



BROADBANDUSA
CONNECTING AMERICA'S COMMUNITIES

Nondiscrimination and Interconnection Obligations

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Objectives

- Ensure recipients comply with the interconnection and nondiscrimination terms and conditions of their grant awards set forth in both NOFAs.
- Provide initial guidance to help recipients work effectively with customers to fulfill the requirements of their grant awards.
- Guidance presented should not be considered inclusive of all open access requirements.





Agenda

- Overview of Interconnection and Nondiscrimination Obligations
- Interconnection and Collocation Guidance
- Nondiscrimination Guidance
- Exceptions to the Interconnection and Nondiscrimination Obligations





Nondiscrimination and Interconnection Requirements

- Nondiscrimination and Interconnection requirements apply to infrastructure recipients & subrecipients.
- Obligations may apply to contractors, subcontractors, purchasers of IRUs/dark fiber, or other parties engaged to deploy or operate network.
- NTIA expects recipients to ensure all relevant entities are familiar with and in compliance with the non discrimination and interconnection requirements.





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Recipient Obligations

- Provide access to BTOP-funded facilities at any technically feasible point along the network.
- Connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the Internet.
- Maintain reasonable and nondiscriminatory rates and terms for interconnection.
- Negotiate in good faith with all requesting parties making a legitimate request for interconnection or wholesale services.





Recipient Preparation

- Wholesale a direct connection that it has built to the customer (i.e., loop or lateral).
- Provide transport services to any last mile provider that is serving the customer.
- Offer interconnection at any technically feasible point along the network, including all points of interconnection set forth in a recipient's approved application, including splice points and mid-span.
- Establish reasonable and non-discriminatory rates and terms.
- If no point of interconnection currently exists, the requesting party should bear any reasonable cost to improve the facilities to allow for interconnection.





Recipient Preparation(cont'd)

- Allow collocation to interconnecting parties on first-come, first-served basis, in any equipment or facilities funded by BTOP, where and when possible.
- Offer a variety of collocation services including:
 - Secured space separated from the owner's equipments.
 - 24 hour access.
 - Escorted or unescorted access.
 - AC and/or DC.
- If BTOP funds have been used to acquire, expand, or upgrade collocation space, collocation rates must be reasonable and non-discriminatory.





What Will Your Customers Expect?

- **Rates and Terms:**
 - Reasonable and non-discriminatory.
 - Wholesale pricing set forth in recipient applications presumed reasonable and non-discriminatory.
- **Types of Service include, but not limited to:**
 - Local transmission services.
 - Transport.
 - Dedicated Internet access.
- **Quality of Service:**
 - Service level agreements and service level guarantees.
 - Standards include:
 - Jitter.
 - Latency.
 - Delivery ratio.
 - Service Availability.





What Will Your Customers Expect? (cont'd)

- **Provisioning and Installation:**
 - Intervals will be reasonable and non-discriminatory.
 - Provisioning and installation timeframes consistent with industry standards (30 days).
- **Repair and Maintenance, includes:**
 - Service outage credits.
 - Repair and maintenance timeframes consistent with industry standards.
 - Established Mean Times to Repair for all offered services, based on the nature of the service issue.
- **Dark Fiber:**
 - Make available various information to requesting party, including but not limited to:
 - Route maps.
 - Interconnection points.
 - Splice points.
 - Types of fiber.





Providing Access To Up-To-Date Information

- **Routes:**
 - Up-to-date location of grant-funded network routes, including routes containing dark fiber.
 - Publicly available via the web, but at a minimum, it must be available in sufficient detail to a requesting party upon receipt of bona fide request.
- **Points of Interconnection (POIs):**
 - Up-to-date location of POIs associated with the grant-funded facilities and whether capacity exists to permit interconnection.
 - Location information should identify the census block within which the POI resides and related community, town, or city and State of the POI.
 - Publicly available via the web, but at a minimum, it must be available in sufficient detail to a requesting party upon receipt of bona fide request.
- **Requests for Service:**
 - Standardized and easily accessible method for parties to make inquiries and request service.
 - Standard policy for responding to requests within a set timeframe (recipients have indicated that 10 days is reasonable).
 - Negotiations must be completed within a reasonable timeframe, not to exceed 90 days.
 - Negotiations must adhere to the dispute resolution process set forth in the NOFAs.





Providing Access To Agreements

- Recipients should maintain a publicly available, up-to-date, list of standard terms that are available to all network users, including partners and subrecipients.
- Providing a list of standard terms and conditions does not alleviate recipient of its responsibility to enter into commercial negotiations with a customer upon a bona fide request.
- Recipients should make all service agreements available to NTIA upon request.





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Recipients Shall Adhere to the FCC Internet Policy Statement:

1. Consumers are entitled to access the lawful Internet content of their choice.
2. Consumers are entitled to run applications and services of their choice, subject to the needs of law enforcement.
3. Consumers are entitled to connect their choice of legal devices that do not harm the network.
4. Consumers are entitled to competition among network providers, application and service providers, and content providers.





To Comply with the NOFA Nondiscrimination Requirements, Recipients Shall:

- Not favor any lawful Internet applications and content over others.
- Display any network management policies in prominent location on the service provider's Web page.
- Provide notice to customers of changes to any network management policies.
- Describe any business practices or technical mechanisms recipients' employ other than standard best efforts Internet delivery to:
 - Allocate capacity.
 - Differentiate among application, providers, or sources.
 - Limit usage.
 - Manage illegal or harmful content.





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Exceptions to the Nondiscrimination and Interconnection requirements

■ Existing Network Arrangements

- Recipient's existing network arrangements are exempt, except:
 - Existing facilities specifically identified as in-kind contribution will be subject to the nondiscrimination and interconnection obligations.
- Recipients have an affirmative responsibility to connect to the Public Internet even if doing so involves traversing portions of their networks that are not funded by BTOP.

■ Law Enforcement and Reasonable Network Management

- Recipients must employ generally accepted technical measures to provide acceptable service levels to all customers, such as application-neutral bandwidth application and caching.
- NTIA will defer to any applicable rules and findings by the FCC regarding the reasonableness of network management techniques.

■ Public Safety

- 700 MHz public safety recipients are effectively exempt from the nondiscrimination and interconnection obligations.
- Interconnection and nondiscrimination obligations will apply to the non-public safety components of a dual use network.

■ Managed Services

- Services such as telemedicine and distance learning and virtual private networks that use private network for enhanced quality of service rather than traversing internet.

