INTERNET FOR ALL

FUNDED BY THE BIPARTISAN INFRASTRUCTURE LAW

ADMINISTERED BY THE DEPARTMENT OF COMMERCE'S NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

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WCA ANNUAL CONFERENCE

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Introduction to the Bipartisan Infrastructure Law

The Bipartisan Infrastructure Law is a once-in-a-generation investment in infrastructure and competitiveness.

Infrastructure Investment and Jobs Act

- $1.2T bill passed by Congress and signed into law by President Biden on November 15, 2021

- Largest ever investments in high-speed Internet, rail and transit, clean energy, and water

- Allocated funding to over 350 distinct programs across more than a dozen federal departments and agencies

This historic legislation will:

- Deliver clean water to all families and eliminate the nation's lead service lines

- **Ensure every American has access to affordable, reliable, high-speed Internet service**

- Repair and rebuild roads and bridges

- Improve transportation options and reduce greenhouse emissions

- Upgrade our nation's airports and ports to strengthen our supply chains

- Make the largest investment in passenger rail since Amtrak's creation

- Build a national network of electric vehicle chargers

- Upgrade power infrastructure to deliver clean, reliable energy

- Make infrastructure resilient against the impacts of climate change, cyber-attacks, and extreme weather events

- Deliver the largest investment in tackling legacy pollution in US history

Please see Build.gov for more details on the Bipartisan Infrastructure Law

Importance of High-Speed Internet Service

High-speed Internet service has transformed our world in multiple ways.

Ensuring access to <u>education</u>

The Internet is not a luxury, it's a necessity. Students are asked to utilize the Internet to complete homework assignments, do research, apply to college or trade schools. Students who don't have access in their home are left out and left behind.

Stimulating growth in the <u>economy</u>

By connecting the workplace, we can better connect businesses to consumers. And new markets can increase sales and create jobs. High-speed Internet service helps American businesses compete in the global marketplace.

Lowering costs for <u>healthcare</u>

Telehealth reduces hospital visits and cuts down hospital stay time. Hospitals with high-speed Internet service save money because they have lower administration costs. And by offering telehealth, they save money while improving patient health.

Strengthening ties in our <u>community</u>

The Internet connects us to services we need. It helps first responders save lives. It lets us connect with our elected officials. And it strengthens our ties to our neighbors. One in four Americans get online alerts about local issues. And one in five use digital tools to stay in touch with their community.

BIL NTIA Broadband Programs

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NTIA will administer ~$48B through four programs that drive high-speed Internet access, affordability, and adoption.

NTIA will administer ~$48B of funding from the Bipartisan Infrastructure Law

BEAD	DIGITAL EQUITY	TRIBAL	MIDDLE MILE
$42.45B	**$2.75B**	**$2.00B**	**$1.00B**
Broadband Equity, Access & Deployment Program	**Digital Equity Act**	**Tribal Connectivity Technical Amendments**	**Enabling Middle Mile Broadband Infrastructure**
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.	Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed Internet to meet their needs and improve their lives.	A program to help tribal communities expand high-speed Internet access and adoption on tribal lands.	A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

FCC to administer $14.2B
For Affordable Connectivity Program, which replaced the EBB program

USDA to administer $2.0B
Via the Rural Utilities Service

Private Activity Bonds $0.6B
Authorizes State and local governments to use private activity bonds for rural broadband

Digital Equity Act Introduction

Digital Equity Act created three programs to promote digital equity and inclusion.

Funding pool
$2.75B

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed Internet service to meet their needs and improve their lives.

PROGRAM HIGHLIGHTS

The Digital Equity Act created three programs:

State Planning
- $60M formula funding program to develop digital equity plans

State Capacity
- $1.44B formula funding program to implement plans & promote digital inclusion
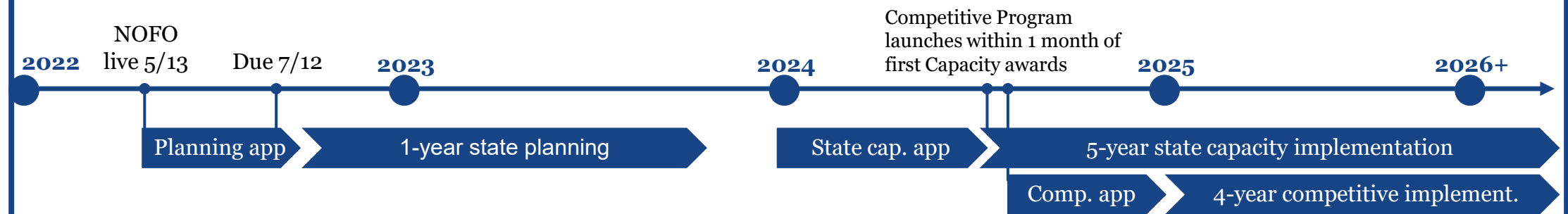
Competitive
- $1.25B to implement digital equity and inclusion activities

