

**Vermont Community Broadband Board
Meeting
Tuesday, January 18, 9 AM**

AGENDA

The Meeting will be held remotely. Members of the public are encouraged to participate online.

Unless pending legislation is enacted exempting Boards from this requirement, members of the public may attend in person at the following location. Masks are required:

GIGA Conference Room.
3rd Floor of 112 State Street, Montpelier VT

Join by video

<https://bit.ly/3K5QWVC>

Join by Phone

[+1 802-828-7667](tel:+18028287667), [509981796#](tel:+18028287667)

Note: There may be an executive session if necessary.

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|-------|---|
| 9:00 | 1) Meeting call to order |
| 9:05 | 2) Approval of the January 3, 2022 draft minutes |
| 9:10 | 3) State Legislative Updates and Action – Stan Macel <ul style="list-style-type: none">• Act 71 change re. reversion of assets to state – Materials included - Action requested – Board motion to support recommended change• S.166 – Utility housekeeping bill – Materials included - Action requested – Board motion to support the legislation• S.167 - An act relating to modernizing State telecommunications policy - Informational |
| 9:45 | 4) Financial Report |
| 10:05 | 5) Federal Legislation and Rule-Making – Informational and Board Input <ul style="list-style-type: none">• Final State Fiscal Recovery Fund Guidelines• FCC Affordability Connectivity Program - Draft Rules - Implications for CUDs• NTIA Requests Public Comment on Broadband Programs in President Biden’s Bipartisan Infrastructure Law (due 2/4/22) |
| 11:05 | 6) Staff updates |
| 11:30 | 7) VCUDA update |
| 11:45 | 8) Public Input |
| 12:00 | 9) Motion to Adjourn |

Press inquiries; please contact Rob Fish, Robert.fish@vermont.gov 802-522-2617

Vermont Community Broadband Board Draft Meeting Minutes
112 State Street, 3rd Floor,
Giga Conference Room
Montpelier, VT
January 3, 2022

I. Call To Order – 12:04pm

II. Roll call completed by Patty Richards

Brian Otley (Remote)
Dan Nelson (Remote)
Patty Richards, Chair (Remote)
Laura Sibilila (Remote, joined at 12:22)
Christine Hallquist - Staff (In-person)
Robert Fish – Staff (Remote)
Stan Macel – Staff (Remote)
Alissa Matthews – (Remote)
Holly Groschner (Absent)

III. Review of Agenda

There were no changes to the agenda.

Patty Richards moved to approve the agenda, and Brian Otley seconded. Motion passed.

IV. Approval of Meeting Minutes

The Board discussed the November 29th 2021, December 13th 2021, and December 20th 2021 draft Board Meeting minutes. Patty Richards moved to approve the minutes, as amended. Dan Nelson seconded. The motion was approved.

V. Review Proposed Act 71 Broadband Construction Program RFP

The Board then discussed the RFP and Patty Richards asked Christine Hallquist and Rob Fish to describe any specific changes that had been made and made a motion for the Board to accept the RFP in substantially the form provided, allowing Staff to make any minor changes, but requesting any policy level changes be brought back before the board.

Rob Fish discussed the issues with the Community Match Program and that there is no consensus among CUD's with some seeing a great benefit and others not showing interest. The first recommendation was changing the date when any money that is not used will be reallocated by the same percentage, from April 15th, 2022 to September 15th, 2022. Concerns around the timeline for raising the matching funds were raised by the CUD's and this would give them more time to participate. He clarified that this does not have to be a cash match from the towns directly to the CUDs, and can include in-kind services that further the mission of the CUD.

Patty made the motion to move the end date to September 15th, 2022.

Rob Fish then discussed the RFP revision process and confirmed Guide House guidelines for reporting have been integrated and feedback from CUDs were reviewed and accepted where appropriate.

The board then discussed the design standards. The one significant change mentioned by Christine was related to testing and reporting of individual splice points and the adoption of the ANSI industry standards. Dan Nelson and Brian Otley had no objections.

