

**INTERNET
FOR ALL**

Broadband Equity, Access and Deployment (BEAD)

November 2023



Disclaimer











This document is intended solely to assist recipients in better understanding the BEAD program and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.



NTIA's Broadband Grant Programs

The Consolidated Appropriations Act of 2021 (CAA) and the Infrastructure Investment and Jobs Act (IIJA) authorized \$49.5B across 7 programs to achieve universal access to reliable, high speed, and affordable Internet.

Program	Funding Source	Purpose
Broadband Equity, Access and Deployment Program (BEAD)	 \$42.45B <i>Formula</i>	Planning and execution of competitive broadband subgrants to deploy infrastructure and promote accessibility and equity
State Digital Equity Planning and Capacity Grant Programs	 \$1.5B <i>Formula</i>	Promote achievement of digital equity, support digital inclusion activities, and broadband adoption
Digital Equity Competitive Grant Program	 \$1.25B <i>Competitive</i>	Promote achievement of digital equity, support digital inclusion activities, and broadband adoption
Middle Mile Deployment Grant Program	 \$1B <i>Competitive</i>	Encourage expansion and extension of middle mile infrastructure and promote resiliency
Tribal Broadband Connectivity Program (TBCP)	 \$1B (CAA) +  \$2B (IIJA) <i>Competitive</i>	Build broadband infrastructure deployment projects, use and adoption and equitable distributions
Connecting Minority Communities (CMC) Pilot Program	 \$268M <i>Competitive</i>	Support purchase of broadband service, equipment and devices, and hiring/training of IT personnel
Broadband Infrastructure Program (BIP)	 \$288M <i>Competitive</i>	Support broadband infrastructure deployment to areas lacking broadband, especially rural areas

Key:  Consolidated Appropriations Act of 2021 (CAA)  Infrastructure Investment and Jobs Act (IIJA)



State Overview | Current NTIA Funding Allocations

	BEAD	DE (Planning)	MM	TBCP	CMC	BIP	State Totals
Arizona	\$ 993,112,231.37	\$ 1,116,110.78	\$ 30,281,277.00	\$ 159,442,842.00	\$ 12,146,598.00	\$ -	\$1,196,099,059.15
California	\$ 1,864,136,508.93	\$ 4,001,525.00	\$ 73,000,000.00	\$ 162,526,229.00	\$ 26,410,034.00	\$ -	\$2,130,074,296.93
Hawaii	\$ 149,484,493.57	\$ 570,883.00	\$ 37,356,955.00	\$ 17,284,763.00	\$ -	\$ -	\$ 204,697,094.57
Idaho	\$ 583,256,249.88	\$ 564,706.00	\$ 6,209,732.74	\$ 22,985,261.00	\$ -	\$ -	\$ 613,015,949.62
Oregon	\$ 688,914,932.17	\$ 782,193.00	\$ 24,059,784.00	\$ 24,474,861.00	\$ -	\$ -	\$ 738,231,770.17
Nevada	\$ 416,666,229.74	\$ 754,458.89	\$ 43,547,459.38	\$ 34,961,480.00	\$ 2,488,048.00	\$ 7,350,001.00	\$ 505,767,677.01
Utah	\$ 317,399,741.54	\$ 676,684.53	\$ -	\$ 15,854,542.00	\$ -	\$ -	\$ 333,930,968.07
Washington	\$ 1,227,742,066.30	\$ 1,076,248.79	\$ 11,782,208.20	\$ 96,360,504.00	\$ 2,963,813.00	\$ 30,000,000.00	\$1,369,924,840.29
Program Totals	\$ 6,240,712,453.50	\$ 9,542,809.99	\$ 226,237,416.32	\$ 533,890,482.00	\$ 44,008,493.00	\$ 37,350,001.00	

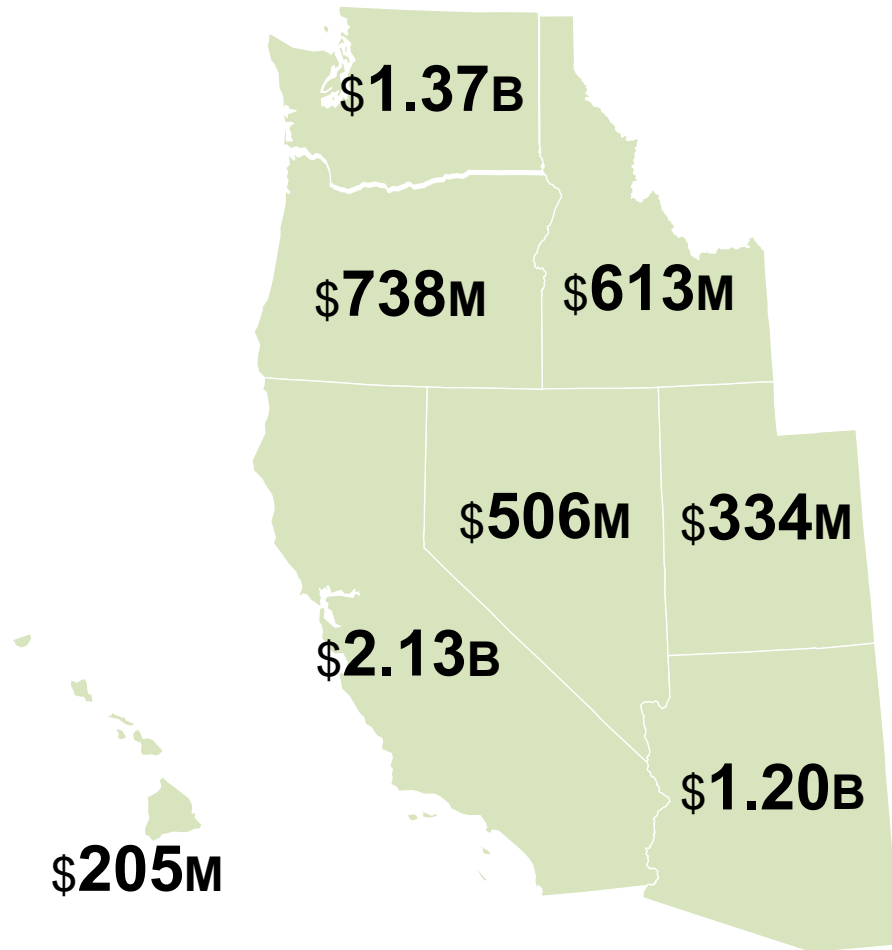
Note: This chart is for illustrative purposes, as some program structures do not correlate spending dollars to infrastructure deployed. I.e., the Digital Equity (DE) and Connecting Minority Communities Pilot program (CMC) have minimal construction impacts. The awards from the Tribal Broadband Connectivity Program (TBCP) can be used for both infrastructure and adoption.