Example eligible uses of funds by program include:

- ☆ Developing digital equity plans; states must develop a plan to be eligible for state capacity grants

- ☆ Implementing digital equity plans and related activities

- ☆ Making awards to other entities to help make digital equity plans

- ☆ Providing digital literacy and digital skills education

- ☆ Improving accessibility and inclusivity of public resources

- ☆ Facilitating the adoption of high-speed Internet service

ESTIMATED TIMELINE

Timeline approximate unless exact date specified

2022 — NOFO live 5/13 — Due 7/12 — 2023 — 2024 — Competitive Program launches within 1 month of first Capacity awards — 2025 — 2026+

- Planning app
- 1-year state planning
- State cap. app
- 5-year state capacity implementation
- Comp. app
- 4-year competitive implement.

Covered Populations

The Digital Equity Act focuses on addressing the needs of "covered populations" as defined by the statute.

Covered Populations
Identity groups and communities disproportionally impacted by digital inequity

- Low-income households
- Aging populations
- Incarcerated individuals
- Veterans

- People with disabilities
- People with language barriers
- Racial and ethnic minorities
- Rural inhabitants

Introduction to BEAD

BEAD Program Introduction

BEAD program will provide ~$42.5B 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 to and increase adoption of high-speed Internet service.

PROGRAM HIGHLIGHTS
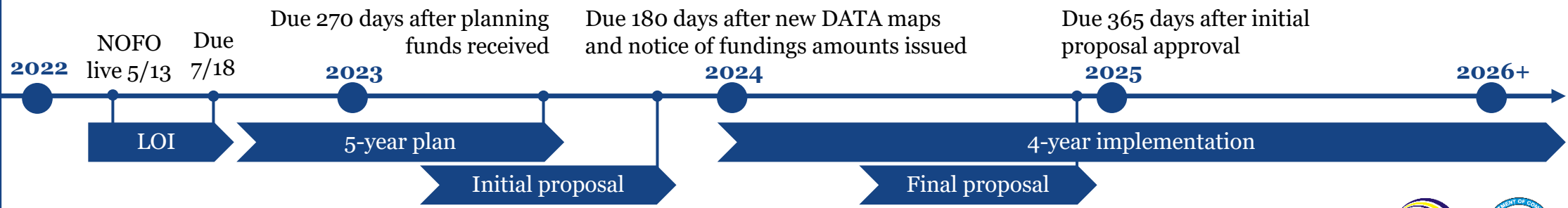
Entities eligible to apply for this program include:

- 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 the Internet
- ☆ Deploying or upgrading Internet service
- ☆ Installing Internet in multi-tenant buildings
- ☆ Implementing adoption and digital equity programs
- ☆ Workforce and job training

ESTIMATED TIMELINE

Timeline approximate unless exact date specified

2022

NOFO live 5/13

Due 7/18

Due 270 days after planning funds received

2023

Due 180 days after new DATA maps and notice of fundings amounts issued

2024

Due 365 days after initial proposal approval

2025

2026+

LOI

5-year plan

Initial proposal

Final proposal

4-year implementation

NTIA

BEAD Funding Allocation

Funding is initially based on a minimum allocation with additional funding allocations based on high-cost and unserved areas.

New FCC Broadband DATA Maps will be utilized

The Federal Communications Commission (FCC) will publish new broadband coverage maps (Broadband DATA Maps)

The Broadband DATA Maps will be used to determine state/territory's total funding allocation

Eligible Entities receive a minimum allocation once proposals are approved

Minimum allocations by entity after proposal approval:
- **$100M** for each State, the District of Columbia, and Puerto Rico
- **$25M** for American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands

Additional allocation based on unserved locations

Additional allocation is based on the number of **unserved locations in high-cost areas** in the state/territory and the **number of unserved locations** in the state/territory, plus the **high-cost allocation** (dependent on forthcoming definition by NTIA)

Ensuring Complete Coverage

The BEAD Program requires complete coverage of unserved locations and underserved locations (where funding permits)

(1) States and Territories must serve all unserved locations (including multi-tenant buildings)

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

(2) States and Territories must serve all underserved locations

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

(3) NTIA strongly urges States and Territories 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 state/territory wants to use funds for other eligible uses instead of eligible Community Anchor Institutions, then it must provide a strong rationale*

Note: If a state/territory has a plan to deploy service to all unserved and underserved locations within its jurisdiction, it may pursue non-deployment initiatives before or while deployment projects are underway

Ways for Local Governments to get involved in BEAD

NTIA encourages local government units get involved in BEAD and collaborate with their State/Territory Broadband Offices to ensure all voices and opinions are heard and incorporated.