Patty Richards made the motion to approve the RFP in substantially the form as presented today. Brian Otley seconded. The motion was approved.

VI. Staff Updates

Christine Hallquist discussed the Annual Legislative Report requirement that the Board make recommendations, with relevant stakeholder input, on whether and to what extent authorized expenditures under the Fund should include. Her recommendation was to provide a status report that the board review and include a proposed timeline for providing the legislature with these recommendations.

The other thing that will be included are recommended changes to Act 71 and Stan Macel is working on drafting new language related to the reversion of the assets to the State in a default situation to protect bond holders as well as the State. Patty Richards has been included in this discussion and Staff will keep the Board updated.

Patty Richards also suggested identifying issue lists as the construction phase progresses that need additional funding and including that plan in the annual report.

Rob Fish then shared other Staff updates. The Broadband Project Developer position has been posted and will close this week. Staff are working with VCUDA on the issues CUDs are having with the USDA ReConnect Program's requirement of a comparative audit. Many CUDs do not have that historical information at this point. The State can act as a Parent Organization but the entire amount for the project must be guaranteed.

Laura Sibilia asked about the HR process for hiring the Broadband Project Developer position and Rob Fish confirmed that the State does check minimum requirements before the applicants are reviewed by Staff.

Christine Hallquist discussed the concern going into the Legislative Session with additional funding coming from the federal infrastructure bill that the VCBB will need to defend our position to receive those funds. Currently Staff have the estimate of \$510 million for the entire buildout of the network, but how much would be needed to make a business case is still unknown. She reached out to the consultant that just completed the Telecom Plan, and they provided a \$100,000 quote to complete the updated estimate.

Staff proposed working directly with CUDs to come up with an estimate rather than spending the additional money and the Board agreed.

VII. VCUDA Update

Will Anderson provided an update for VCUDA. He discussed the data they are pulling together to demonstrate need to the legislature. FX Flinn has provided an estimate spreadsheet with new information about costs and will continue to update data. A workforce development survey has been deployed to businesses in Vermont and across the Northeast to gain the understanding of capacity and inform policies that may need to be enacted to get the workforce in place to get the job done. He mentioned acquiring shared services and plans to increase public relations efforts. He also announced that NEK Broadband has started connecting customers with service.

Laura Sibilia recommended an assessment of the current status of all of the CUDs and Will Anderson confirmed that the report is prepared, and it will be expanded and shared with the Board and Staff so it can be shared at the Energy and Technology Committee Hearing at the request of Representative Briglin and included in the Annual Legislative Report.

Briefly discussed ACT 71 clause of where assets would go in the event of a CUD failure and supports the proposal of receivership language to address concerns when CUDs seek third party private sector funding. He also noted that he has started exploring centralized Private Public partnership funding for VCUDA parallel to the VCBB and support of the Board would be helpful in leveraging those funds.

Will Anderson added that VCUDA has been in discussion with USDA congressional office to try and solve the issue CUDs are running into around being too new to have a comparative audit available in order to apply for the ReConnect Program and as time the application deadline nears trying to gauge interest and access to consultants to help with submission of all requirements.

Patty Richards asked Christine Hallquist if the project launch in the NEK deserved a press release and Rob Fish confirmed that Staff are letting NEK Broadband take the lead on timing related to their readiness to serve new customers but that everyone anticipates a press release in the next few weeks.

VIII. Public Input

Two members of the public provided input.

- Chris Rakia stepped forward to discuss if the USDA grant is an RUS grant because if it is, there are many people on the energy side of things that have experience and could be helpful. He also shared that he believes the RFP has arrived at the right place. He also announced that he is leaving his position at the end of the month and thanked the Board and Staff for all their work.
- Christa Shute of NEK Broadband thanked Staff and the Board for the work, she

mentioned that they have an extreme shortage on drops and want to set expectations for upcoming customers before a public announcement. With partners NEK Broadband has built 25 miles going to 300 addresses and shows what this network and collaborative effort can do to leverage funding.