Sources

1. Funding by State and Territory: https://www.internetforall.gov/funding-recipients?program_status=0&state=SD&form_build_id=form-xDZU2v0hzEzN4XE1ePUSXke-3NUd1e4Rd4leydEkQ_4&form_id=ntia_interactive_map_state_and_program_selection
2. Middle Mile Funding (by primary state recipient): <https://broadbandusa.ntia.doc.gov/funding-programs/enabling-middle-mile-broadband-infrastructure-program/funding-recipients>



State Overview | Current NTIA Funding Allocations



The allocations depicted include the following programs:

- BEAD (allocated amounts)
- Digital Equity (planning)
- Middle Mile
- Tribal Broadband Connectivity Program
- Connecting Minority Communities

Note: This map is for illustrative purposes, as some program structures do not correlate spending dollars to infrastructure deployed. I.e., the Digital Equity (DE) and Connecting Minority Communities Pilot program (CMC) have minimal construction impacts. The awards from the Tribal Broadband Connectivity Program (TBCP) can be used for both infrastructure and adoption.

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2. Middle Mile Funding (by primary state recipient): <https://broadbandusa.ntia.doc.gov/funding-programs/enabling-middle-mile-broadband-infrastructure-program/funding-recipients>



BEAD Timeline

BEAD will prioritize complete coverage of unserved locations and underserved locations (where funding permits), then CAIs



First, Eligible Entities must serve all unserved locations (incl. serving multi-tenant buildings)

- **Unserved locations** without reliable Internet and with download speeds <25 Mbps, upload speeds <3 Mbps, and latency < 100ms



Second, Eligible Entities must serve all underserved locations

- **Underserved locations** without reliable Internet and with download speeds <100 Mbps, upload speeds <20 Mbps, and latency <100 ms



Next, NTIA strongly urges Eligible Entities serve Eligible Community Anchor Institutions

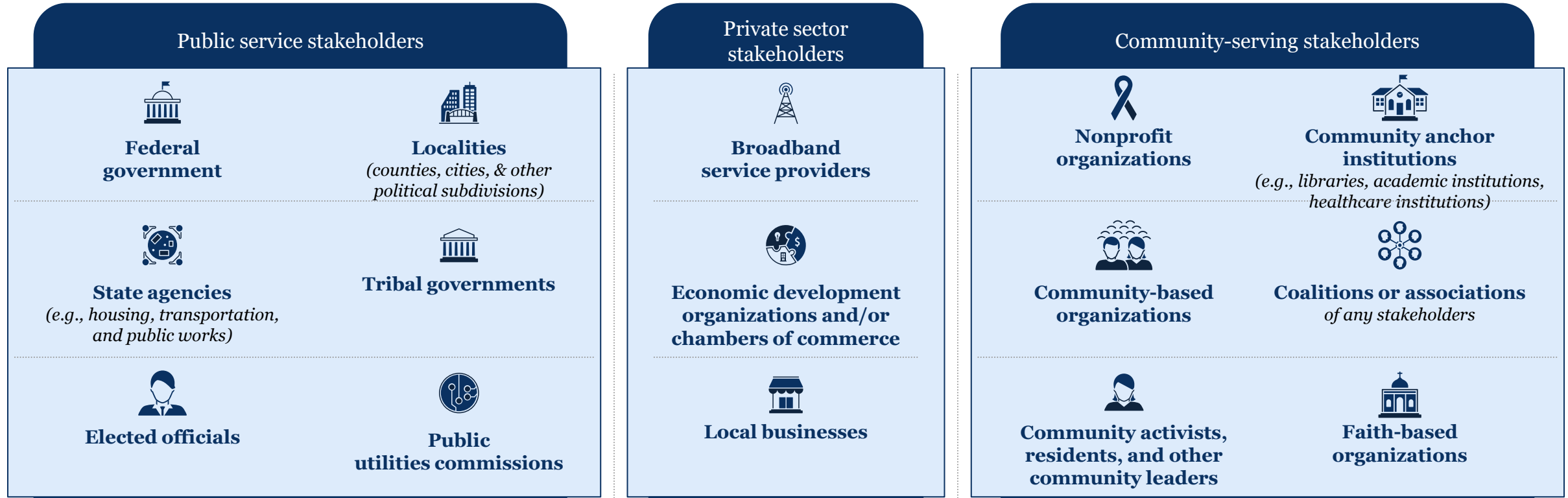
- **Eligible Community Anchor Institutions** are entities (e.g., school, library, hospital) that facilitate greater use of high-speed Internet service by vulnerable populations and have download speed <1 Gbps
- **Other eligible uses** include affordability programs, cybersecurity training, workforce development., etc.
- If an Eligible Entity wants to use funds for other eligible uses instead of eligible Community Anchor Institutions, then it must provide a strong rationale



Potential to engage a large and diverse group of stakeholders



Potential stakeholders include any individuals, groups, and/or organizations **involved in, impacted by, or interested in** State and Local broadband efforts



Strong stakeholder engagement can support the development of an inclusive, ambitious, and responsive broadband plan grounded in a deep understanding of community needs



BEAD program will provide ~\$42.45B for infrastructure planning and implementation



Funding pool
\$42.45B

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it to and increase adoption of high-speed Internet.

