

Wisconsin Counties Association

2025 ANNUAL *GAME DAY*
CONFERENCE

9:15 – 10:15 AM

**Broadband Proliferation: Can You Hear and See Me
Now?**

WCA Annual Conference Workshop: Broadband Proliferation: Can You Hear and See Me Now?

September 22, 2025

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OVERVIEW OF PRESENTATION



- Brief regulatory overview
- Where should a county start?
- County Regulation and Participation
- BEAD Funding

Broadband: Brief Regulatory Overview





BROADBAND: BRIEF REGULATORY OVERVIEW

The Wisconsin Public Service Commission (PSC) and its Wisconsin Broadband Office oversee broadband planning in Wisconsin:

1. Administration of grants
2. Support the Governor's Broadband Task Force
3. Provide comprehensive mapping of availability in conjunction with providers and federal agencies
4. Certify municipalities as Broadband Forward! and Telecommuter Forward! Communities as part of the municipal assistance component
5. Oversee BEAD Funding

Broadband: Where Should A County Start?



BROADBAND: WHERE SHOULD A COUNTY START?

- At the Wisconsin Broadband Office!
 - Assist with understanding the State Broadband Plan, maps and grants
 - Many tools, available guidance and resources
 - Planning is key...

BROADBAND: WHERE SHOULD A COUNTY START?

- What is “Planning”?
- Technical planning
- Comprehensive planning
- Financial planning
- “Vision” planning



BROADBAND: WHERE SHOULD A COUNTY START?

ESTABLISH A BROADBAND COMMITTEE

- Broadband Committee form may be:
 - A committee of the municipality
 - An ad hoc committee
 - Task force
 - An economic development inactive and/or body



BROADBAND: WHERE SHOULD A COUNTY START?

Become a Broadband Forward! County

- Signals that the county has taken steps to welcome broadband expansion through its planning process, permit process, and overall commitment to process transparency.
- Voluntary.
- County must adopt an ordinance meeting the requirements of Wis. Stat. s. 196.504(5) intended to streamline the approval process for broadband network projects.
- The governing body of a municipality must adopt an ordinance, so the broadband committee may not secure Broadband Forward! status without approval from the governing body.

BROADBAND: WHERE SHOULD A COUNTY START?

Become a Telecommuter Forward! County

- Certifies that a municipality is committed to promoting the availability of telecommuting options in the municipality by demonstrating commitment to facilitating the availability of telecommuting options.
- County must adopt a resolution (not an ordinance!) meeting the requirements of Wis. Stat. s. 196.5045(3).
- If delegated authority to adopt a resolution, the broadband committee may secure Telecommuter Forward! status without approval from the governing body.

BROADBAND: NOW WHAT?



- The county has completed its planning, works with the Wisconsin Broadband Office, and has a provider interested in expansion
- *Now what? What may the county do to regulate?*

Broadband: County Regulation and Participation



BROADBAND: COUNTY REGULATION

- Wisconsin Counties are generally preempted from regulating broadband:
 - Federal preemption
 - State preemption – Wis. Stat. s. 66.0422
 - Not “utilities” but may a municipality regulate location?

BROADBAND: COUNTY REGULATION = UTILITY REGULATION?

- Broadband facilities are not considered “utilities” under federal and state law
 - No PSC regulation of location.
 - No rights otherwise granted to “utilities” under the Wisconsin Statutes unless specifically made applicable to Broadband facilities.
 - Where does broadband “fit” in the community?
 - May a municipality regulate location?
 - Right of way access?
 - Construction or land use permits if above-ground?



BROADBAND: COUNTY PARTICIPATION AND GRANTS

Grant Funding = County Participation Opportunity

- An ISP will generally want to partner with the county.
- “Sponsorship” may be required.
- Concurrence/endorsement approval.
- Grant relationship allows the municipality to enter into an Agreement with the ISP.

BROADBAND: COUNTY PARTICIPATION AND GRANTS

- Grant Agreement Considerations:
 - Not a lot of room for negotiating.
 - Ensure key components are addressed and understood.
 - What active role would the municipality be playing? What responsibilities is the municipality undertaking?
 - What are short term commitments?
 - What are long-term commitments? Financial? Maintain broadband facilities? Repairs?
 - Ensure “matching” with ISP Agreement.

