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ALA American Library Association

March 20, 2000

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, D.C. 20554

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MAR 20 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: CC Docket No. 98-146
Comments of the American Library Association

Dear Ms. Salas:

On the behalf of the American Library Association, we enclose an original and four copies of the Association's Comments in the above-referenced docket. We request that each Commissioner receive a personal copy of this Comment.

Please call with any questions.

Very truly yours,



Emily Sheketoff,
Executive Director, Washington Office

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 20 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
CC Docket No. 98-146

In the Matter of)
)
Inquiry Concerning Deployment of)
Advanced Telecommunications)
Capability to All Americans in a Reasonable)
And Timely Fashion, And Possible Steps to)
Accelerate Such Deployment Pursuant to)
Section 706 of the Telecommunications)
Act of 1996)

COMMENTS OF
AMERICAN LIBRARY ASSOCIATION

Submitted,

March 20, 2000

1. INTRODUCTION

The American Library Association (ALA) respectfully submits its comments in the above referenced proceeding (CC Docket No. 98-146, FCC 00-57) regarding the Federal Communications Commission's Notice of Inquiry concerning the deployment of advanced telecommunications capability to all Americans in a reasonable and timely fashion, and possible steps to accelerate such deployment pursuant to section 706 of the *Telecommunications Act of 1996*.

The American Library Association, founded in 1876, is the oldest and largest library association in the world. With a membership of more than 59,000 librarians, library trustees, library educators, friends of libraries and other interested persons from every state, ALA is the chief advocate for the people of the United States in their search for the highest quality of library and information services.

The American Library Association commends the Commission for its inquiry into the deployment of advanced telecommunications. We applaud the FCC's effort to assess the reasonable and timely deployment of advanced telecommunications capabilities to all Americans. The impacts of advanced telecommunications on the American economy, and hence, society, communities, and people as we move into a digital economy, have been and will continue to be unparalleled. The digital economy already constitutes one-third of the total U.S. economy and is predicted to surpass other sectors within the next five years. Information and technology related jobs are the fastest growing employment sectors, but the demand for technically skilled workers for the digital economy, according to some low-end estimates, exceeds current educational outputs and workforce

preparation by more than 260,000. Consequently, the well being and quality of life of Americans, and their ability to participate in the digital economy, depends on access to and appropriate education/training in the use of advanced capabilities and services.

Libraries are critical "community information and technology centers." They offer the most extensive system of public, school, and academic libraries in the world, as well as, professional and trained staff (most with Master Degrees), programs, services, partnerships, content, and more than 16,000 facilities. These local institutions, in particular public libraries, serve more than 65 percent of American households; and they are the highest reported source for access to information technologies by Americans who do not have access at home, school, or work. Currently, though, there are differences among and between libraries in the speed and capacity of the available technologies and the costs associated with getting and maintaining these resources. There are also differences among and between libraries in providing the traditional and technology related services and programs, including training. Not all libraries have the resources needed -- staff, content, and technologies -- because of their dependence on local funding. E-rate has helped to provide and expand the ability of public libraries to provide these critical resources, but technologies and capabilities are changing quickly, and many libraries only have a 28.8 modem and one computer to access to information technologies. Consequently, just as advanced telecommunications represents greater speeds and expanded service capabilities that are vital to communities, these capabilities are also vital to public libraries as the best community resource for accessing these technologies. Therefore, enabling public libraries to provide the opportunity for access to

these advanced capabilities by the American public and ensuring equity in their deployment, is critical to the library community's ability to serve all Americans.

ALA is a strong supporter of the principles related to increasing and improving access to the Internet and advanced telecommunications capabilities, generally, and is committed to advocating for access to those in underserved areas (e.g., remote, low-income, and rural areas, and tribal lands). ALA has a long tradition of ensuring access to the Internet and advanced information services. Libraries were the first to provide public access to various electronic information sources and the Internet in communities throughout the United States. These traditions and principles are the basis for our tremendous concern that access to advanced services and capabilities/broadband will become the newest contributor to the widening of the digital divide for Americans in already underserved areas.