IX. Executive Session

Patty Richards made a motion to go into Executive Session, to discuss confidential negotiations, where premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage (1 V.S.A. Section 313.1). Dan Nelson seconded the motion. The Board approved the motion and went into executive session.

X. Motion to Adjourn

Patty Richards confirmed that no action was taken in the Executive Session. Dan Nelson made a motion to adjourn. Patty Richards seconded the motion, and the meeting was adjourned at 2:13pm.

Section 7 of Act 71

The CUDs have raised concerns about a provision in Act 71 regarding Transfer of Fiber-Optic Assets (Section 7 of Act 71, page 25 of 46 in the original Act). The language as written will pose potential difficulties for the CUDs to access the bond markets. As a result, we propose amending one sentence of Section 7. We propose replacing the sentence highlighted below with text to clarify that, in the event of a CUD dissolution, its fiber-optic assets will be subject to receivership by a Court-appointed receiver rather than becoming property of the State to be managed by the Department of Public Service.

The relevant section (with highlighted sentence to be replaced):

Sec. 7. TRANSFER OF FIBER-OPTIC ASSETS

On or before September 30, 2021, subject to review and approval by the State Treasurer, the Department of Public Service shall transfer ownership of its fiber-optic assets to the communications union district in which those assets are located. The transfer shall include the transfer of rights and obligations under any existing contracts or lease agreements with third parties regarding the maintenance or use of the fiber-optic assets. **In addition, the transfer shall include a requirement that, upon the dissolution of a communications union district, any such fiber assets shall become the property of the State to be managed by the Department of Public Service.** A communications union district may refuse to accept the transfer of assets authorized by this section, in which case the assets shall remain the property of the Department of Public Service. Nothing in this section shall preclude the Department from transferring fiber-optic assets to a communications union district that initially declined to accept such assets prior to September 30, 2021.

Proposed replacement language (marked to show changes with original):

In addition, the transfer shall include a requirement that, upon the dissolution of a communications union district, any such fiber assets shall ~~become the property of the State to be managed by the Department of Public Service~~ be subject to receivership by a court-appointed receiver.

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S.166

Introduced by Senators Hardy, Pearson, MacDonald and Starr

Referred to Committee on

Date:

Subject: Utilities; construction; worksite cleanup; rules; consumer protection

Statement of purpose of bill as introduced: This bill proposes to require the Public Utility Commission to revise its rules to include enhanced consumer protection provisions related to the cleanup of utility construction sites.

An act relating to utility construction worksites and consumer protection

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. SITE CLEANUP; PUBLIC UTILITY COMMISSION RULES

(a) The Public Utility Commission shall amend Rule 3.500 to ensure that all construction contracts contain terms and conditions specifying standards and responsibility for worksite cleanup. Unless a contract specifies otherwise, the utility is liable for all accidents, environmental cleanup, damages, or injuries to any person or property resulting from the construction, maintenance, repair, operation, or use of a utility's facilities.

(b) A violation of the Commission's worksite cleanup rules adopted pursuant to this section, or of any contract provision applicable to

1 responsibility and liability for worksite cleanup, that results in harm or injury
2 to any person or property constitutes an unfair act or practice in commerce
3 under 9 V.S.A. § 2453.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.

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S.167

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Introduced by Senator Brock

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Referred to Committee on

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Date:

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Subject: Telecommunications; State policy; modernization

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Statement of purpose of bill as introduced: This bill proposes to modernize

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State telecommunications policy.

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An act relating to modernizing State telecommunications policy

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It is hereby enacted by the General Assembly of the State of Vermont:

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Sec. 1. 30 V.S.A. § 202c(b)(10) is amended to read:

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(10) support measures designed to ensure that by the end of the year

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~~2024~~ 2029 every E-911 business and residential location in Vermont has

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infrastructure capable of delivering Internet access with service that has a

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minimum download speed of 100 Mbps and is symmetrical.