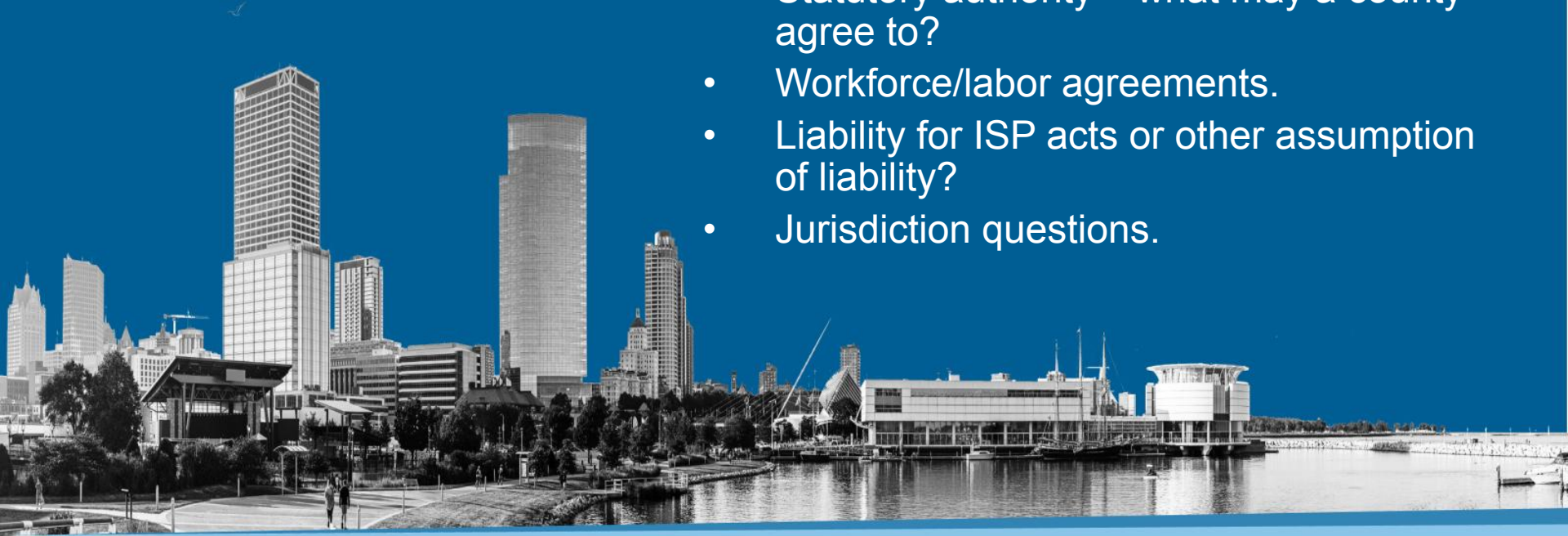
BROADBAND: COUNTY PARTICIPATION

- Joint Agreement/ISP Agreement:
 - Ability to focus on each county's goals, characteristics and vision.
 - Freedom to negotiate.
 - Shift of risk from obligations under Grant Agreement.
 - May negotiate level of control/oversight in technical areas while still having experts design the system.
 - Control of network considerations.
 - Develop permitting processes (if mutually agreed to).
 - Ensure key "municipality terms" are included in the Agreement.
 - Financing considerations.
 - Agreement on financing and use of municipality powers to borrow/fund.



BROADBAND: COUNTY PARTICIPATION

- Joint Agreement/ISP Agreement – Legal Considerations:
 - Statutory authority – what may a county agree to?
 - Workforce/labor agreements.
 - Liability for ISP acts or other assumption of liability?
 - Jurisdiction questions.



Broadband: BEAD Funding



BROADBAND: BEAD FUNDING – BACKGROUND

- Infrastructure Investment and Jobs Act (Infrastructure Act), also known as the Bipartisan Infrastructure Law (BIL), which includes the Broadband Equity, Access, and Deployment (BEAD) Program (11-16-21), per 47 U.S.C. s. 1701 et. seq.
- Principal focus of “deployment of broadband service through a state-administered competitive funding program.”
- Administered at national level by U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA),
- Administered at state level by Wisconsin PSC to administer BEAD Program funds.

BROADBAND: BEAD FUNDING

- What is “BEAD Funding”?
- Broadband Equity, Access, and Deployment (BEAD) Program with a goal of providing high-speed internet for all Wisconsinites.
- Wisconsin’s allocation of \$1,055,823,573.51 is formula-based on the state's proportion of locations lacking access to broadband service, calculated using Federal Communications Commission (FCC) maps.
- Goal is to ensure all locations in Wisconsin have access to 100 Megabits per second download and 20 megabits per second upload or faster.