PROGRAM HIGHLIGHTS

Entities eligible to apply for this program include:

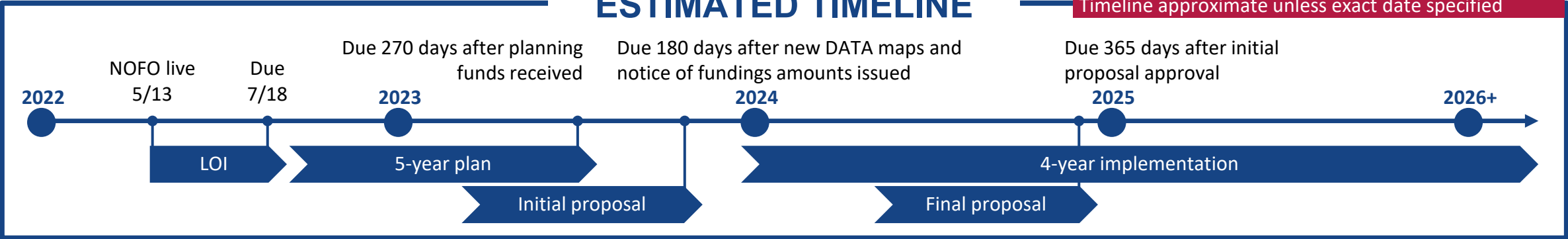
- All 50 States
- The District of Columbia and Puerto Rico
- Other Territories: U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands

Example eligible uses of funds include:

- ☆ Planning for deployment of Internet
- ☆ Deploying or upgrading Internet
- ☆ Installing Internet in multi-tenant buildings
- ☆ Implementing adoption and digital equity programs
- ☆ Workforce and job training

ESTIMATED TIMELINE

Timeline approximate unless exact date specified



Broadband, Equity, Access and Deployment (BEAD) Timeline



The BEAD Program requires Eligible Entities to submit multiple plans and materials. Eligible Entities have drafted their Five-Year Action Plans, and the next step is to draft and submit the **Initial Proposal**.

**Letter of Intent**

Submitted by July 18, 2022.

**Request for Initial Planning Funds**

Eligible Entities requested up to \$5,000,000 in Initial Planning Funds.

**Five-Year Action Plan**

Must be submitted if receiving Initial Planning funds.

**Notice of Available Amounts**

June 30, 2023.

**Initial Proposal**

Eligible Entities will have 180 days from the receipt of the Notice of Available Amounts to develop (between July 1st and December 27th).

**Challenge Process**

Eligible Entities must conduct a challenge process.

**Subgrantee Selection**

Eligible Entities must complete a competitive subgrantee selection process (but cannot make subgrants until the National Telecommunications and Information Administration (NTIA) has approved the Final Proposal).

**Final Proposal**

After executing the Initial Proposal, submit a Final Proposal to NTIA.



Introduction to the Initial Proposal

Introduction to the Initial Proposal



The Initial Proposal describes how an Eligible Entity intends to meet the BEAD NOFO requirements of ensuring that every resident has access to a reliable, affordable, broadband connection, including detailed plans for the entity's challenge process and subgrantee selection process.



Initial Proposal Description

Eligible Entities will **develop and submit an Initial Proposal**. Two of the requirements the Initial Proposal must include are:

- **descriptions of the competitive process the Eligible Entity proposes to use to select subgrantees** to construct broadband networks;
- and how the Eligible Entities will **conduct their BEAD Challenge Process**.

Prior to submission to NTIA, the Initial Proposal **must be made available for public comment** and **incorporate local coordination feedback**.



Initial Proposal Timing

Eligible Entities will have **180 days from receipt of the Notice of Available Amounts to develop and submit an Initial Proposal**, but Eligible Entities are encouraged to submit Initial Proposals earlier, if possible. Eligible Entities should start developing their Initial Proposals immediately upon receiving access to the Initial Proposal template.