We anticipate that high-speed access to advanced services and applications through broadband will become a central issue in ensuring access to the Internet for those who do not have access. The Association, additionally, views the broadband/advanced telecommunications deployment and access issues as a priority that can and should be addressed prior to nationwide mass deployment. That is, we contend that it is easier to address broadband deployment inequities while they are in the making rather than after the fact. In addition, it is not possible to have access to advanced capabilities and services unless the appropriate telecommunications infrastructures are deployed. Therefore, determining whether the extent and pace of deployment is reasonable and

timely in traditionally underserved areas, and the FCC taking action to ensure reasonable and timely deployment to these areas, is required and authorized by section 706 and 254 of the *Telecommunications Act of 1996*.

In light of these concerns and interests, the American Library Association (ALA) respectfully submits these Comments to provide the perspectives of the library community on selected parts of the Notice of Inquiry.

2. COMMENT ON THE QUESTION "IV. IS ADVANCED TELECOMMUNICATIONS CAPABILITY BEING DEPLOYED TO "ALL AMERICANS"?" REGARDING SECTION C. GEOGRAPHIC AREAS AND DEMOGRAPHIC GROUPS, SUBSECTIONS 27, 29, AND 31.

The third report by the National Telecommunication and Information Administration (NTIA), *Falling Through the Net*, July 1999, indicates a growing divide between those who have access to information technologies and those who do not. The report also documented that these growing disparities are based on geographic location, race, gender, and economic status. We would also add to this list, disparities based on physical abilities, since access by this group represents another aspect of the digital divide not included in the NTIA study.

The NTIA references these disparities or the digital divide in terms of access to computers and the Internet. But the issues and impacts of the digital divide are far more complex. The digital divide is systemic, complex and multifaceted. It encompasses issues related to convergence of technologies, industries, and content; deployment of technologies and capabilities; availability of and access to information and technologies;

and levels of literacy and competency in use of information and technologies. In addition to the essentially technical aspects, the digital divide also reflects and refers to change in the world economy that is increasingly becoming an information-based or digital economy. That is, the economic well being and success of all economies -- local, state federal, and international -- are increasingly tied to the growth of the digital economy. Consequently, the economic and social well being of communities, cities, states, and the people living in them is dependent on equal opportunity -- regardless of location, race, gender, physical ability, or economic status -- to participate in the new economy.

Current trends indicate that the existence or lack of broadband infrastructures determines business location to and economic development in an area. With respect to geographic location alone, remote, rural, tribal, and inner city areas are the most likely to not have broadband and advanced services infrastructure and are, therefore, rendered less able to participate in the digital economy. (Some of these areas still do not have access to basic telephone services. Also, equitable deployment of advanced telecommunication infrastructure to all geographic areas is the first step towards addressing access by demographic groups.) Technology is not stagnant, but dynamic -- with new and more advanced technologies and services continually replacing existing ones. This being the case, the longer it takes for deployment to the underserved in the geographic areas and the demographic groups that are already behind, the more behind those areas and groups become. Thus the disparities that are critical now, will only grow with time.

Using the history of the deployment of cable as an example, it took some areas more than ten years to be wired for cable access. Fortunately, however, access to cable did not

determine the prospects for economic development and growth. But the deployment of advanced telecommunications infrastructure in an area does and will in the foreseeable future determine those prospects. A ten-, five-, or even three-year wait for deployment can have devastating economic and social impacts that will never be erased over time. Therefore, arguments that it is simply a matter of time before advanced telecommunications are available to all Americans are, at best, ignoring the speed of growth in telecommunications and information technologies and the impacts of the digital economy. At worst, those who argue that the market and time will facilitate equitable deployment of advanced telecommunications are willing to allow geographic location to determine the ability of some Americans over other Americans to participate in the growth of the world's digital economy.

