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AUG 12 2008

FCC Mail Room

July 25, 2008

Ms. Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

ORIGINAL

Re: **Notice of Ex Parte Communication**

Notice of Ex Parte Communication in the Matter of WC Docket 07-38 (Broadband Data Collection)

Dear Ms. Dortch,

Today I sent the attached letter to Chairman Kevin J. Martin with copies to Commissioner Michael J. Copps, Commissioner Jonathan S. Adelstein, Commissioner Deborah Taylor Tate, and Commissioner Robert M. McDowell.

Sincerely,



Mark David Goss
Kentucky Public Service Commission Chairman, 2004 - 2008

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Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Dear Chairman Martin:

From 2004 through the first half of 2008, I was honored to serve as chairman of the Kentucky Public Service Commission. It was during this period that the public-private partnership of ConnectKentucky initiated its statewide program to expand broadband availability and adoption.

My primary goal as chairman of the Kentucky PSC during these last four years was to enable policies that would effectuate the highest quality services for all Kentucky consumers. One of our most innovative and successful means for achieving this end proved to be ConnectKentucky.

The most visible and talked-about element of the ConnectKentucky initiative is its effective broadband mapping process, and it is understandable that both the Federal Communications Commission and Congress are seeking methods to build upon this program and the many success stories generated in communities across the Commonwealth as a result of ConnectKentucky's work.

ConnectKentucky's mapping effort was preceded by years of research and discussions with state agencies, local officials, economic development organizations, business leaders, consumers, and broadband providers. Their statistical surveys and this constructive dialogue culminated in a collaborative approach to broadband expansion which has been broadly supported by Kentucky government at all levels.

Because the state of Kentucky has been such a leader in smart broadband policy that tackles both broadband access and adoption, I believe it is critical for the rest of the nation to learn from our experiences and our work that began under Democratic Governor Paul Patton, continued under Republican Governor Ernie Fletcher, and fortunately for the citizens and businesses of Kentucky, is continuing today under the leadership of Democratic Governor Steve Beshear.

Perhaps what is most remarkable for the state of Kentucky is that we have been able to overcome politics and come together across multiple administrations to enable progressive action for Kentucky consumers. We have worked together in a bi-partisan way, and we have learned as we go, working in cooperative ways that some said would never work. Of course, there will always be those few politically motivated voices that still try to hold fast to the claim that this cooperative method is not the right way. There are those who will claim that ConnectKentucky is a front for broadband providers and that all data – regardless of how proprietary and regardless of how its release could negatively impact consumers – should be made transparent on every level. But I urge caution in your assessment of these arguments, and I encourage you to take a close look at the hard evidence that clearly demonstrates the tremendous impact of the cooperative ConnectKentucky approach, and the potential impact of this approach for all Americans.

There are several elements to this collaborative, public-private approach that make it work so well. One element is ConnectKentucky's interactive broadband map, which serves as the foundational tool for the rest of the ConnectKentucky program. The web-based format of the map allows any Kentucky consumer to enter his or her address and receive a list of broadband providers serving that address, along with a hyperlink to each provider's website. The interactive format allows consumers, policymakers, economic developers, prospective businesses, or anyone else to drill down to any neighborhood or street and clearly see the different types of broadband technologies available.

Although some will argue that heavy regulation is necessary for accurate and transparent data, ConnectKentucky has proven that the data obtained through a collaborative approach is much more accurate than what could be achieved through government regulation. And ironically, the public-private partnership structure itself enables a much greater level of transparency than what government could provide to consumers. It is critical to remember that the preliminary technical network data that ConnectKentucky originally receives from broadband providers is meaningless to consumers. The real value in ConnectKentucky's mapping program is not even that it gets around the proprietary issues involved with the provider data, but rather in ConnectKentucky's work in the field with broadband providers to gather the data necessary for the map, then translate it into GIS format, and finally represent the data in the most public and transparent of formats so that the consumer can be the ultimate judge of the data.

In fact, one of the reasons the ConnectKentucky map is so effective for consumers is that there are extensive and readily accessible processes in place for consumers to "check" the maps and notify ConnectKentucky if there are errors in the data. Because the Kentucky Public Service Commission retains legislative authority to investigate and resolve consumer complaints, ConnectKentucky's sophisticated process of consumer verification of the broadband maps has been a tremendous help to the Kentucky Commission. While the Kentucky Commission fields around 100 calls per year from consumers who want to help correct the map or who want broadband and can't get it, ConnectKentucky fields hundreds of calls each month from these same consumers, and this verification system results in a map of broadband availability that is open-access with interactive data that is readily verifiable for *consumers themselves*.

Indeed, the Kentucky Public Service Commission filed comments in this proceeding calling for data that is "readily verifiable and subject to independent scrutiny and analysis." Fortunately, the ConnectKentucky maps have just such a system in place. Meanwhile, the underlying proprietary infrastructure data – which would be meaningless for verification purposes but potentially very harmful to consumers – is protected. As a result, consumers themselves have a direct route to verify the broadband data.

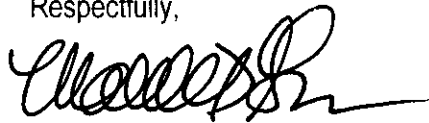
The rest of the story comes with how this dynamic and evolving broadband map is actually used and continually updated in Kentucky's communities. Local leaders across the state work hand-in-hand with ConnectKentucky technicians in the field to develop local teams for actionable technology growth across all sectors of the community – healthcare, education, government, business, and others. The result is a statewide movement of community-specific solutions to bridge the digital divide. One of the more prominent programs borne from this movement is No Child Left Offline – which began as a partnership between private sector donors and the state of Kentucky to refurbish state computers and place these computers in the homes of Kentucky's low-

income children. No Child Left Offline has now expanded into other states and is delivering new computers to thousands of underprivileged children who would otherwise grow up without technology access at home.

As you work toward progressive solutions for America's consumers, I encourage you to look closely at the ConnectKentucky program to understand its bold and solutions-based approach that works for the benefit of consumers. There will be a select few politically-driven and self-interested voices who will argue that state-based public private partnerships are not the best solution for America, but there are thousands of Kentuckians who would strongly disagree. They include the local officials in towns throughout Kentucky who worked directly with ConnectKentucky to develop creative solutions to fill the broadband gaps. They also include the many small, local broadband providers who have worked directly with ConnectKentucky to offer these creative solutions. And of course, they include the thousands of consumers in rural homes across the state who are now part of the Internet Age as a result of ConnectKentucky.

This public-private approach holds the potential for effectively mapping national broadband availability, while simultaneously establishing a monumental grassroots campaign for using these maps to fill America's broadband gaps. The Federal Communications Commission has a great opportunity before it to act in a progressive way for all Americans. I encourage you to make the most of Kentucky's experience, and establish a national broadband policy built on public-private partnerships.

Respectfully,



Mark David Goss
Kentucky Public Service Commission Chairman, 2004 - 2008

cc:

Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell