Speech 22

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The Clinton/Gore Administration has stated a clear, admirable, and necessary goal of connecting every school, library, hospital and clinic to the National Information Infrastructure by the year 2000. Means to achieve this goal must be specified in telecommunications reform legislation. Several approaches are suggested to flesh out this goal and implement it meaningfully and effectively. Libraries, educational institutions, and health care facilities are referred to below as Library/Education/Health (LEH) users.

This paper outlining suggested approaches to implementation of a key Administration goal for the NII is being developed by the American Library Association and the Association of Research Libraries for use in cooperation with other library, education, health, and public interest organizations, for the purpose of making recommendations to the Administration and Congress.

1. REQUIRE PROVISION OF ADVANCED FACILITIES/SERVICES.
Elimination of structural, line-of-business and cross-ownership provisions must be linked to the immediate duty to provide advanced facilities and services to the library, education and health care communities. All Title VII (or equivalent) carriers, in return for substantial deregulation, must agree to a timetable for modern facilities deployment to all LEH users throughout the geographic region within which the carrier operates.

The carriers must undertake facilities modernization that serves the requirements of LEH users in urban and rural areas. Carriers should file a network modernization plan demonstrating equity in facilities deployment between and among localities. As a general rule of thumb, the timetable should provide that carriers should make available any service provided a corporate or residential user to all LEH users within 25 miles of the corporate or residential user. This obligation applies to facilities and services provided by any medium of transmission. It begins at once, and not with the deployment of fiber optic and/or digital capability.

2. REQUIRE LEAST COST ACCESS
Carriers must provide LEH users with least cost access to the same inventory of services, functionality and features as that delivered to large volume corporate users regardless of location and proximity to carriers.

One can only speculate on the diversity and richness of features available from future networks. The LEH constituency should have "most favored user" opportunities to tap into these new features without regard to location, particularly as telecommunications costs increasingly become distance insensitive. Least cost access means that these institutions should pay the lowest per unit cost charged by carriers to their most favored, high volume users. This will promote widespread use and benefits without constituting an undue financial drain on the carriers.
3. RESERVE CAPACITY FOR LEH USERS
To the extent that identifiable channels or spectrum are used, reserve a portion of capacity for public purposes, such as LEH users, and for public and nonprofit programming. Such capacity would be allocated by a regulatory agency among eligible entities.

While capacity reservations may be appropriate in the context of video dialtone platforms, the concept may be unworkable in the digital, broadband environment where there may be no fixed channels to allocate. Digital, broadband capacity, or bandwidth, is determined by the speed and capabilities of switching computers, and is dynamically allocated. Transmissions between any two points may traverse entirely different physical paths at different times. These transmission paths may include a variety of media—fiber telephone company trunks, coaxial cable systems, interbuilding wiring of a commercial complex, private microwave links, PCS “wireless loops”—owned by many different parties. In an interactive application, the upstream communication may travel a different route, and at a different rate, than the downstream transmission. Reservation of capacity may be useful as a transitional strategy, but major needs of LEH users will not be met through this approach.

4. REQUIRE UNIVERSAL SERVICE CONTRIBUTIONS FOR PUBLIC NETWORKING
In return for reduction of regulatory barriers or other incentives for infrastructure modernization, carriers should contribute to a public interest network pool. Such funds would be used by one or more new or existing national institutions (such as a corporation for public networking) to develop and foster public spaces on the network for public purposes.

This public access model would provide a means for telecommunications service providers to discharge their public service obligations. It would also enable entities such as educational and research institutions, libraries, nonprofits, and governmental organizations to articulate their technological, policy, and pricing needs; to aggregate their purchasing power of private-sector telecommunications services; provide supplemental services which the market may not support; and provide education and training in the use of new technology.

5. ENCOURAGE AGGREGATION OF LEH DEMAND
Educational institutions, libraries, and health care facilities may find it useful to come together to purchase and administer telecommunications and information services. Such LEH aggregation of demand and purchasing power should be specifically permitted through legislation, and should be encouraged and supported through options listed here or through other means such as government support of pilot projects, research and demonstration projects, and other grant programs.

LEH aggregation, through cooperatives, networks, state agencies, etc., would have a doubly beneficial effect. Aggregation would make a least cost pricing approach less burdensome for the carriers; such nonprofit or governmental aggregators of LEH demand should be eligible for the same rates as LEH users. Aggregation would also enable LEH users to achieve economies of scale, take advantage of more advanced technologies, and make most effective use of scarce public and nonprofit funds.

6. PREFERENTIAL RATES FOR LEH USERS
The Administration, in its White Paper on Communications Act Reforms, would have the NTIA conduct an annual nationwide survey of the availability of advanced telecommunications services to LEH locations, and would direct the FCC “to commence an inquiry and, subsequently, a rulemaking proceeding to ensure, to the extent feasible, the availability of advanced telecommunications to public school classrooms, health care institutions, and libraries.” In addition, the “FCC would consider the tariffing of preferential rates for interstate services to such locations, and ensure that standards are in place to permit uniform interconnection to the NII.”

The survey, inquiry, and rulemaking proceeding are all positive and desirable steps. Legislation should explicitly state that preferential rates for LEH users are an option for interstate services, and
may be adopted by state PUCs as well. However, keeping in mind the significant burden on LEH users of participation in multiple regulatory proceedings, the "least cost access" approach noted above under 2 is suggested as a possibly less burdensome option which might achieve similar results.

7. CARRIER LIAISON WITH LEH USERS
Carriers must commit to ongoing liaison with their LEH constituencies. They must establish a liaison panel with the LEH constituency in each numbering plan area code where the carrier operates.

Liaison panels should work to identify specific requirements for information services, tele-education, image transfer, health-care, tele-democracy, etc. Upon receiving an articulated telecommunication requirement, the carriers must use all good faith efforts to provide such services within two years. Repeated failures to respond to the requirements of LEH users should trigger a regulatory agency investigation concerning whether the carrier has met its public interest duty to provide service and access. The regulatory agency should have the power to order monetary forfeitures from carriers and award them to particular users, earmarked for self-help projects geared to provide the functionality the carrier could not, or would not, provide.

8. ESTABLISH ADVISORY COMMITTEE ON LEH ISSUES
Establish a standing federal Advisory Committee on LEH information policy. This committee, with assured long-term funding, should include high-level representatives of the LEH community and other experts as appropriate and should make an annual report to the Congress, the President, and the public on the progress in meeting the information needs of that community, and on identifying new challenges and opportunities presented by information technologies. It should cover all relevant information issues regarding both transmission, services, content, availability and costs.

Adequate staff support and expenses should be provided to the Committee to assure successful accomplishment of its goals and responsibilities. The Committee could advise on the Administration's proposed annual survey by NTIA on the availability of advanced telecommunication services to classrooms, libraries, and hospitals.

9. REQUIRE PUBLIC EDUCATION PROGRAMS
A challenge as great as building the NII will be getting people to use it. And if they don't, much of the enormous expense of constructing it will be wasted. To assure the maximum public benefit from use of the NII, every carrier should have an affirmative duty to provide training materials and training to all potential users in their service areas, to be implemented to the public through the library and education system.

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