Maryland.gov

# State of Maryland

# Draft Final Proposal

# Broadband Equity, Access, and Deployment (BEAD) Program

# August 2025

Maryland
**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**CONNECT Maryland**
*High Speed Internet For A Better Future.*

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# Overview

## Message from the OSB

The State of Maryland entered the final phase of the BEAD program in an enviable position: More than seven years of successful grant programs had achieved a coverage of 99.5% coverage. Six out of 24 Maryland counties are already fully served.

But that good starting position also caused unique challenges: The remaining 0.5%, approximately 9,000 locations and 1,300 community anchor institutions, are low density, hard-to-reach, high-cost areas - the "last mile of the last mile." These locations are often isolated - the surrounding area is served already, but the local providers have not seen it as economically feasible to serve those locations.

Many of the unserved and underserved locations are in western Maryland, where the geography and topography drive up the cost of deploying terrestrial broadband, such as fiber and cable. Distances to the nearest existing service are long, with scattered households. The terrain is rugged and difficult, with homes nestled on steep hills above river valleys, often shaded by tall trees. This terrain also impedes service by low-earth orbit satellites or fixed wireless providers.

The Office of Statewide Broadband (OSB) received applications from ten different service providers, including providers offering service via fiber, hybrid-fiber coax (cable), licensed-by-rule fixed wireless, and low-earth orbit satellite. After a rigorous evaluation process and multiple rounds of negotiations with providers, approximately 40% of locations will receive service via hybrid-fiber coax (HFC, "cable"), 38% by fiber-to-the-home (FTTH), and 22% by low-earth orbit satellite.

## This Document

The State of Maryland has drafted the following Final Proposal, as required under the Broadband, Equity, Access, and Deployment Program (BEAD). Upon receipt and consideration of comments to this document, the State of Maryland will submit this document for consideration to the National Telecommunications and Information Association (NTIA), the administrators of BEAD, including the Assistant Secretary of the U.S. Department of Commerce. Upon approval of this plan, the Office of Broadband will be able to access the remaining program funds required to implement the Final Proposal.

**Note:** This document is intended solely to assist recipients in better understanding BEAD Final Proposal and the requirements set forth in the Notice of Funding Opportunity for this program. This document 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.

## Public Comments

Comments on the BEAD Final Proposal should be submitted via email to osb.bead@maryland.gov by 11:59 PM EDT on **September 1, 2025**, for review and consideration.

# Acronyms and Terms

| Acronym or term | Definition |
|---|---|
| BABA | Build America, Buy America Act |
| BEAD | Broadband Equity, Access, and Deployment |
| BOB | Benefit of the Bargain |
| BSL | Broadband Serviceable Location (i.e., a residence or small business) |
| CAI | Community Anchor Institution (e.g., a school, library, or health care facility) |
| COI | Conflict of interest |
| CSV | Comma-separated value (spreadsheet file format) |
| EHCPLT | Extremely High-Cost Per Location Threshold |
| Eligible Entity | A state or territory; here, the State of Maryland |
| FCC | Federal Communications Commission |
| FTTH | Fiber-to-the-Home |
| Gbps | Gigabits per second (download or upload speed) |
| HFC | Hybrid fiber-coaxial ("cable"; combines optical fiber and coaxial cable) |
| IIJA | Infrastructure Investment and Jobs Act |
| IPv2 | Initial Proposal Volume 2 (BEAD proposal) |
| ISP | Internet Service Provider |
| LEO | Low-Earth Orbit satellite |
| NOFO | Notice of Funding Opportunity |
| OSB | Maryland Office of Statewide Broadband |
| RPN | Restructuring Policy Notice (NTIA notice issued in June 2025) |
| Subgrantee | Entity that receives grant funds from an Eligible Entity to carry out eligible activities; typically, an internet service provider. |

# Final Proposal Data Submission

## Supporting Documentation for Subgrantees

*Complete and submit the Subgrantees CSV file (named "fp_subgrantees.csv") using the NTIA template provided.*

See https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/fp_subgrantees.csv