Initial Proposal Submission

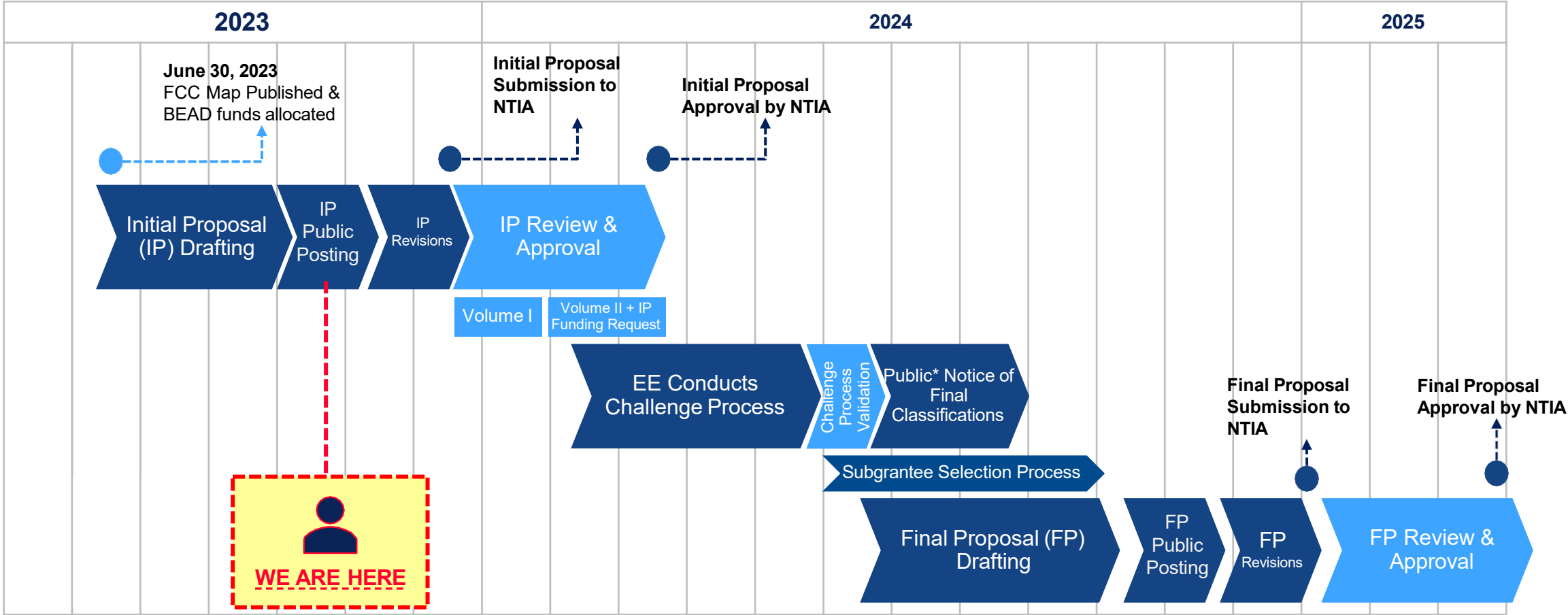
If an Eligible Entity fails to submit an Initial Proposal by the deadline, this will be treated as an application failure by the Eligible Entity. The Assistant Secretary reserves the right to extend this deadline, however, the Assistant Secretary will be reluctant to grant a waiver except in extraordinary circumstances. **If approved, the A/S will make available no less than 20% of funding for qualifying uses.** EE's will need to submit an IPFR to access this funding.



Timeline of the Initial Proposal for BEAD



Eligible Entities have submitted their LOIs and Initial Plans, and Initial Planning Funds have been issued. Eligible Entities are currently developing Five-Year Action Plans and preparing for the Initial Proposal submission. A sample timeline is outlined below.



*Per the BEAD NOFO, an Eligible Entity must provide public notice of the final classification of each unserved location, underserved location, or Eligible Community Anchor Institution within the jurisdiction of the Eligible Entity after resolving each challenge and at least 60 days before allocating grant funds for network deployment.



Initial Proposal | Initial Proposals include 19 components

 Outline of **long-term objectives** 

 Support of **local, Tribal, and regional broadband planning efforts** 

 List of **existing efforts** to deploy broadband 


 Certification that **local coordination** was conducted

 Identification of **un- and underserved locations**

 Description of how **definition of CAI¹** was applied

 Detailed plan to conduct **challenge process**

 Detailed plan to **award subgrants**, including **Extremely High Cost per Location Threshold**

 Explanation of preferences for **non-deployment eligible activities**

 Description of **initiatives Eligible Entity will implement** without subgrant

 Detail **use of strong labor standards** and plan for **labor-related subgrantee selection criteria**

 Detail plan to achieve a **diverse and highly-skilled workforce**


 Support of **minority- and women-owned businesses**

 Steps to **reduce costs and barriers** to deployment

 Assessment of **climate threats and mitigation** methods

 Description of **low-cost plans** to be offered

 Description of intended use of **20% funding**

 Disclosures around plans to waive laws that restrict **public sector participation**

 Certification of **intent to comply** with requirements

1. Community Anchor Institution

Legend |  References to a completed Five-Year Action Plan satisfies this requirement



Initial Proposal (IP) Submission



The IP is split into two volumes for faster review. Volumes I and II address all IP requirements in the BEAD NOFO and the Initial Proposal Funding Request is required if Eligible Entities want to receive funding upon IP approval.

Comprises the entire required Initial Proposal per the NOFO

1

Volume I: Plan for Challenge Process

Sections of the IP for Volume I are:

- **Existing Broadband Funding** (3),
- **Unserved and Underserved Locations** (5);
- **Community Anchor Institutions (CAIs)** (6); and
- **Challenge Process** (7).

This includes an overview of the Eligible Entity's evidence-based, transparent, fair, and expeditious challenge process (see Section IV.B.6 for details) and an overview of the process to minimize duplication of funding.

Volume I can be **submitted at any time before the deadline, and Eligible Entities are encouraged to submit it as early as possible.**

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Volume II: Initial Proposal

Sections of the IP for Volume II are:

- **Objectives** (1)
- **Broadband Planning Coordination** (2)
- **Stakeholder Coordination** (4),
- **Deployment Subgrantee Selection** (8),
- **Non-Deployment Subgrantee selection** (9),
- **Eligible Entity Implementation Activities** (10),
- **Labor Standards and Protection** (11),
- **Workforce Readiness** (12),
- **MBE/WBE/Labor Surplus Firms Inclusion** (13),
- **Cost and Barrier Reduction** (14),
- **Climate Assessment** (15),
- **Low-Cost Broadband Service Option** (16),
- **Use of 20 Percent of Funding** (17),
- **Eligible Entity Regulatory Approach** (18),
- **Certification of Compliance with BEAD Requirements** (19)
- **Middle Class Affordability Plan** (★)



Initial Proposal Funding Request

Requirements of the IP Funding Request are:

- **Project Narrative**
- **Budget Narrative**
- **Detailed Budget Justification**

Specific details are being determined in coordination with the Grants Office.