Share your State's Current and Future Needs

Share current state and future needs of local broadband availability, infrastructure deployment challenges, and any local regulations which may impact infrastructure deployment.

Advocate for your state's vulnerable communities

Advocate for vulnerable communities to ensure their specific needs are accounted for and addressed.

Apply to Be a Subgrantee

Apply to be a **subgrantee**, if eligible, as defined in the BEAD NOFO. You can apply through your **State/Territory Broadband Office**. Subgrantees may use BEAD funds for both **deployment and non-deployment related activities.**

Connect and Collaborate with your State/Territory Broadband Office

Reach out to your **State/Territory Broadband Office** to get involved with the planning process and stay involved over time.

Introduction to the Initial Proposal, BEAD Challenge Process, and the Final Proposal

Initial Proposal | Initial Proposals are due within 180 days of the release of the Notice of Available Amounts

Timing	Content	Review	Approval
Once the Notice of Available Amounts is issued, the Assistant Secretary will invite Eligible Entities to submit Initial Proposals Each Eligible Entity will have **180 days** to submit its Initial Proposal	Initial Proposal is the **first draft** of an Eligible Entity's Final Proposal for funding Draft should explain how the Eligible Entity plans to ensure access to a reliable, affordable, high-speed broadband connection Draft should describe a **challenge process** for stakeholders to challenge whether a location is eligible for funds and a process for **selecting subgrantees**	Prior to submission, each political subdivision and Tribal / Native entities must have opportunity to submit a plan for consideration and comment on the proposal Assistant Secretary will then begin the **iterative review process** in the order Initial Proposals are submitted Assistant Secretary decides if proposed use of funds: 1. Complies with statute 2. Is in the public interest 3. Effectuates the purposes of the statute	When the Assistant Secretary approves of the Initial Proposal, the Eligible Entity may receive **20% of its total allocation** for expenditures specifically approved in the initial proposal

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- 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 CAI**[1] 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

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

1. Community Anchor Institution

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

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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

<u>Except that</u> 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 Priority Broadband proposals

Priority Broadband Projects

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

Legend | ⭐ Primary criteria ⚫ Secondary criteria ☆ Additional Factors

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

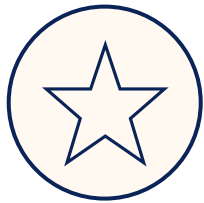|	
Requirement	Matching funds ≥25% of project costs provided by subgrantee, an Eligible Entity, local government, a utility, a cooperative, a nonprofit, a for-profit company, regional planning or governmental organization, or any combination thereof
Preference for minimum subsidy	Eligible Entities are required to incentivize matches >25% to reduce the federal share of projects and extend the reach of BEAD Program funding
Federal funds	Regarding Federal funds, only funds for deploying broadband service that were provided to eligible entities under four statutes may be used as matching funds[1]
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)

What is the BEAD Challenge Process and Why is it Important?

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

Key step towards achieving BEAD goals

Before the BEAD program can meet the goal of 100% 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 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.

What is the BEAD Challenge Process and How Does it Differ from the FCC Challenge Process?

The FCC is collecting data from Internet Service Providers (ISPs) and **creating a map to identify unserved locations**. This map will be used as a starting point during the **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 Internet Service Providers (ISPs). The FCC accepts challenges on a continuous basis with challenges allowed to both the locations (or fabric) and availability data.

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

BEAD CHALLENGE PROCESS

States and Territories 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 state/territory** but must comply with NTIA requirements. NTIA requires that the entire challenge process be completed within 90 days per the Policy Notice.

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

How does the NOFO Describe the BEAD Challenge Process?

The BEAD Notice of Funding Opportunity (NOFO) outlines 4 requirements that state or territory broadband offices must complete to run their BEAD Challenge Process.

> **!** **BEAD NOFO, Section IV.B.5**
> *IV. Program Structure, Sequencing and Requirements, B. Program Sequencing, 5. Initial Proposal*

SPECIFIC NOFO REQUIREMENTS

Requirement 3
Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.