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Sec. 2. EFFECTIVE DATE

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This act shall take effect on passage.

Financial Report – January 2022

a. Board of Director's Financial Update

VCBB Board Budget					
	ACT 71 Total Allocation				\$1,500,000
			Months		
Description	Sep	Oct	Nov	Dec	Grand Total
Salaries	\$15,092	\$14,424	\$21,347	\$27,202	\$78,065
Overtime				\$973	\$973
FICA	\$1,132	\$1,095	\$1,625	\$2,143	\$5,994
Health Insurance	\$2,077	\$1,283	\$1,283	\$1,925	\$6,568
Retirement	\$3,849	\$3,678	\$5,443	\$7,185	\$20,155
Dental Insurance	\$101	\$106	\$106	\$159	\$473
Life Insurance	\$64	\$61	\$61	\$92	\$278
Employee Assistance Program	\$5	\$5	\$7	\$10	\$27
Catamount Health Assessment		\$358			\$358
Per Diem	\$2,500		\$2,000	\$1,250	\$5,750
Telecom-Wireless Phone Service	\$156			\$152	\$308
Travel-Inst-Auto Mileage-Nonemp	\$599		\$634	\$140	\$1,373
Hardware-Computer Peripherals		\$125	\$466		\$591
Total	\$25,574	\$21,135	\$32,972	\$41,230	\$120,911
	December 2021 Balance Available				\$1,379,089

b. ARPA H.325 Funds Financial Update

Note: Remaining funds are committed, yet not spent.

H.315 Funds				
(transferred from PSD)				
				Unobligated
Type	Budget	Paid	Remaining	Remaining
CUD Capacity Building	\$1,600,000	\$761,375	\$838,625	\$0
Other Support	\$121,200	\$37,235	\$83,965	\$1,201
Relay Services	\$50,000	\$7,035	\$42,965	\$42,965
Hotspot renewal	\$28,800	\$28,800	\$0	\$0
	\$1,800,000	\$834,445	\$965,555	\$44,166

c. Pre-Construction Grant Program Financial Update

ARPA Pre-construction Funding	
Total Available	<i>\$30,000,000</i>
CUD Name	Grant Amount
Maple Broadband	\$2,399,200
CVFiber	\$2,804,667
Northwest	\$1,274,978
DVFiber	\$4,111,318
ECFiber	\$2,841,130
Lamoille FiberNet	\$1,193,885
NEK Broadband	\$6,670,000
Total	\$21,295,178
Amount Remaining	\$8,704,822

January 17, 2022

Vermont Community Broadband Board
Christine Hallquist
Executive Director
Phone – 802-636-7853
Email – christine.hallquist@vermont.gov

NTIA Docket No. 220105-0002 Infrastructure Investment and Jobs Act Implementation Request for Comments

Request for Board Feedback Before Drafting:

1. What are the most important steps NTIA can take to ensure that the Bipartisan Infrastructure Law's broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion?
2. Obtaining stakeholder input is critical to the success of this effort. How best can NTIA ensure that all voices and perspectives are heard and brought to bear on questions relating to the Bipartisan Infrastructure Law's broadband programs? Are there steps NTIA can and should take beyond those described above?
3. Transparency and public accountability are critical to the success of the Bipartisan Infrastructure Law's broadband programs. What types of data should NTIA require funding recipients to collect and maintain to facilitate assessment of the Bipartisan Infrastructure Law programs' impact, evaluate targets, promote accountability, and/or coordinate with other federal and state programs? Are there existing data collection processes or templates that could be used as a model? How should this information be reported and analyzed, and what standards, if any, should NTIA, grant recipients, and/or sub-grantees apply in determining whether funds are being used lawfully and effectively?
4. NTIA has an interest in ensuring that the Bipartisan Infrastructure Law is implemented in a way that promotes the efficient use of federal funds. How should NTIA and grant recipients verify that funding is used in a way that complements other federal and state broadband programs? Supporting States, Territories, and SubGrantees To Achieve the Goal
5. In implementing the Bipartisan Infrastructure Law's programs, NTIA will offer technical assistance to states, localities, prospective sub-grantees, and other interested parties. What kinds of technical assistance would be most valuable? How might technical assistance evolve over the duration of the grant program implementation?
6. The Bipartisan Infrastructure Law requires states and territories to competitively select subgrantees to deploy broadband, carry out digital equity programs, and accomplish other tasks. How should NTIA assess a particular state or territory's subgrant award process? What criteria, if any, should NTIA apply to evaluate such processes? What process steps, if any, should NTIA require (e.g., Request for Proposal)? Are there specific types of