Note that Initial Proposal Funding Request documents aren't specifically listed in the BEAD NOFO, however, submitting an Initial Proposal Funding Request is required to access 20% or more in BEAD funding during the optional Initial Proposal funding round.

The Initial Proposal Funding Request cannot be approved until Volume I and Volume II are approved.



Initial Proposal



Initial Proposal review

Assistant Secretary will review Initial Proposals to determine if the proposed use of funds:

- Complies with applicable Program guidelines
- Is in the public interest
- Effectuates the purposes of the Infrastructure Act



Initial Proposal approval

If the Initial Proposal is approved, NTIA will release at least 20% of total allocation (or more at the sole discretion of the Assistant Secretary)

If the Initial Proposal is not approved, the Assistant Secretary shall notify the Eligible Entity and provide them with an opportunity to resubmit



Challenge process

Each Eligible Entity shall develop a process in which stakeholders can challenge whether a particular location or CAI¹ is eligible for grant funds after the Initial Proposal is submitted and before implementation

Stakeholders that may challenge determination include local governments, nonprofit organizations, or broadband providers



Use of at least 20% funds

The Eligible Entity must use the 20% of total allocation for projects with:

- ≥80% unserved locations
- Percentage of individuals with a household income ≤150% of the poverty line greater than the national average

This funding can be used for non-deployment if there is a plan to serve all un- and underserved



Subgrantee selection

Each Eligible Entity must establish a fair and competitive processes for selecting subgrantees where Eligible Entity is not selecting to self-administer programs

NTIA recognizes Eligible Entities might use a variety of competitive processes to select subgrantees and does not mandate any specific approach

Subgrantee Selection



Each Eligible Entity will receive BEAD grants and distribute funds to subgrantees

- **"Eligible Entity"** refers to all 50 U.S. States, the District of Columbia, Puerto Rico, and other U.S. Territories (including the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands)
- **"Subgrantees"** are entities that receive grant funds from an Eligible Entity to carry out eligible activities – this includes traditional Internet service providers, electric co-ops, nonprofit orgs, public-private partnerships, public or private utilities, public utility districts, Tribal entities, or local govts



Initial Proposal | Subgrantees must meet general and specific qualification requirements

General qualifications

Eligible Entities shall ensure that any prospective subgrantee is capable of carrying out activities funded by the subgrant in a competent manner and in compliance with all applicable laws



Seven specific qualifications:

Financial capability: Certification of financial qualifications, letter of credit, audited financial Statements, and project pro forma analyses

Managerial capability: Resumes for key personnel, org charts, and narrative describing qualifications

Technical capability: Network design, diagram, project cost, buildout timeline and milestones, and capital investment schedule

Compliance with laws: Permit worker-led health and safety committees that management will meet with upon reasonable request

Operational capability: Certification of operational capability and certification for experience (e.g., for broadband service experience)

Ownership: Provide ownership info, including name address and citizenship of any party with >10% stock in applicant¹

Other public funding: Disclose any applications for broadband service projects using public funds

1. Consistent with requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)



Initial Proposal | Eligible Entities must establish fair, open, and competitive processes for selecting subgrantees

Principles for the Eligible Entity's subgrantee selection process:

- May fund an unserved or underserved project area as small as a **single location**
- May include **Middle Mile Infrastructure** in or through any area required to reach interconnection points or otherwise required to serve an unserved location, underserved location, or eligible Community Anchor Institution
- May not fund a project already subject to a **federal or State commitment** for broadband deployment unless Eligible Entity demonstrates to the Assistant Secretary that it is necessary to achieve the goals of the program and receives a waiver
- Must **maximize the public benefits** by maximizing match and reducing costs to consumers
- May seek bids for unserved locations, underserved locations, and CAs **collectively or separately**
- May not exclude **different types of subgrantees** from eligibility (e.g., cooperatives, nonprofits, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments)
- May solicit proposals from prospective subgrantees at the **geographic level of its choosing** (e.g., per-location, per-census block, etc.) or ask prospective subgrantees to define their own proposed project areas
- Must include the **level of BEAD subsidy** required to serve a specific location
- May encourage providers to **expand their existing/proposed service areas** and may consider inducements (e.g., use State funds for match) if the Eligible Entity has **received no proposals** to serve a location that is unserved or underserved
- Must submit proof of the **Tribal Government's consent** to deployment to Unserved Service Projects or Underserved Service Projects that include any locations on Tribal Lands
- May decline to select a proposal that **exceeds the extremely high cost per location threshold**



Initial Proposal | When selecting among proposals, Eligible Entities must use an approved process with certain criteria

Process must first assess which locations have one or more proposals that meet two criteria:

1. Satisfy subgrantee requirements
2. Priority Broadband Projects

Priority Broadband Projects are projects that will rely entirely on **fiber-optic technology** to reach end-user premises

Except that an Eligible Entity may disqualify any project that **surpasses the Extremely High Cost Per Location Threshold**

Primary criteria must account for **≥75%** of the total selection criteria available in choosing between proposals

Priority Broadband Projects

If there is **only one** priority project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** priority proposal, run competition, affording benefits to the following factors:

- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ☆ Speed to deployment
- ☆ Workforce development
- ☆ Open access
- ☆ Local and Tribal coordination

Non-priority projects

If there is **only one** project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** proposal, run competition, affording benefits to the following factors:

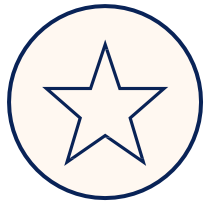
- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ☆ Speed to deployment
- ☆ Speed and tech capabilities
- ☆ Workforce development
- ☆ Open access
- ☆ Local and Tribal coordination

The Challenge Process

Why is the BEAD Challenge Process Important?