Requirement 5
Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the **most recently published Broadband DATA Maps** as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.

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.

Requirement 7
Include a **detailed plan to conduct a challenge process** as described in Section IV.B.6.

The Role of States/Territories and NTIA

NTIA and States and Territories will work together to design a BEAD Challenge Process, but only the States and Territories will run the Challenge Process.

NTIA's Role

- ✓ NTIA will **approve and/or send required modifications to states and territories** about their BEAD Challenge process design

- ✗ NTIA will **NOT run the BEAD Challenge process**

- ✓ NTIA will **validate the results of the BEAD Challenge process**

States' and Territories' Role

- ✓ States and territories **will design and get approval of their BEAD Challenge process**

- ✓ States and territories will **run the BEAD Challenge process**

- ✓ States and territories will **send the results of the BEAD Challenge process to NTIA** for approval

- ✓ States and territories will **run their subgrantee selection process**.

The Role of Eligible Challengers

Eligible Challengers are: **(1) Units of local government,** (2) relevant non-profits, and (3) broadband service providers. The Role of Eligible Challengers is outlined below.

Read the Challenge Process instructions and guidance posted by your State or Territory to understand the steps required to submit a challenge.

Gather acceptable evidence, which may include *speed tests*, *screenshots* from a provider website, *service requests*, *letters or emails*, *manufacturer and model number* of residential gateways, providers, and more.

Submit challenge and evidence to your State or Territory's BEAD Challenge website.

Respond to, or check for responses to, your challenge by periodically checking the BEAD Challenge website for updates.

To keep challengers informed:
States and Territories will set up public-facing websites to accept challenges during the BEAD Challenge Process and inform challengers of deadlines.

Websites will include:
Who is making a challenge, basis of the challenge, summary of the challenge, summary of the rebuttals

What Happens After the Challenge Process?

After the BEAD Challenge Process is completed, Eligible Entities send the final determinations of each unserved location, underserved location, and CAIs to NTIA for approval.

WHAT WILL STATES BE DOING?

- After resolving each challenge and at least 60 days before allocating grant funds for network deployment, the state/territory **must provide public notice of the final classification** of each:
  - Unserved location
  - Underserved location
  - Eligible Community Anchor Institution within the jurisdiction of the state/territory
- States and Territories must also **notify NTIA of any modifications to the Initial Proposal** that are necessitated by successful challenges to its initial determinations.
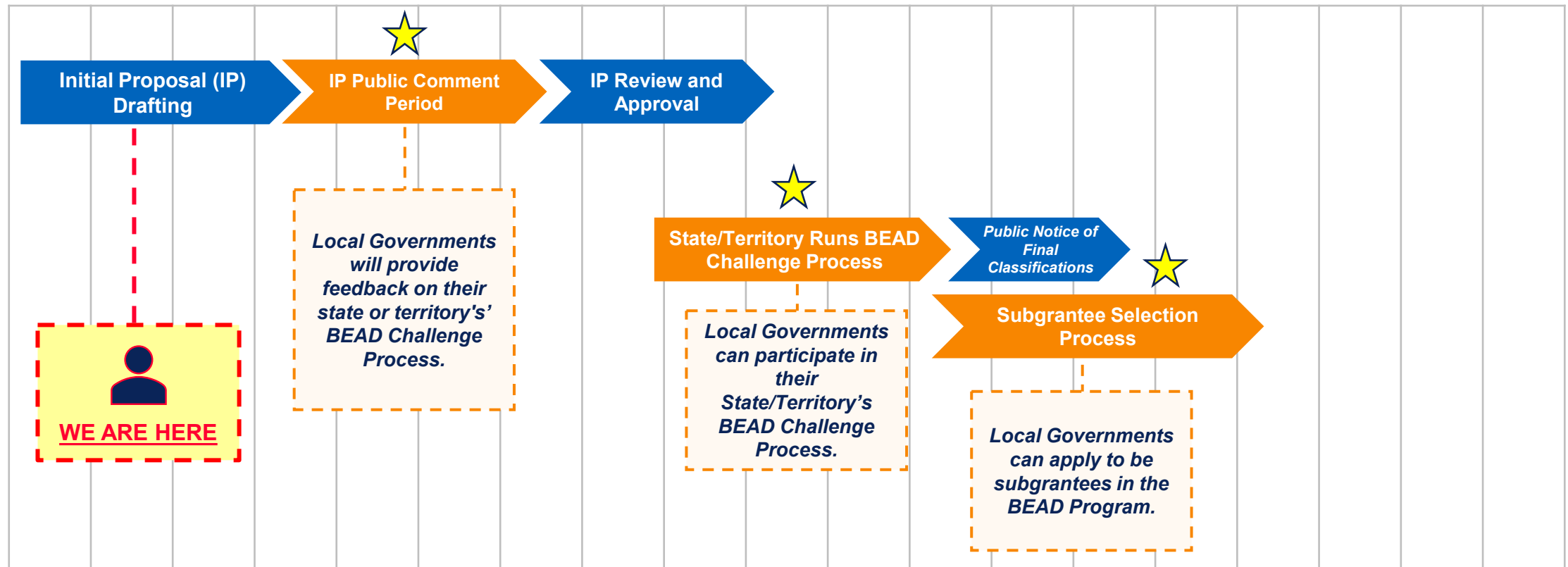
WHAT SHOULD CHALLENGERS BE DOING?