competitive subgrant processes that should be presumed eligible (e.g., publicly released requests for proposals and reverse auctions)?

7. NTIA views the participation of a variety of provider types as important to achieving the overall goals of the Bipartisan Infrastructure Law broadband programs. How can NTIA ensure that all potential subrecipients, including small and medium providers, cooperatives, non-profits, municipalities, electric utilities, and larger for-profit companies alike have meaningful and robust opportunities to partner and compete for funding under the programs?

8. States and regions across the country face a variety of barriers to achieving the goal of universal, affordable, reliable, high-speed broadband and broadband needs, which vary from place to place. These challenges range from economic and financial circumstances to unique geographic conditions, topologies, or other challenges that will impact the likelihood of success of this program. In implementing the Bipartisan Infrastructure Law's broadband programs, how can NTIA best address such circumstances?

9. Several Bipartisan Infrastructure Law broadband programs provide that, absent a waiver, a grant or subgrant recipient must contribute its own funding, or funding obtained from a non-federal source, to "match" funding provided by the BIL program. Under what circumstances, if any, should NTIA agree to waive these matching fund requirements, and what criteria should it assess (in accordance with any criteria established by the statute) when considering waiver requests? Ensuring the Future of America Is Made in America by All of America's Workers

10. The COVID-19 pandemic has disrupted global supply chains and impacted employment patterns. What is the likely impact of current workforce and supply chain constraints on the speed with which states, service providers, and others achieve the Bipartisan Infrastructure Law's network deployment objectives? Are the areas unserved or underserved by broadband networks, which will see substantial new deployments under the Bipartisan Infrastructure Law's broadband provisions, likely to face particularly significant workforce or supply-chain constraints? What steps, if any, should NTIA take to mitigate the impact of workforce or supply-chain limitations?

11. One objective of the Bipartisan Infrastructure Law is to ensure American workers have access to high quality jobs, especially those who were impacted the most by the pandemic, including women and people of color. What federal policy tools can NTIA apply to help ensure that broadband funding is deployed in a way that maximizes the creation of good paying jobs and that women and people of color have full opportunity to secure those jobs.

12. What steps, if any, should NTIA take to ensure maximum use of American-made network components and that supply shortages are addressed in ways that create high quality jobs for all Americans? What impact, if any, will application of the "Buy American" requirements in the Bipartisan Infrastructure Law have on supplychain and workforce challenges and on the speed with which the nation can reach the goal of 100% broadband connectivity?

Broadband Equity, Access and Deployment (BEAD) Program

The BEAD Program is a \$42.45 billion program for states, territories, the District of Columbia (DC), and Puerto Rico (P.R.) (“states and territories”) to utilize for broadband deployment, mapping, equity and adoption projects. Each state, DC, and P.R. will receive an initial allocation of \$100 million—and \$100 million will be divided equally among the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. NTIA will distribute the remaining funding based on a formula that considers the number of unserved and high-cost locations in the state, based on the updated broadband availability maps to be published by the FCC. The Bipartisan Infrastructure Law also provides NTIA with discretion to establish additional eligible uses for the funding. BEAD program funding will be dispersed in three phases. The first phase allows states and territories to access up to \$5 million each to support planning efforts, including building capacity in state broadband offices and to fund outreach and coordination activities with local communities and stakeholders. The second phase requires states and territories to submit an initial broadband plan to NTIA. These plans must be informed by collaboration with local and regional entities and will lay out how each respective state and territory will use the BEAD funding and other funds to bring reliable, affordable, high-speed broadband to all residents. Once NTIA approves the initial plan, states and territories will be able to access additional funds from their BEAD allocation. States and territories will be able to access the remaining funds upon review and approval of a final plan by NTIA.