## Supporting Documentation for Deployment Projects

*Complete and submit the Deployment Projects CSV file (named "fp_deployment_projects.csv") using the NTIA template provided.*

See https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/fp_deployment_projects.csv

## Supporting Documentation for Locations

*Complete and submit the Locations CSV file (named "fp_locations.csv") using the NTIA template provided. The Location IDs in this list must match the NTIA-approved final list of eligible locations.*

See https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/fp_locations.csv

## Supporting Documentation for No BEAD Locations

*Complete and submit the No BEAD Locations CSV file (named "fp_no_BEAD_locations.csv") using the NTIA template provided. The Location IDs in this list must match the NTIA-approved final list of eligible locations.*

See https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/fp_no_BEAD_locations.csv

## Certification to Serve CAIs

*If the Eligible Entity intends to use BEAD funds to serve CAIs, does the Eligible Entity certify that it ensures coverage of broadband service to all unserved and underserved locations, as identified in the NTIA-approved final list of eligible locations and required under 47 U.S.C. § 1702(h)(2)?*

Yes.

## Supporting Documentation for CAIs Locations

*Complete and submit the CAIs CSV file (named "fp_cai.csv") using the NTIA template provided. Although CAIs are not included under (f)(1) deployment projects, to confirm the Eligible Entity's*

*compliance with the BEAD prioritization framework and identify BEAD-funded CAIs, the NTIA template is required. The Eligible Entity must only include CAIs funded via BEAD in this list; the Eligible Entity may not propose funding CAIs that were not present on the approved final list from the Eligible Entity's Challenge Process results.*

See https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/fp_cai.csv

# Subgrantee Selection Process Outcomes (Requirement 1)

## Consistency with Initial Proposal Volume II

*Describe how the Eligible Entity's deployment Subgrantee Selection Process undertaken is consistent with that approved by NTIA in Volume II of the Initial Proposal as modified by the BEAD Restructuring Policy Notice.*

OSB's subgrantee selection process followed the process approved by NTIA in the approved Initial Proposal (pg. 21 and following) and modified as necessary to incorporate the BEAD June 6th, 2025, Restructuring Policy Notice. On July 10, 2025, OSB issued a Notice of Funding Opportunity (NOFO) and BEAD Subgrantee Application Guide that provided guidance on eligibility requirements, evaluation criteria, and the required elimination of certain regulatory requirements. This notice also established a timeline for the opening and closing of the BOB round application window; specified allowable primary and secondary scoring rubrics; and outlined how OSB planned to assess the statutory definition of Priority Broadband Projects (PBP).

As noted in the Initial Proposal (pg. 40): "OSB recognizes the prioritization in the Bipartisan Infrastructure Law that created BEAD for unserved locations as first priority, underserved locations as second priority, Community Anchor Institutions as third priority, and other priorities following the first three."

OSB divided the BEAD-eligible locations into 50 project areas, with each of the 18 counties split into one to five project areas. Most project areas contained both BSLs and CAIs. In addition, Baltimore City had only unserved CAIs, so it was offered for bids separately.

Applicants were asked to submit materials through an application portal: application form; a disclosure of other public funding; a pro-forma financial workbook; three most recent years of financial statements; certifications and checkbox attestations; construction budget and milestones; fp_locations and fp_deployment_projects CSV files corresponding to the NTIA final proposal format; and a proposal narrative, including answers to questions describing the technical capabilities of the proposed network. In addition, applicants could, optionally, submit letters of support and requests for confidential treatment.

Given the short time available, OSB combined the prequalification phase and the scoring phase. All applicants who submitted applications were considered qualified.

Since Maryland had not conducted any prior subgrantee selection rounds, no preliminary and provisional subaward selections had to be rescinded. Thus, OSB conducted a single, multi-step round that followed the "Benefit of the Bargain" (BOB) approach and guidelines.

Each applicant could submit up to three applications for each project area and priority broadband project designation, one of each type below:

1. Projects that cover all locations in the project area ("complete projects");
2. Projects that cover almost all BSLs ("partial projects");
3. Projects where applicants are willing to serve each location separately ("divisible projects"), regardless of the number of locations assigned by the Eligible Entity.