- Eligible Challengers should pay attention to their State/Territory Broadband Office and **be on the lookout for the public notice of final classification**.
- Once Eligible Entities have provided public notice of their final classifications, challengers should **review the published data.**
- This list will be used for the next step in allocating BEAD funds, the **subgrantee selection process**.

WHAT IF I'M NOT A CHALLENGER?

Contact your local government units, non-profits, and eligible broadband service providers.

Timeline of the Initial Proposal for BEAD

Local Governments are involved throughout the entire Initial Proposal timeline, as they will provide public comment on the BEAD Challenge Process and participate in it as well. Note that timelines will be dependent on the Eligible Entity.

Initial Proposal (IP) Drafting

IP Public Comment Period

IP Review and Approval

WE ARE HERE

Local Governments will provide feedback on their state or territory's' BEAD Challenge Process.

State/Territory Runs BEAD Challenge Process

Public Notice of Final Classifications

Subgrantee Selection Process

Local Governments can participate in their State/Territory's BEAD Challenge Process.

Local Governments can apply to be subgrantees in the BEAD Program.

Key | ■ State/Territory/SBO Activity   ■ **Local Government/Organization Activity**

Final Proposal | Final Proposals are due within a year of the Initial Proposal's approval

Timing	Content	Review	Approval
Once an Eligible Entity's Initial Proposal is approved, it will have **12 months** to submit a Final Proposal

Before submitting the Final Proposal, an Eligible Entity must complete the challenge process and the subgrantee selection process | The NOFO describes minimum requirements for the Final Proposal, and NTIA will provide an **online template** for submission | Prior to submission, each political subdivision and Tribal / Native entities must have opportunity to submit a plan for consideration and comment on the proposal

Assistant Secretary will review in the order Final Proposals are submitted

Assistant Secretary will decide whether the proposed use of funds complies with the statute | When the AS approves of the Final Proposal, the Eligible Entity will **receive remaining BEAD Program funds** |

Final Proposal | Final Proposals include 15 components

Plan that specifies the **outcome of the subgrantee selection process**

Timeline for implementation

Processes for **oversight and accountability**

Certification that **local coordination was conducted**

Description of the **results of the challenge process**

Certification that it will **serve all unserved locations,** if seeking to fund underserved, CAI, or other projects

Description of all planned **uses of funding** that are **not** broadband infrastructure **deployment**

Means by which **subgrantees were selected for non-deployment** eligible activities

Description of efforts to support **participation of non-traditional providers**

Implementation **status of plans** described in the Initial Proposal – *additional details on next slide*

Specific commitments made by selected subgrantees to warrant a **Priority Broadband Project**

Specific commitments made by subgrantees to warrant **benefits in selection (e.g., primary criteria)**

Environmental documentation and plan to comply w/ environment and national historic preservation reqs

Plans to deploy to **Un-/Underserved Service Projects** and **Resolution of Consent** for projects on Tribal Lands

Description of **unsuccessful applications** that were **affected by laws of the Eligible Entity**

Legend | ☆ References to a related requirement in the Initial Proposal

Additional resources about the programs

1 Visit the InternetForAll.gov for additional information on federal funding programs

2 Engage with the WI Broadband Office regarding their plans to improve high-speed Internet access: [PSC Wisconsin Broadband Office](#)

3 Submit questions to [InternetForAll@ntia.gov](#) or contact Carah Koch, Federal Program Officer for Wisconsin, at [ckoch@ntia.gov](#)

4 Attend future NTIA webinars, including program-specific application guidance webinars for applicants

THANK YOU