Ensuring Publicly Funded Broadband Networks That Sustain and Scale

13. NTIA is committed to ensuring that networks built using taxpayer funds are capable of meeting Americans’ evolving digital needs, including broadband speeds and other essential network features. What guidance or requirements, if any, should NTIA consider with respect to network reliability and availability, cybersecurity, resiliency, latency, or other service quality features and metrics? What criteria should NTIA establish to assess grant recipients’ plans to ensure that service providers maintain and/or exceed thresholds for reliability, quality of service, sustainability, upgradability and other required service characteristics?

14. NTIA is committed to ensuring that networks constructed using taxpayer funds are designed to provide robust and sustainable service at affordable prices over the long term. What criteria should NTIA require states to consider to ensure that projects will provide sustainable service, will best serve unserved and underserved communities, will provide accessible and affordable broadband in historically disconnected communities, and will benefit from ongoing investment from the network provider over time?

15. In its effort to ensure that BEADfunded networks can scale to meet Americans’ evolving needs, and to ensure the public achieves the greatest benefit from the federal investment, NTIA seeks to understand reasonably foreseeable use cases for America’s broadband infrastructure over the next five, ten, and twenty years. What sort of speeds, throughput, latencies, or other metrics will be required to fully connect all Americans to meaningful use over the next five, ten, and twenty years? How can the BEAD program

meet our nation's broadband network connectivity needs in the future and what other benefits can Americans expect from this program and the networks it will help fund in other industries and across the economy? How can existing infrastructure be leveraged to facilitate and amplify these benefits? What are the best sources of evidence for these questions and for predicted future uses of broadband? Allocation and Use of BEAD Funds To Achieve Universal, Reliable, Affordable, High-Speed Broadband

16. Broadband deployment projects can take months or years to complete. As a result, there are numerous areas where an entity has made commitments to deploy service—using its own funding, government funding, or a combination of the two—but in which service has not yet been deployed. How should NTIA treat prior buildout commitments that are not reflected in the updated FCC maps because the projects themselves are not yet complete? What risks should be mitigated in considering these areas as “served” in the goal to connect all Americans to reliable, affordable, highspeed broadband?

17. Ten percent of total BEAD funding is reserved for distribution based on how many unserved locations within a state or territory are also locations in which the cost to deploy service is higher than the nationwide average. The Bipartisan Infrastructure Law provides that, in calculating the cost of deployment, NTIA should consider factors such as the area's remoteness, population density, topography, poverty rate, or “any other factor identified by the Assistant Secretary, in consultation with the [FCC], that contributes to the higher cost of deploying broadband service in the area.” BIL § 60102(a)(2)(G). What additional factors, if any, should NTIA consider in determining what constitutes a “highest cost area”?

18. The Bipartisan Infrastructure Law provides that BEAD funding can be used in a variety of specific ways, including the provision of service to unserved and underserved areas, connection of community anchor institutions, data collection, installation of service within multi-family residential buildings, and broadband adoption programs. The law also permits the Assistant Secretary to designate other eligible uses that facilitate the program's goals. What additional uses, if any, should NTIA deem eligible for BEAD funding? Establishing Strong Partnerships Between State, Local, and Tribal Governments

19. Community engagement is critical to eliminating barriers to broadband access and adoption. NTIA views strong involvement between states and local communities as key to ensuring that the broadband needs of all unserved and underserved locations are accounted for in state plans submitted for funding. What requirements should NTIA establish for states/territories to ensure that local perspectives are critical factors in the design of state plans?