## Fair, Open, and Competitive Process

*Describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers.*

OSB, the designated Eligible Entity for the State of Maryland, has a half-decade long track record of using available resources through fair, open, and competitive processes to deploy broadband to unserved and underserved Marylanders. OSB used the capabilities and structures it has developed for pre-BEAD programs to inform, to the greatest extent possible, the BEAD deployment subgrantee selection process in a way that is fair, open, and competitive. All elements of the BEAD program have been designed with these goals in mind.

**Openness** represents a core value and guiding principle for OSB as it undertakes both the BEAD program and other broadband and digital equity initiatives. Openness is crucial to ensure the best outcomes for unserved and underserved communities and will involve a range of strategies, all of which have been foundational to OSB's grant making in the past:

1. Open and inclusive eligibility for grant awards, welcoming applications from both public and private entities, as well as collaborations and public-private partnerships
2. Community input at all stages of the BEAD process, including through engagement and feedback to the planning process and the plans themselves
3. Openness and transparency in the evaluation process, with feedback to unsuccessful applicants to build trust and encourage participation
4. Provision of adequate notice to subgrantees to enable participation by a wide variety of applicants

Starting in 2024, OSB had reached out to potential service providers. All kinds of providers were encouraged to apply. OSB provided extensive assistance to applicants in submitting their materials, from click-paths to one-on-one technical support.

**Fairness** for applicants in a competitive grant program for building broadband infrastructure is essential to encourage competition, innovation, and the efficient use of resources while ensuring that underserved areas receive the connectivity they need. To ensure fairness in its BEAD grant process, OSB implemented the following steps, consistent with its grant making in the past:

1. Open and transparent process, with all grant materials and guidance available to all potential applicants on the same timeline, including publication of the scoring rubric and guidance for how to self-score applications based on the scoring criteria established by OSB. The scoring rubric was published as part of the Maryland BEAD Notice of Funding Opportunity and used objective criteria based on network performance and reliability characteristics.
2. Ongoing and frequent communications through public means such as grant workshops and frequently updated FAQs, to enable maximum information sharing with potential applicants.
3. Inclusive eligibility criteria that are clear, inclusive, and not overly restrictive, within the parameters of the BEAD program, to ensure that entities of all sizes, both public and private, can participate. We received applications from providers ranging from small, regional ISPs, to a government entity, to an electric cooperative, as well as large corporations.
4. Transparent scoring criteria that are applied consistently.
5. Competitive process that encourages applicants to submit innovative proposals and cost-effective solutions. We provided flexible application models, so that the same entities could apply both for the complete project area as well as partial areas.
6. Fair review process that is impartial and free from conflicts of interest. To ensure against risks of bias, collusion, conflict of interest, and self-dealing, OSB will ensure that all reviewers are entirely financially independent of all applicants. Reviewers will be required to certify in writing that they have no employment, contractor, or other business relationship with any applicant or any affiliate or subsidiary of any applicant.

**Competition** is at the heart of OSB's goals, methodology, and commitments. Creating a competitive environment for the BEAD grant program will be ensured through multiple means that OSB has used in its past grant making:

1. Broad eligibility and participation, including of municipalities, counties, electric utilities, and a full range of nonprofit and for-profit private entities
2. A low-burden grant program that is designed, within the parameters NTIA requires for the BEAD program, to maximize the potential for all sizes of entities to compete without facing unreasonable costs or level of effort
3. Incentives for collaboration by applicants with other public, nonprofit, and for-profit entities, including for public-private partnerships among ISPs and local governments, enabling an additional form of competition through public involvement.

## Information on Applications

*Affirm that, when no application was initially received, the Eligible Entity followed a procedure consistent with the process approved in the Initial Proposal.*

Consistent with the process outlined in Maryland's Initial Proposal Volume 2, OSB solicited additional proposals during the subgrantee selection process where either no priority broadband proposal had been submitted or the per-location cost was deemed to be high, putting the project area at risk of being considered imposing excessive costs on the grant program.