BROADBAND: BEAD FUNDING - GOALS

- *In 2024, an estimated 42 million Americans lacked access to reliable, high-speed broadband.*
- BEAD's goals to offset the lack of access:
 - Bring broadband infrastructure to communities lacking reliable internet service.
 - Promote digital inclusion - close the "digital divide."
 - Ensure affordability
 - Overall economic growth
 - Support broadband deployment
 - Network building and expansion
 - Fiber and wireless
 - Provide funds to support local broadband planning efforts and build local capacity that will be needed throughout the BEAD planning and initial implementation period.
- After connection of underserved areas are met, BEAD funding may be used for other broadband initiatives, such as adoption, digital skills training and workforce development initiatives.

BROADBAND: BEAD FUNDING - ELIGIBILITY

- Applicant must demonstrate a clear and achievable plan to improve broadband service in one or more underserved areas of the state.
- Location must meet underserved criteria.
- Entity must own or operate the deployed broadband infrastructure.
- Includes:
 - Internet service providers.
 - Telephone and electric cooperatives.
 - Certain local governments.



BROADBAND: BEAD FUNDING – PROCESS OVERVIEW

- BEAD Volume 1: BEAD Challenge Process
 - Used to establish the final list of broadband serviceable locations (BSL) eligible for BEAD funding.
 - Challenges could be made.
 - Initial submission
 - Rebuttal submission
 - Final determination
 - Approved by NTIA on November 19, 2024
 - All documents may be found on PSC Docket No. 5-BCH-2024

BROADBAND: BEAD FUNDING – PROCESS OVERVIEW



- BEAD Volume 2: Subgranting Process
 - Initially approved by NTIA on July 29, 2024.
 - Triggered 365-day timeline to conduct grant process and identify awardees and technology to be deployed.
 - August 2024 – May 2025: PSC conducted two subgranting rounds; 98% of BEAD eligible locations were preliminary awarded.
- And then....

BROADBAND: BEAD FUNDING – NTIA POLICY REVISIONS

- Published on June 6, 2025.
- Mandated rescission of all prior awards and required states conduct a new, single round of sub-granting.
- Eliminated local endorsement and local input was disqualified from award consideration.
- New review and scoring requirements:
 - Primarily based on the proposed cost to serve each eligible location.
 - The ability of the proposed network to meet minimum internet speeds.
 - Removing the preference for best technology fiber and other important components such as affordable plan options and community coordination.

BROADBAND: BEAD FUNDING - NTIA POLICY REVISIONS

Ongoing Questions:

- Contracting “fixes” or “cure” process?
- Change in technology to be installed?
- What is the role of counties post NITA Policy Revisions?
 - Value of endorsements?
 - State policy of cooperation with counties and stakeholders.
 - Approval vs. what will actually be constructed?
 - Funding gaps?

BROADBAND: BEAD FUNDING – LOCAL GRANT PROGRAM GOALS

- Provide funds to support local broadband planning efforts and build local capacity that will be needed throughout the BEAD planning and initial implementation period.
- Enable eligible entities to opt-in to receive formula funding to participate in broadband planning activities support locally informed analysis of broadband needs.
- Commission seeks to gain insight into each local community's vision for broadband development.
- Inform the state Five-Year Action Plan which will guide broadband deployment and implementation of the BEAD program



BROADBAND: BEAD FUNDING –

ALLOWABLE CATEGORIES OF ACTIVITIES

- Research and data collection, including initial identification of unserved locations and underserved locations consistent with the rules, regulations, and processes the Federal Communications Commission has established for making these determinations in the Broadband DATA Maps.
- Publications, outreach, and communications support related to broadband and digital equity planning.
- Providing technical assistance to potential subgrantees (i.e. providers and communities), including through workshops and events; that support the development of the state 5-year action plan.
- Training for employees of political subdivisions of Wisconsin, and related staffing capacity or consulting or contracted support to effectuate the goals of the BEAD Program.
- Asset mapping across the county and/or region to catalogue broadband adoption, affordability, equity, access and deployment activities occurring within Wisconsin.
- Conducting surveys of unserved, underserved, and underrepresented communities to better understand barriers to internet adoption.
- Costs associated with meeting the local coordination requirements including capacity building at the local and regional levels or contracted support.