20. When formulating state broadband plans, what state agencies or stakeholder groups should be considered in the development of those plans?

21. How can NTIA ensure that states/ territories consult with Tribal governments about how best to meet Tribal members' needs when providing funding for broadband service to unserved and underserved locations on Tribal lands within state boundaries? Low-Cost Broadband Service Option and Other Ways To Address Affordability

22. The Bipartisan Infrastructure Law requires that BEAD funding recipients offer at least one low-cost broadband option and directs NTIA to determine which subscribers are eligible for that low-cost option. BIL § 60102(h)(5)(A). How should NTIA define the term “eligible subscriber?” In other words, what factors should qualify an individual or household for a low-cost broadband option?

23. Under the Bipartisan Infrastructure Law, states and territories are charged with developing low-cost broadband service options in consultation with NTIA and broadband providers interested in receiving funding within the state. BIL § 60102(h)(5)(B). What factors should NTIA consider in guiding the states in design of these programs to achieve this goal? Should NTIA define a baseline standard for the “low-cost broadband service option” to encourage states/ territories to adopt similar or identical definitions and to reduce the administrative costs associated with requiring providers to offer disparate plans in each state and territory? What are the benefits and risks, if any, of such an approach?

24. Affordability is a key objective of the Bipartisan Infrastructure Law’s broadband programs. What factors should be considered in the deployment of BEAD funds to help drive affordability beyond the low-cost option?

Implementation of the Digital Equity Act of 2021

The Digital Equity Act dedicated \$2.75 billion to establish three grant programs that promote digital inclusion and equity to ensure that all individuals and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy. The goal of these programs is to promote the meaningful adoption and use of broadband services across targeted populations, including low-income households, aging populations, incarcerated individuals, veterans, individuals with disabilities, individuals with a language barrier, racial and ethnic minorities, and rural inhabitants. As noted above, given the sequence of programs that NTIA is implementing, NTIA intends to release another request for comment (RFC) in the future to address the State Digital Equity Capacity Grant Program and Digital Equity Competitive Grant Programs. The questions below are specific to the Digital Equity Planning Grant Program. State Digital Equity Plans

25. The Bipartisan Infrastructure Law includes historic investments in digital inclusion and digital equity, promising to bring all Americans the benefits of connectivity irrespective of age, income, race or ethnicity, sex, gender, disability status, veteran status, or any other characteristic. NTIA seeks to ensure that states use Digital Equity Planning Grants to their best effect. What are the best practices NTIA should require of states in building Digital Equity Plans? What are the most effective digital equity and adoption interventions states should include in their digital equity plans and what evidence of outcomes exists for those solutions?

26. Some states and territories will benefit from technical assistance in preparing Digital Equity Plans. What types of technical assistance, support, data, or programmatic requirements should NTIA provide to states and territories to produce State Digital Equity Plans that fully address gaps in broadband adoption, promote digital skills, advance

equitable access to education, healthcare and government services, and build information technology capacity to enable full participation in the economy for covered populations? What steps, if any, should NTIA take to monitor and assess these practices?

27. Equity is also a named goal of the BEAD program described above. How should NTIA ensure that State Digital Equity Plans and the plans created by states and territories for the BEAD program are complementary, sequenced and integrated appropriately to address the goal of universal broadband access and adoption?

28. How should NTIA ensure that State Digital Equity Plans impact and interact with the State's goals, plans and outcomes related to: (i) Economic and workforce development; (ii) education; (iii) health; (iv) civic and social engagement; (v) climate and critical infrastructure resiliency; and (vi) delivery of other essential services, especially with respect to covered populations mentioned in Bipartisan Infrastructure Law § 60303(2)(C)?