## Revision of Eligible CAI List

*If applicable, describe the Eligible Entity's methodology for revising its eligible CAI list to conform with Section 4 of the BEAD Restructuring Policy Notice.*

OSB removed a number of CAIs from the approved challenge process list where OSB determined that they were already served or did not meet the criteria matching the RPN. The final list of eligible CAIs contained 1,581 entries.

## Subgrantee Record Retention

*Certify that the Eligible Entity will retain all subgrantee records in accordance with 2 C.F.R. § 200.334 at all times, including retaining subgrantee records for a period of at least 3 years from the date of submission of the subgrant's final expenditure report. This should include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process.*

OSB certifies that our office will retain all subgrantee records in accordance with 2 C.F.R. §200.334 at all times, including retaining subgrantee records for a period of at least three (3) years from the date of submission of the subgrant's final expenditure report. These records will include all subgrantee network designs, diagrams, project costs, build-out timelines and milestones for project implementation, and capital investment schedules submitted as a part of the application process.

# Timeline for Implementation (Requirement 3)

## Deployment Projects and Activities

*Has the Eligible Entity taken measures to: (a) ensure that each subgrantee will begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant; (b) ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the Eligible Entity's period of performance, in accordance with 2 C.F.R. 200.344; and (c) ensure that all programmatic BEAD grant activities undertaken by the Eligible Entity are completed by the end of the period of performance for its award, in accordance with 2 C.F.R. 200.344.*

OSB ensured applicants seeking to deploy network facilities were vetted to meet the minimum qualifications for financial and managerial capacity, technical and operational capability, and other requirements outlined in the 47 U.S.C. § 1702(g)(2)(A), the BEAD NOFO, Maryland's BEAD approved Initial Proposal Volume 2, and supplementary NTIA guidance.

Further, OSB required that all applicants submit documentation that outlines their technical and operational capabilities to provide broadband service to any customer within the project area no later than 120 days prior to four years after the date on which the subgrantee executes the contract.

All applicants had to submit a schedule of milestones (Schedule F-1). Applicants also submitted a capital investment schedule (Schedule F-2).

Through subgrantee monitoring and oversight, as outlined in the BEAD Program Monitoring Plan, the Office will track project progress according to the timeline and milestones submitted in the application. The Office will provide technical assistance throughout the period of performance to support the resolution of any delays or barriers to deployment in a timely manner. Through active subgrantee monitoring and frequent engagement with Subgrantees, OSB will ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the Eligible Entity's period of performance, in accordance with 2 C.F.R. 200.344.

# Oversight and Accountability Processes (Requirement 4)

## Waste, Fraud, and Abuse Hotline

*Does the Eligible Entity have a public waste, fraud, and abuse hotline, and a plan to publicize the contact information for this hotline?*

Individuals can report waste, fraud, or abuse, by email to OSB directly at osb.bead@maryland.gov.

At the time of its Final Proposal submission, OSB's website included a 'Report State Government Fraud' link on the bottom of the page, linking to the Office of Legislative Audits website where individuals can report fraud. The fraud hotline information can be found at https://ola.maryland.gov/fraud/ola-fraud-hotline/.

## BEAD Monitoring Plan and Policies

Upload the following two required documents:

*(1) BEAD program monitoring plan;*

*(2) Agency policy documentation which includes the following practices:*

> *(a) Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize) or on a basis determined by the terms and conditions of a fixed amount subaward agreement;*

> *(b) Timely subgrantee (to Eligible Entity) reporting mandates.*

The subgrantees will receive funds based on a fixed amount subaward agreement. The program monitoring plan is described in the subgrantee agreement which can be found at https://dhcd.maryland.gov/Broadband/Documents/State-Plans/BEAD/Draft-Subgrantee-Agreement.pdf.

