



Thank you for the invitation to testify before this committee. I am Michael Birnbaum, general manager of Cloud Alliance, a central Vermont wireless Internet service provider (WISP). WISPs are important community-based, small enterprises, which have traditionally brought fixed wireless broadband to rural areas neglected by the larger companies. Increasingly, WISPs offer hybrid solutions, incorporating fiber optic broadband, as well.

I am also the Vermont state coordinator for the Wireless ISP Association (WISPA) and one of ten WISPA representatives who go to Capitol Hill and the FCC at least twice annually to advocate on behalf of American WISPs. Today, I testify only on behalf of my company, but I believe that my positions mirror those of the other small WISPs in Vermont.

My suggested changes to the proposed amended bill are limited to sections 6, 7, and 8, but first, I'd like to comment on the rest of the sections.

### **Sections 1 and 2:**

I've been a fan of the § 248a provisions for permitting wireless telecom facilities. This section has truly enabled expansion of fixed and mobile wireless solutions throughout the state. My company applied for and received a certificate of public good to build four towers through the provision. However, I think the pendulum swung a bit too far in favor of local zoning pre-emption.

In some cases, towers were built in places that really offended local communities, and worse, some of these could have been avoided with sensible collocation of facilities on existing structures. Though the section provided for substantial deference to local and regional plans and favored collocation, some applicants and the Public Service Board did not always seem to fully respect the intent. I support the new, more directed provisions regarding local deference as well as the more clear shift of burden of justification to the applicant, when such local deference is to be disregarded.

### **Sections 9 and 10:**

The creation of the Telecommunications News Service for people with disabilities—particularly those with visual impairments—is an appropriate expansion of Vermont's telecom landscape. I will have a comment on its funding later in my testimony.

**Sections 3/6, 7, and 8:**

While § 248a is very important to WISPs and mobile wireless providers, the Connectivity Initiative is currently the most important aspect of the telecom bill to Cloud Alliance and, I believe, most of the state's broadband providers.

The suggested changes I've submitted are intended to increase the funding for, or implementation of, this essential provision. It's generally accepted that expanding the reach of ultra broadband throughout the state is a very expensive proposition. This is especially so in Vermont's areas of sparse population, steep topography, and disadvantaged economic opportunity. Without government assistance, these areas may never get the broadband that the citizens deserve and that the state has pledged it will deliver. It's going to cost an awful lot to bring ubiquitous 25 Mbps down, 3 up service—let alone the symmetrical 100 Mbps service, as promised in the state's Plan. The Connectivity Fund's Connectivity Initiative grants are absolutely essential, and the current level of funding is inadequate. The newly added goal of ubiquitous mobile wireless further compounds the situation.

We all understand that the state budget shortfalls preclude increasing the appropriation beyond \$1M, at this time. Even so, a modest increase can be derived from slightly increasing the Universal Service Fund fees. I applaud the proposed one-half percent increase in the USF, but suggest increasing that to one percent. I also suggest that the funding ratio of High Cost Program to Connectivity Initiative be shifted by 10% from 45:55 to 35:65.

Please note that § 7511(b) causes the new Telecommunications News Service funding to directly reduce USF contributions to the Connectivity Fund. I suggest that the USF fee be increased sufficiently to offset the additional cost of the program, so as not to further limit the size of Connectivity Initiative grants.

Finally, I suggest two wording changes in § 7515b:

In (a), since there are satellite Internet services available in excess of 4 Mbps down and 1 up, the language should be adjusted as suggested in my submitted draft.

In (b), because both steep topography and pole-line discontinuity often make it very challenging for wireless and wireline providers to fully cover some census blocks, the exclusive use of census blocks to define eligible grant areas is impractical. The language should give the Department of Public Service flexibility to list other geographic areas such as road corridors, valleys, hillsides, or larger areas such as towns or census tracts in addition to the continued option to list census blocks.