The BEAD Challenge Process is vital because it determines the **locations and community anchor institutions** within each jurisdiction that are **eligible for BEAD funding**.



Key step toward achieving BEAD goals

Before the BEAD program can meet the goal of providing accessible and affordable broadband, all unserved locations, underserved locations, and eligible Community Anchor Institutions must be identified.



Helps ensure accurate results

An evidence-based, fair, transparent, and expeditious BEAD Challenge Process, as outlined in the NOFO and Challenge Process Policy Notice, helps ensure accurate results, an efficient process, and a precise allocation of resources.



Gathers information needed before running the subgrantee selection

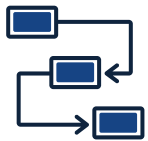
The subgrantee selection process cannot be run without first having an accurate and comprehensive list of eligible locations and CAIs.



Initial Proposal | The eligible entity must conduct a process for stakeholders to challenge if a location is eligible for funds



First, each Eligible Entity must develop and describe in the Initial Proposal, a process to challenge its determination of whether a particular location or CAI¹ is eligible for grant funds



Second, the Eligible Entity shall conduct the challenge process (once approved by the Assistant Secretary) before allocating grant funds received from BEAD for the deployment of broadband networks



Third, after resolving each challenge and at least 60 days before allocating funds for deployment, an Eligible Entity must provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution



Fourth, NTIA has discretionary authority to reverse the determination of an Eligible Entity with respect to the eligibility of a particular location or community anchor institution

1. Community Anchor Institution



Design Requirements: Basics



Eligible Entities must outline a challenge process that is transparent, evidence-based, and expeditious. The challenge process **must include the following 4 phases:**

Publication of Eligible Locations



- The Eligible Entity ***publishes the set of locations eligible for BEAD funding*** which includes the full universe of locations potentially eligible for BEAD funding minus those removed in the modifications to location classifications process
- This set also includes locations considered served

Challenge



- The Eligible Entity defines the level of evidence needed for a challenge.
- A permissible challenger submits a challenge to the EE's online portal ("challenge portal") and the location becomes ***challenged***.
- These challenges must be ***visible*** to the relevant ISP

Rebuttal



- A rebuttal of a challenger makes the location or locations ***disputed***
- A challenge that is not rebutted within the rebuttal period is ***sustained***
- A provider may agree with the challenge, making the location(s) ***sustained***

Final Determination



- The Eligible Entity either ***sustains*** the disputed locations, or ***rejects*** the dispute

Allowable Challengers: Units of local government, nonprofit organizations, broadband service providers



Design Requirements: Examples of Allowable Challenges



Looking specifically at the Challenge Process, Eligible Entities must be sure to distinguish what types of challenges are allowable and which types of challenges are not allowable.

ALLOWABLE CHALLENGES



- ✓ Location Funding Eligibility Determinations
- ✓ Identification of Community Anchor Institutions (CAIs)
- ✓ CAI Eligibility Determinations
- ✓ Enforceable Commitments
- ✓ Planned Service

UNALLOWABLE CHALLENGES














- ✗ Altering the BSL's "Building Type" classification
- ✗ Addition of BSLs
- ✗ Removal of BSLs



What are the Different Types of Allowable Challenges?



Eligible Challengers for the BEAD State Challenge Process include **units of local government, non-profits, and broadband service providers.**

CHALLENGE TYPE	DESCRIPTION
 Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
 Speed	The actual speed of the-service tier falls below the unserved or underserved thresholds.
 Latency	The round-trip latency of the broadband service exceeds 100 ms.
 Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.
 Technology	The technology indicated for this location is incorrect.
 Business service only	The location is residential, but the service offered is marketed or available only to businesses.
 Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.
 Planned service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024 either without an enforceable commitment or because a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.
 Not part of enforceable commitment	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)
 Location is a CAI	The location should be classified as a CAI.
 Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.



Initial Location Data Requirements | NOFO Requirement 6

Community Anchor Institutions (CAIs) are vital to the successful implementation of BEAD funds; Requirement 6 outlines what Eligible Entities must do to identify CAIs eligible for BEAD funding.



BEAD NOFO Requirement 6

Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including the types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

NOFO Definition

The term “community anchor institution” means:

(A): an entity such as a **school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or**

(B): a community support organization that **facilitates greater use of broadband service by vulnerable** populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

(B): Additional types of Institutions

An Eligible Entity **may propose to NTIA types of institutions not specifically listed in the NOFO CAI definition that should qualify as CAIs** within the entity’s territory. If so, the Eligible Entity must explain why it has determined that the institution or type of institution should be treated as such and affirm that the institution or class of institutions **facilitates greater use of broadband service by vulnerable populations, including:**



Low-income individuals,



Unemployed individuals,



Children,



The incarcerated, and









Aged individuals.

Initial Location Data Requirements | NOFO Requirement 6

NOFO Requirement 6 asks Eligible Entities to explain the process to identify CAIs. This requirement is not intended to generate an exhaustive list of every CAI but should focus on identifying those that may lack broadband service.