## Certification for Subgrant Agreements

*Certify that the subgrant agreements will include, at a minimum, the following conditions:*

> *a. Compliance with Section VII.E of the BEAD NOFO, as modified by the BEAD Restructuring Policy Notice, including timely subgrantee reporting mandates, including at least*

*semiannual reporting, for the duration of the subgrant to track the effectiveness of the use of funds provided;*

b. *Compliance with obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions;*

c. *Compliance with all relevant obligations in the Eligible Entity's approved Initial and Final Proposals, including the BEAD General Terms and Conditions and the Specific Award Conditions incorporated into the Eligible Entity's BEAD award;*

d. *Subgrantee accountability practices that include distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis;*

e. *Subgrantee accountability practices that include the use of clawback provisions between the Eligible Entity and any subgrantee (i.e., provisions allowing recoupment of funds previously disbursed);*

f. *Mandate for subgrantees to publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) and/or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud, or abuse in the Program. This includes an acknowledge of the responsibility to produce copies of materials used for such purposes upon request of the Federal Program Officer; and*

g. *Mechanisms to provide effective oversight, such as subgrantee accountability procedures and practices in use during subgrantee performance, financial management, compliance, and program performance at regular intervals to ensure that subgrantee performance is consistently assessed and tracked over time.*

Yes.

# Local Coordination (Requirement 5)

*Describe the public comment period and provide a high-level summary of the comments received by the Eligible Entity during the public comment period, including how the Eligible Entity addressed the comments.*

As required by NTIA, the public comment period for Maryland's Final Proposal will last no less than seven days. The public comment period starts August 25, 2025, and will last through September 1, 2025. All stakeholders, including political subdivisions, are afforded an opportunity to submit comments by email during this period.

# Challenge Process Results (Requirement 6)

## Successful Completion and Approval of Challenge Process

*Certify that the Eligible Entity has successfully completed the BEAD Challenge Process and received approval of the results from NTIA.*

OSB certifies that it successfully completed the BEAD Challenge Process on November 10, 2024, and received approval of the results by NTIA on January 14, 2025.

# Unserved and Underserved Locations (Requirement 7)

## Certification of Broadband Service Coverage of Unserved Locations

*Certify whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).*

Yes. OSB certifies that it will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified by OSB"s NTIA-approved final list of eligible locations and required under 47 U.S.C. § 1702(h)(2). OSB certifies that there is, for every unserved location, either a BEAD project or an appropriate reason code for not serving a location through a BEAD project.

## Coverage of Unserved Locations Determination

*If the Eligible Entity does not serve an unserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonably excessive, explain and include a strong showing of how the Eligible Entity made that determination.*

Not applicable.

## Coverage of Unserved Locations Documentation

*If applicable to support the Eligible Entity's response to Question 7.2, provide relevant files supporting the Eligible Entity's determination.*

Not applicable.

## Certification of Broadband Service Coverage of Underserved Locations

*Certify whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).*

Yes. OSB certifies that it will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified by OSB's NTIA-approved final list of eligible locations and required under 47 U.S.C. § 1702(h)(2). OSB certifies that there is, for every underserved location,

either a BEAD project or an appropriate reason code for not serving a location through a BEAD project.

## Coverage of Underserved Locations Determination

*If the Eligible Entity does not serve an underserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonably excessive, explain and include a strong showing of how the Eligible Entity made that determination.*

Not applicable.

Coverage of Underserved Locations Documentation

*If applicable to support the Eligible Entity's response to Question 7.5 (Coverage of Underserved Locations Determination), provide relevant files supporting the Eligible Entity's determination.*

Not applicable.

## Certification of Documentation of Unserved or Underserved Locations

*Certify that the Eligible Entity has utilized the provided reason codes to investigate and account for locations that do not require BEAD funding, that the Eligible Entity will utilize reason codes 1, 2, and 3 for the entire period of performance, and that the Eligible Entity will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project. The documentation for each location must be relevant for the specific reason indicated by the Eligible Entity in the fp_no_BEAD_locations.csv file. The Eligible Entity shall provide the documentation for any such location for NTIA review, as requested during Final Proposal review or after the Final Proposal has been approved.*

Yes. OSB certifies that it has utilized the provided reason codes to investigate and account for locations that do not require BEAD funding, that OSB will utilize the reason codes 1, 2, and 3 for the entire period of performance, and that OSB will maintain documentation, following the guidelines provided by NTIA, to justify its determination that there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project. Unserved and underserved locations that will not be served through a BEAD project are noted in the `fp_no_BEAD_locations.csv` file.

