to form consensus among the many interests involved, but it is certainly worth the effort. With the other leading nations well ahead of us in developing and implementing national broadband strategies, we don't have the luxury of time to waste on endless battles before Congress, the FCC, and the courts."

Baller believes the commission should start with ambitious preliminary goals. "Some say that a national broadband strategy should merely seek to ensure a minimum level of connectivity for all Americans. It should certainly do that, but I believe that we should at the same time seek to foster affordable universal connectivity at the upper end of the broadband scale. I'm not sure whether the target should be 100 MPS, 1 GBps, or even higher. If the United States is to remain competitive in the global economy, we must rapidly expand deployment of high-capacity next generation networks on which our success in that arena will depend. The commission's responsibilities would include gathering and analyzing the relevant facts, refining the preliminary goals, and facilitating consensus among the stakeholders on how best to achieve them."

"The key stakeholders must be frank, objective and flexible," Baller said. "They must be willing to discuss candidly where they stand today, where they want to go, what their counterparts around the world are doing, and what they consider to be the main legal, financial, technological, and other impediments that prevent them from achieving their goals. A constructive dialog is likely to reveal a wealth of opportunities for collaboration and many more solutions to these impediments than anyone could otherwise have imagined alone." Baller does not believe that he or anyone else can enumerate all the elements a comprehensive national broadband strategy should contain, but he lists the following as some essential elements:

"**First**, a national broadband strategy must be based on accurate, timely, pertinent and verifiable data. For several years, the FCC has used an obsolete definition of broadband—the capacity to transmit data in one direction at 200 kilobits per second. The FCC has also used the patently absurd assumption that if there is even one broadband line in a zip code, then every address in the zip code has access to broadband. Going forward, we need much more realistic and granular data. The FCC has now updated its definition and data-gathering practices, but more needs to be done." "**Second**, our national broadband strategy should address both the low and high ends of the communications continuum. Our national broadband strategy should include whatever tax and other incentives it takes to meet both of these objectives.

"**Third**, our national broadband strategy should recognize that the private sector cannot, alone, meet America's communications goals. Rather, America can meet these goals only if the public and private sectors work together in a spirit of cooperation and mutual respect. Our national broadband strategy should not merely remove barriers to public broadband initiatives, but should actively encourage and reward localities for stepping forward if they believe that the private sector is not meeting communities' needs for advanced communications services and capabilities. "**Fourth**, broadband is not merely a service in its own right, but it is also a form of infrastructure that, like electricity, enables applications that increasingly affect every part of our lives at work, at home and at play. To name just a few of these applications, broadband is critical to robust economic development, educational and occupational opportunity, public safety, homeland security, environmental protection, telework, modern health care, digital equity, improved government service, cultural enrichment, and the wide range of activities that contribute to a high quality of life. As a vehicle of communication, it is also essential to the preservation of a vibrant democracy. As a result, our national broadband strategy should stress interoperability, expandability, and 'openness.' The term 'openness,' like the term 'network neutrality,' lends itself to many interpretations, and it is critically important for the key

stakeholders to negotiate mutually acceptable definitions and standards.

“**Fifth**, the national broadband strategy should include support for programs to increase broadband usage, particularly among elderly, rural and disadvantaged populations. This should sound familiar to the many public power communities that created model kitchens decades ago to demonstrate the practical uses of electricity to potential customers. “**Sixth**, the United States can learn valuable lessons from the countries that are leading the world in broadband deployment, but there are also important cultural, historical, political, legal and other differences between the United States and other countries. Our national broadband strategy must ultimately be tailored to our own unique circumstances.” Although the United States still lacks a national broadband strategy, Baller hopes this will change soon. “The three major presidential candidates all support the idea of a national strategy, and it is encouraging that so many others are now calling for one,” he said. “That’s the first step in our eight-step process. If the momentum keeps building, perhaps it won’t be long before we can move on to the other seven steps. But whether it’s our plan or someone else’s is of secondary importance. What’s most important is that we get going as rapidly as possible on this.”

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