ELIGIBLE ENTITIES MUST DESCRIBE:

-  How they applied the **statutory definition of CAIs**
-  How they **identified all eligible CAIs** in the jurisdiction and in applicable tribal lands
-  How they **assessed the needs** of eligible CAIs
-  What **types of CAIs** they intend to serve
-  How the categories of institutions proposed as CAIs during the public comment period that were considered but were **ultimately not defined as CAIs** and the basis on which this determination was made
-  Where the CAI is located by including the **National Broadband Map location ID, and/or latitude and longitude**

WHAT'S AN ELIGIBLE CAI?

- ✓ The term “**eligible community anchor institution**” means a community anchor institution that **lacks access to gigabit-level broadband service**.
- ✓ Knowing the definition of an eligible CAI is important because Eligible Entities must provide a description of **how they applied the statutory definition of the term “community anchor institution” and identified Eligible CAIs** (as defined above) in its jurisdiction and on applicable Tribal Lands in order to meet Requirement 6.

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THANK YOU

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Extra Slides (if needed)

Digital inequity disproportionately impacts underrepresented groups

DE & BEAD

Covered Populations and Underrepresented Communities

 Low-income households	 Indigenous and Native American persons	 People with language barriers
 Aging individuals	 Members of ethnic and religious minorities	 Racial and ethnic minorities
 Incarcerated individuals	 Women	 Rural inhabitants
 Veterans	 LGBTQI+ persons	 Persons adversely affected by persistent poverty or inequality
 Persons of Color	 Persons with disabilities	

 DE NOFO

 BEAD NOFO



BEAD funding includes three components and is based on new FCC maps

Three components of funding:

Minimum allocation	$\$100\text{M for each state, D.C., and Puerto Rico}$ $\$25\text{M for U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands}$	
+		
High-cost allocation	$\frac{\text{\# unserved locations in high-cost areas in the Eligible Entity}}{\text{\# unserved locations in high-cost areas in the US}}$	$\times \$4.245\text{B}$
+		
Remaining funds allocation	$\frac{\text{\# unserved locations in the Eligible Entity}}{\text{\# unserved locations in the US}}$	$\times \text{Remaining funds}^1$

New FCC Broadband DATA Maps will be utilized to identify unserved locations

Eligible Entities shall develop a challenge process for stakeholders to challenge whether a location or community anchor institution is eligible for grant funds

Eligible Entities must document the final list of unserved locations, underserved locations, and eligible community anchor institutions

1. \$41.6B – minimum initial allocation – high-cost allocation



How does the BEAD Challenge Process differ from the FCC Challenge Process?



The FCC is collecting data from Internet Service Providers (ISPs) and **creating a map to identify unserved locations**. The FCC map: 1) was used to determine each state's BEAD funding allocation; and 2) is the starting point for each state's **BEAD challenge process** to identify unserved locations, underserved locations, and CAIs eligible for BEAD funding.

FCC CHALLENGE PROCESS



The Federal Communications Commission (FCC) maintains **new broadband coverage maps** (Broadband DATA Maps) using data collected from ISPs. The FCC accepts challenges on a continuous basis to both the locations (or fabric) and broadband availability data.



NTIA used the FCC's Broadband DATA Maps to **determine how much BEAD funding is provided per state or territory**.

BEAD CHALLENGE PROCESS



Eligible Entities will develop a challenge process for stakeholders to **challenge whether a location or CAI is served, unserved, or underserved**. The BEAD **timelines will be determined by each Eligible Entity** but must comply with NTIA requirements. NTIA requires that the entire challenge process be completed within 120 days per the Policy Notice.



The BEAD Challenge Process will **determine the locations and community anchor institutions within each jurisdiction that are eligible for BEAD funding**.



In what ways are they different?



The BEAD Challenge Process and the FCC Challenge Process are both related to BEAD but have different allowable challengers and timelines.

Relation to BEAD

Challengers

Timelines

FCC Maps Challenge Process |
NTIA used results to determine how much BEAD funding is provided per state or territory

FCC Maps Challenge Process |
Industry, state, local and Tribal government entities, and consumers

FCC Maps Challenge Process |
Accepts challenges continuously, however those filed prior to January 13, 2023 had the best opportunity to be processed prior to allocation

BEAD Challenge Process |
To determine the locations and community anchor institutions within each jurisdiction that are eligible for BEAD funding; includes optional speed and area challenges

BEAD Challenge Process |
Units of local government, nonprofit organizations, broadband service providers

BEAD Challenge Process |
Eligible entities may establish their own challenge and rebuttal timelines that fit within NTIA's requirement to complete the challenge process within 120 days



Initial Proposal | Matching funds $\geq 25\%$ of project costs are required for deploying broadband service projects

Requirement

Matching funds $\geq 25\%$ of project costs provided by subgrantee, an Eligible Entity, local government, a utility, a cooperative, a nonprofit, a for-profit company, regional planning or governmental organization, or any combination thereof

Preference for minimum subsidy

Eligible Entities are required to incentivize matches $> 25\%$ to reduce the federal share of projects and extend the reach of BEAD Program funding

Federal funds

Federal funds may not be used as matching funds, except as expressly provided to deploy broadband service under four acts¹

In-kind matches

Matching funds may be cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 C.F.R. Part 200

Match waivers

The Assistant Secretary will grant match waivers only in extraordinary circumstances to serve the public interest and effectuate the purposes of the BEAD Program (e.g., projects in designated “high-cost areas”)

1. (1) The Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178), (2) the CARES Act (Public Law 116-136; 134 Stat. 281), (3) the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182), and (4) the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4)



Pre-Challenge Process Modifications: De-duplication of Funds



Eligible Entities must complete **2 components in the Pre-Challenge Process Modifications** section.