Lack of deployment of advanced telecommunications to remote, rural, tribal, and inner-city areas will also mean lack of access to advanced services such as telemedicine, electronic/interactive government services and information, virtual classrooms/distance education, and e-commerce. Lack of deployment will impact the ability of people living in these areas to develop the skills and abilities needed to participate in the workforce of a digital and information-based economy. The libraries, schools, and institutions of higher education located in these areas will not be able to provide access to the information and technologies that will enable an appropriately educated populace and workforce. Also, existing businesses willing and able otherwise to utilize advanced services, but are located in remote, rural, tribal, and inner-city areas will not be able to survive by remaining in these areas.

3. COMMENT REGARDING "IV. WHAT ACTIONS WILL "ACCELERATE DEPLOYMENT"?, " NUMBER 44, HOW TO TARGET ACTIONS TO SPECIFIC GROUPS AND COMMUNITY ACCESS CENTERS.

We agree with the NTIA that community access centers such as libraries, schools, and other access points do and will continue to play a critical role in provide public access to advanced information technologies. It is a laudable goal, but it is unlikely in the near future that every household will have direct access to information technologies.

However, even when every household is connected, there will remain a need for training and assistance in the use of information and information technologies and other services. Therefore, it is imperative that the FCC -- in its legal role as protector of the public interest in telecommunications and communications, as the agency by law that is required to ensure universal service to advanced telecommunications to all Americans, and as the licensing agency responsible for ensuring that the industries under its purview serve in the public interest and provide public service and public access -- uses its authority properly and appropriately to prescribe actions to ameliorate any disparities that exist in deployment of and access to telecommunications and communications infrastructure and services, including to advanced capabilities and information services. The FCC's authority to conduct these activities is based on the obligations prescribed in section 706 and 254 of the Act.

Public libraries are the most capable community access centers and community information and technology centers in the U.S. The NTIA report documented that:

*70% of rural libraries and 80% of libraries serving poverty areas are providing public Internet access;

*60% of Hispanics, 21.9% of the unemployed, 16.1% of those not in the labor force get access to the Internet through libraries;

*Rural African Americans use libraries for Internet access more than any other group; and

*Public libraries are the largest provider of access to the Internet, after school and work.

Public libraries, also referred to as the "people's university," provide the most meaningful and comprehensive access to information and technologies to all Americans. While there are differences in individual libraries, the 1998 National Survey of Public Library Outlet Internet Connectivity sponsored by the American Library Association, reports the following statistics on the public library system in the U.S.:

*93% of public library outlets offer public Internet access;

*More than half of all public libraries are located in rural areas;

*1 in 5 public library outlets serve in poverty areas, 4 out of 5 offer public Internet access; and

*1 in 10 public library outlets serve rural poverty areas, a little more than 3 in 5 offer public Internet access.

In addition, public libraries have more than 16,000 facilities with professional and trained staff in using and training others to use information and technologies. These libraries also provide a variety of content, programs, services, partnerships, and technologies to all who enter. Adequate funding, however, determines the ability of all public libraries to remain open during the evening and on weekends, or to provide access to technologies.

Today's public libraries are using the E-rate to facilitate access to the Internet and internal connections. Therefore, including advanced telecommunications capabilities and services as eligible for the E-rate discounts will greatly assist libraries in providing the most meaningful access. But unless advanced communications capabilities are available (deployed) in an area, the library can not provide access. Therefore, in order for libraries to be able to provide access, the advanced telecommunications infrastructure and services must be available in their geographic area and the costs must be reasonable.

4. COMMENT REGARDING "IV. WHAT ACTIONS WILL "ACCELERATE DEPLOYMENT"?", NUMBER 46, ALLIANCE FOR PUBLIC TECHNOLOGY'S (APTS) "DEMAND PULL" SUGGESTION

The APT idea of "demand pull" is certainly a viable option that should be investigated further and supported. Libraries could be partners with others in a community interested in the pooling of demand, and can facilitate the development of appropriate applications and associated services and programs. It would be helpful to libraries, if this idea is viable, that libraries (and schools) be encouraged by the FCC and are not penalized for participating in demand pooling if they apply for or are recipients of the E-rate discounts. It may also be useful to provide incentives to vendors to work with those who want to pool the demand.