BROADBAND: BEAD FUNDING – ALLOWABLE ACTIVITIES FOR SUB-AWARDEES

- Conduct outreach to improve and challenge the National Broadband Map.
- Hire new staff or allocate existing staff time to broadband planning; including but not limited to embedding broadband into regional and economic plans, or other community planning activities.
- Allocate staff time to participate in technical assistance workshops or webinars.
- Convening industry stakeholders to identify strategies related to financing broadband or preparing workforce. • Hire or allocate staff to refine or review permitting processes related to broadband deployment.
- Training staff, elected officials, or local broadband champions to improve their knowledge of broadband, internet adoption, or federal grant administration.
- Host and document event(s) to discuss broadband and barriers to adoption.
- Purchase software licenses or data (mapping software, speed-tests) related to broadband planning, permitting, or adoption.

BROADBAND: BEAD FUNDING – ALLOWABLE ACTIVITIES FOR SUB-AWARDEES (cont.)



- Conduct surveys or promote existing surveys of citizens on their broadband needs and barriers.
- Hire or allocate staff time to perform analyses of the survey results, state and federal maps, data, and existing resources related to broadband adoption.
- Send flyers advertising broadband listening sessions and digital equity events.
- Hosting meetings with potential internet service provider partners.
- Get outreach materials translated into other languages.
- Hire translators and/or interpreters and/or childcare providers to support Wisconsinites' participation in planning meetings.
- Create models for best practice public private partnerships for broadband deployment.
- Any other activities proposed by the applicant that are allowable by the funding and approved by PSC.

BROADBAND: BEAD FUNDING –

NEPA CONSIDERATIONS

Application of NEPA Requirements:

- At the “Project” level, not individual application level.
- Required pursuant to the BEAD general Terms and Conditions and BEAD Notice of Funding Opportunity (NOFO).
- Construction may not commence until NITA provides a NEPA decision document.
 - Categorical exclusion determination
 - Record of environmental consideration
 - Finding of no significant impact
 - Record of Decision
- Certain pre-construction activities are permissible:
 - Pre-construction planning
 - Applications for environmental permits
 - Preliminary procurement



BROADBAND: BEAD FUNDING - OTHER LEGAL CONSIDERATIONS

- Project partners – coupling public bond issuances with grant funding?
 - Bond issuance questions .
 - Who is the lead? Who is ‘on the hook’?
 - What is the County being asked to do?
- “Endorsement” requests – still applicable? Impact of endorsements?
- Grant Agreement requirements.
- Compliance requirements.



BROADBAND: BEAD FUNDING – WHAT IS NEXT?

- NTIA Must approve Wisconsin's BEAD Program Final Proposal (submitted September 3, 2025 to NTIA)
- What should counties do now?
 - Review Resolutions.
 - Communicate with provider.
 - Communicate with constituents.
 - Review any previously adopted broadband plans.
 - Explore “Plan B” or other funding alternatives.
 - Be flexible! Information is changing frequently.

Broadband: Continued Best Practices



BROADBAND AND BEAD FUNDING – CONTINUED BEST PRACTICES

- Work closely with Wisconsin Broadband Office and UW Extension for resources and guidance.
- Work with municipal legal counsel and business manager.
- Ensure that all parties have a clear understanding of the short and long-term obligations.
- Have an open mind! Vision and planning may be challenging but beneficial, and doing it right on the front end will save costs later.

BROADBAND AND BEAD FUNDING – RESOURCES

- <https://maps.psc.wi.gov/portal/apps/experiencebuilder/experience/?id=a09ed2f175184454a3c8785a3490f545&page=home> - Provider Map
- <https://psc.wi.gov/Pages/ServiceType/Broadband/GrantBEAD.aspx> - PSC BEAD Homepage
- <https://psc.wi.gov/Pages/ServiceType/Broadband/BEADProcess.aspx> - PSC BEAD Process
- <https://psc.wi.gov/Pages/ServiceType/Broadband/InternetForAllPlanning.aspx> - PSC BEAD Planning Activities Page
- <https://maps.psc.wi.gov/portal/apps/experiencebuilder/experience/?id=5cfca61f9c7d4ed1abc743e82>
- <https://economicdevelopment.extension.wisc.edu/articles/whats-next-in-wisconsin-broadband-april-2025/#BBofficeUpdatesa556df3> – UW Extension Broadband Update, April 2025
- <https://economicdevelopment.extension.wisc.edu/articles/broadband-equity-access-and-deployment-bead-funding-for-wisconsin-counties-tribes/> - UW Extension BEAD for Wisconsin Counties & Tribes page

THANK YOU!



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THANK YOU.