1. **De-duplication of Funds Process**: remove locations that are subject to enforceable commitments to provide qualifying broadband service
2. **Data Modifications**: propose modifications to the list of BEAD eligible locations in order to reflect data not present in the FCC's National Broadband Map

To outline a De-duplication of Funds Process Eligible Entities may:



Use the forthcoming BEAD Eligible Entity Planning Toolkit or alternative tools

If Eligible Entities decide to use alternative tools, they will be required to provide details about the tools and data they have available



Request a waiver to exclude locations from the funding deduplication process

NTIA will review waiver requests on a case-by-case basis. The Assistant Secretary will grant such a waiver only if the Eligible Entity demonstrates to the satisfaction of the Assistant Secretary that treatment of certain locations subject to a prior enforceable commitment as “unserved” or “underserved” is necessary to achieve the goals of the program.



Pre-Challenge Process Modifications: Data Modifications



Eligible Entities must complete **2 components in the Pre-Challenge Process Modifications** section.

1. De-duplication of Funds Process: remove locations that are subject to enforceable commitments to provide qualifying broadband service
2. **Data Modifications**: propose modifications to the list of BEAD eligible locations in order to reflect data not present in the Broadband DATA map

Proposals to change the list of locations proposed as eligible for BEAD must:

- ✓ Include sufficient justification that modifications better reflect the locations eligible for BEAD funding
- ✗ Not add or remove broadband serviceable locations from the Broadband DATA maps
- ✗ Not change the definitions of unserved and underserved from those set forth in the Infrastructure Investment and Jobs Act



Examples of Pre-Challenge Process Modification Proposals

Proposals **may not add or remove locations from locations identified on the National Broadband Map** or **change the definitions of “unserved” and “underserved”** from those set forth in the Infrastructure Act.



Technology type qualifies location as underserved

An Eligible Entity may propose to treat locations that the Broadband DATA Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved” to facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service.



Speeds qualify location as unserved

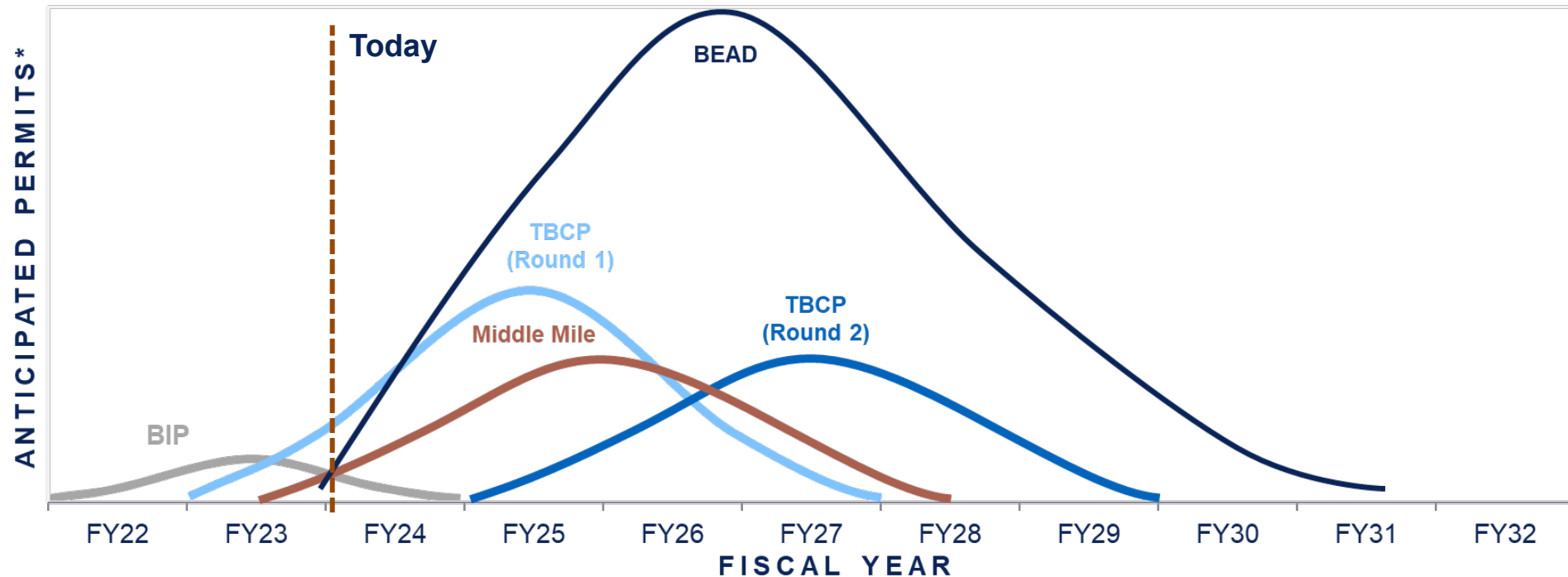
An Eligible Entity may propose to treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream.



Eligible Entities are required to provide sufficient justification that the modifications more accurately reflect the locations eligible for BEAD funding within the Eligible Entity’s jurisdiction.

Conceptual Timeline for Permitting Influx

The highest volume of permitting activity is anticipated for projects funded by the BEAD Program. BEAD projects are expected to begin execution in 2024, with permitting activity expected to reach its peak in 2026-2027.



Permitting requests and processes across infrastructure programs, including broadband, will have compounding effects on federal resource management agencies, requiring greater resources to meet permitting needs.

Note: This timeline is conceptual in nature and not intended to depict accurate permitting magnitude.



Sample BIA Heat Map Report | Arizona