5. COMMENT REGARDING "IV. WHAT ACTIONS WILL "ACCELERATE DEPLOYMENT"?", NUMBER 47, RELATIONSHIP BETWEEN SECTION 706 AND 254 (UNIVERSAL SERVICE) OF THE TELECOMMUNICATION ACT OF 1996.

The Universal Service Principles set forth in section 254 (b) 2 and 6 of the *Telecommunications Act of 1996* require the Joint Board on Universal Service and the

FCC to develop policies for the preservation and advancement of universal service.

These policies are to be based on providing access to advanced telecommunications and information services to all regions of the nation and to public libraries, schools and health care providers. Section 706 requires the FCC and the states to encourage deployment of advanced telecommunications capability to all Americans.

The FCC should, as authorized by law, utilize all of the tools identified in section 706 to encourage and ensure reasonable and timely deployment of advanced telecommunication capabilities to all Americans "...in a manner consistent with the public interest, convenience, and necessity...to remove barriers to infrastructure investment" (section 706(a)). It is therefore consistent with the requirements of the Act that the FCC must ensure that deployment, including deployment to public libraries in all regions of the nation, is reasonable and timely. Additionally, section 254 requires the FCC to ensure access -- in all regions of the nation and in libraries (and for others included in the Act) -- to advanced telecommunications and information services by providing discounts through the universal service program for libraries and schools. But it is section 706 of the Act that defines advanced services "without regard to transmission media or technology...as any high-speed switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology." This section also prescribes actions the FCC may take to ensure advanced telecommunications for all Americans (section 706 (c)). It is, therefore, section 706 that puts "teeth" in the law to enable FCC to take appropriate actions to ensure equitable deployment since access to the advance capabilities can not

take place if the advanced telecommunications infrastructures have not been deployed.

The fact that the law also prescribes that deployment must be reasonable and timely to all regions and to all Americans indicates congressional foresight that there would be levels of deployment and access that would not be reasonable and timely to all regions and to all Americans. To address these possible inequities, Congress required the FCC to not only assess deployment, but to address the pace of deployment by taking specific actions. It certainly follows, that the FCC in carrying out the imperatives of section 706, should address geographic and demographic disparities, since deployment to all regions and all Americans is a major concern of the law and is the emphasis of section 706, as well as section 254.

6. COMMENTS REGARDING "IV. WHAT ACTIONS WILL "ACCELERATE DEPLOYMENT"?", NUMBER 49, REGULATORY SYSTEMS AND SPEED OF DEPLOYMENT

There are a variety of federal and state systems of regulation for telecommunications and communications. Proposals to change these systems due to convergence of technologies content, and industries, to promote competition, or to encourage more rapid deployment of advanced telecommunications capability may, ultimately, be warranted. However, any and all regulatory models should include all elements of current law that require the preservation of and service in the public interest. These new models should also include the elements of current law that require use of the periodic licensing process to maintain FCC oversight of the provision of public service and access by the industries subject to the authority of the FCC.

As mentioned in the Notice of Inquiry, information service providers (ISPs) are not regulated. Any proposed model or system to regulate information service providers (a group to which libraries, by mission and practice also belong) should support an open network model, such that all existing ISP models are supported and none are sacrificed for the competition or market model. This part of the comment specifically relates to the maintenance and support of "Freenets", which are information service providers that provide free, not fee-based access to the Internet (and potentially to advanced capabilities and services). The Freenets were established by community organizations, libraries, and others to promote access and use of information technologies in general, and the use of the Internet specifically. In the deployment and access to advanced telecommunications and capabilities, free access may go a long way to help all American to have access to advanced services at home, and in libraries, schools, and other community access centers. Therefore, Freenets need to be explored in considering new regulatory models.

The American Library Association thanks the Commission for its time and stands ready to assist in whatever way it can in the coming proceeding.

Respectfully Submitted,



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