## Certification of Coverage of Underserved Locations

*Certify the Eligible Entity has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable*

*commitments that the Eligible Entity was notified of and did not object to, and/or federally- funded awards for which the Eligible Entity has discretion over where they are spent (e.g., regional commission funding or Capital Projects Fund/State and Local Fiscal Recovery Funds), in its list of proposed projects.*

Yes. OSB certifies that it has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable commitments that OSB was notified of and did not object to, and/or federally funded awards for which OSB has discretion over where they are spent, in its list of proposed projects.

# Cost and Barrier Reduction, Compliance with Labor Laws, Low-Cost Plans, and Network Reliability and Resilience (Requirement 11)

## Reducing Costs and Barriers to Deployment

*Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment.*

OSB's implementation plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment are in progress.

Since NTIA's approval of Maryland's Initial Proposal Volume II (IPv2), OSB has made the following progress on plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment:

- Collaborated with state and local agencies to streamline permitting processes.

- Worked with local communities and utilities to promote access to poles, conduits, and limited access rights-of-way for last-mile broadband providers.

- Promoted lower-cost construction techniques like microtrenching, aerial fiber in rural areas, and prefabricated fiber huts to reduce material and labor costs.

## Compliance with Federal Labor and Employment Laws

*Affirm that the Eligible Entity required subgrantees to certify compliance with existing federal labor and employment laws.*

OSB hereby affirms that subgrantees were required to certify compliance with existing federal labor and employment laws.

*If the Eligible Entity does not affirm that subgrantees were required to certify compliance with federal labor and employment laws, explain why the Eligible Entity was unable to do so.*

Not applicable.

## Certification of Low-Cost Broadband Service Option

*Certify that all subgrantees selected by the Eligible Entity will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period.*

Yes. OSB certifies that all subgrantees selected will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period. (The federal interest period for BEAD-funded broadband infrastructure projects is ten years after the year in which the relevant subgrant has been closed out in accordance with 2 C.F.R. § 200.334.)

## Low-Cost Broadband Service Option

*If the Eligible Entity does not certify that all subgrantees selected by the Eligible Entity will be required to offer a low-cost broadband service option for the duration of the 10-year Federal interest period, explain why the Eligible Entity was unable to do so.*

Not applicable.

## Certification of Reliability and Resilience of BEAD-funded Networks

*Certify that all subgrantees have planned for the reliability and resilience of BEAD-funded networks.*

Yes. OSB certifies that ensuring the reliability and resilience of BEAD-funded broadband infrastructure was a key consideration when selecting subgrantees.

## Reliability and Resilience of BEAD-funded Networks

*If the Eligible Entity does not certify that subgrantees have ensured planned for the reliability and resilience of BEAD-funded networks in their network designs, explain why the Eligible Entity was unable to do so.*

Not applicable.

# Substantiation of Priority Broadband Projects (Requirement 12)

## Deployment of Priority Broadband Projects

*Describe how the Eligible Entity applied the definition of Priority Project as defined in the Infrastructure Act and the BEAD Restructuring Policy Notice.*

From the BEAD Restructuring Policy Notice (RPN), Section 3.1: "IIJA requires Eligible Entities to prioritize funding for "priority broadband projects." The statute defines a priority broadband project as one designed to: (i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and (ii) ensure that the network built by the project can easily scale speeds over time to meet the evolving connectivity needs of households and businesses; and support the deployment of 5G, successor wireless technologies, and other advanced services."

The RPN then defines:  The term "Priority Broadband Project" means a project that provides broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services."

We evaluated all proposed technologies claiming to be priority broadband projects considering these definitions, applied to the specific conditions prevalent in the areas with unserved and underserved locations in Maryland. We apply these tests holistically, based on a preponderance of evidence. Networks proposing fiber, hybrid fiber and hybrid fiber-coax, and low-earth orbit satellites designated their networks as meeting the requirements.