29. The Bipartisan Infrastructure Law directs states and territories to include in their digital equity plans "measurable objectives for documenting and promoting: (i) The availability of, and affordability of access to, fixed and wireless broadband technology; (ii) the online accessibility and inclusivity of public resources and services; (iii) digital literacy; (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and (v) the availability and affordability of consumer devices and technical support for those devices." What best practices, if any, should states follow in developing such objectives? What steps, if any, should NTIA take to promote or require adoption of these best practices? What additional guidance and oversight about the content of the State Digital Equity Plans should NTIA provide? Digital Equity Coordination Requirements

30. The Bipartisan Infrastructure Law requires state and territories to consult with historically marginalized and disadvantaged groups, including individuals who live in low-income households, aging individuals, incarcerated individuals (other than individuals who are incarcerated in a Federal correctional facility), veterans, individuals with disabilities, individuals with a language barrier (including individuals who are English learners and have low levels of literacy), individuals who are members of a racial or ethnic minority group, and individuals who primarily reside in a rural area. What steps should NTIA take to ensure that states consult with these groups as well as any other potential beneficiaries of digital inclusion and digital equity programs, when planning, developing, and implementing their State Digital Equity Plans? What steps, if any, should NTIA take to monitor and assess these practices? 31. The Bipartisan Infrastructure Law also requires states and territories to coordinate with local governments and other political subdivisions in developing State Digital Equity Plans. What steps should states take to fulfill this mandate? How should NTIA assess whether a state has engaged in adequate coordination with its political subdivisions?

Implementation of Middle Mile Broadband Infrastructure (MMBI) Grant Program

This MMBI is a \$1 billion program for the construction, improvement, or acquisition of middle-mile infrastructure. The purpose of the grant program is to expand and extend middle-mile infrastructure to reduce the cost of connecting unserved and underserved areas to the internet backbone. Eligible applicants include states, political subdivisions of

a State, tribal governments, technology companies, electric utilities, utility cooperatives, public utility districts, telecommunications companies, telecommunications cooperatives, nonprofit foundations, nonprofit corporations, nonprofit institutions, nonprofit associations, regional planning councils, Native entities, or economic development authorities.

32. Middle-mile infrastructure is essential to American connectivity. Lack of affordable middle-mile access can have a substantial impact on the retail prices charged for broadband services. How should the Assistant Secretary ensure that middle-mile investments are appropriately targeted to areas where middle-mile service is non-existent or relatively expensive? To what extent should middle-mile grants be targeted to areas in which middle-mile facilities exist but cannot economically be utilized by providers that do not own them? Should NTIA target middle-mile funds to areas where interconnection and backhaul costs are impacted by a lack of competition or other high-cost factors?

33. The Bipartisan Infrastructure Law's provisions regarding the Middle Mile Broadband Infrastructure Grant Program set out a range of considerations governing NTIA's assessment of proposals seeking middle-mile funding, including improving affordability, redundancy and resiliency in existing markets, leveraging existing rights-of-way, assets, and infrastructure, and facilitating the development of carrier-neutral interconnection points. See BIL § 60401(e), (b)(2), (d)(2). How should NTIA implement these requirements, and the others listed in the legislation, in prioritizing middle-mile grant applications?

34. What requirements, if any, should NTIA impose on federally funded middle-mile projects with respect to the placement of splice points and access to those splice points? Should NTIA impose other requirements regarding the location or locations at which a middle-mile grantee must allow interconnection by other providers?

35. How can the Middle Mile Broadband Infrastructure program leverage existing middle-mile facilities, access to rights of way, poles, conduit, and other infrastructure and capabilities that are owned, operated, or maintained by traditional and non-traditional providers (public and investor-owned utilities, grid operators, co-ops, academic institutions, cloud service providers, and others) to accelerate the deployment of affordable, accessible, high-speed broadband service to all Americans? What technical assistance or guidance should NTIA provide to encourage applications for this program? Are there examples of successful deployments and/or benefits provided by non-traditional providers to highlight?

36. As network demand grows, capacity needs in the middle mile and network core grow as well. What scalability requirements, if any, should NTIA place on middle-mile grant recipients?