Applicants were required to provide supporting documentation sufficient for OSB to assess the network application and determine that the proposed network architecture for each specific project area meets this standard. Each applicant was asked a standard set of questions about the capabilities of their network technology; some questions were independent of the underlying technology, others addressed issues specific to the technology, such as spectrum availability or PON split ratios.

In each case, we asked applicants to describe current capabilities, i.e., those being deployed as of July 2025, as well as the capabilities that will be deployed for any funded BEAD projects within the build-out period, if different. For performance metrics, we asked applicants to cite the source of information, e.g., third-party evaluations, manufacturer data, or measurements conducted inhouse. If technologies are to be deployed that are not currently commercially available, applicants were asked to describe how the applicant arrived at the description of the

capabilities, e.g., measurements of lab prototypes or manufacturer assurances. If appropriate, applicants were to indicate any related technology maturity risks, e.g., if you rely on claims of future capabilities by manufacturers or on technology, spectrum, or infrastructure that requires regulatory approval that has not been granted yet.

To assess scalability, we used the capacity of 12 Mbps per subscriber as an indicator, reflecting the likely growth of network needs during the federal interest period. We considered available spectrum, network and satellite capacity, including for the ground-to-orbit link, including the capacity needs of existing non-BEAD locations already served by the provider.

We considered the needs of "advanced services" called out in the statutory definition. The FCC defines advanced services in 47 CFR 51.5: "The term "advanced services" is defined as high speed, switched, broadband, wireline telecommunications capability that enables users to originate and receive high-quality voice, data, graphics or video telecommunications using any technology. " Voice and video include voice-over-IP and video conferencing applications such as Microsoft Teams and Zoom. While these services work well with 100 Mbps download and 20 Mbps upload speeds, they differ from other video services, such as streaming video, in requiring consistent, uninterrupted connectivity since content cannot be buffered without interfering with interactive communications. Thus, voice and video applications require reliable, uninterrupted connectivity. Even short and infrequent disruptions of packet delivery reduce the quality of experience for such applications.

Broadband technologies relying on a last-mile wireless connection, such as fixed wireless and low-earth orbit satellites, can suffer from temporary loss of connectivity if the line of sight to the satellites or radio base station is disrupted. In Maryland, such disruptions are likely to occur due to both forest canopy and steep slopes. Many of the BEAD-eligible locations are located on heavily forested, rugged parcels. For example, the USDA data shows that Allegany County has a tree cover of 69%, Harford County 66%, and Caroline County 62%. Common trees in western Maryland include white oak trees, which reach a height of 60 to 100 feet. With such tree canopies, even dish antennas placed on roofs are likely to fall short of the 110-degree sky view recommended for reliable service.

Unserved and underserved locations are often found in rugged terrain, perched on steep slopes between hill tops and river valleys. For example, Allegany County has a relief, i.e., difference between lowest and highest point, of 2,475 feet. Garrett County and Washington County show reliefs of 2,400 and 1,800 feet, respectively.

We interpreted the statutory language of "supporting the deployment of 5G" as offering dedicated backhaul and fronthaul for 5G services and consulted with an expert on cellular infrastructure what kind of backhaul requirements are customary for locations in Maryland or states with similar demand profiles. We noted that support of low-latency applications, including using the 5G-specific Ultra Reliable and Low Latency Communications (URLLC) service, is a key attribute that distinguishes 5G and successor wireless technologies from earlier generations such as 4G LTE. We do not assume that macro or small cells would use standard consumer- or

business-grade service to support the needs of 5G services; rather, the same network should be able to offer such connectivity as an add-on service. We asked providers seeking priority broadband project treatment whether their service is being used to supply backhaul to 5G cell sites in topographies and population densities similar to those in Maryland.

# Subgrantee Selection Certification (Requirement 13)

## Subgrantee Scoring Criteria

*Provide a narrative summary of how the Eligible Entity applied the BEAD Restructuring Policy Notice's scoring criteria to each competitive project application and describe the weight assigned to each Secondary Criteria by the Eligible Entity. Scoring criteria must be applied consistent with the prioritization framework laid out in Section 3.4 of the BEAD Restructuring Policy Notice.*

OSB followed the scoring guidelines in Section 3.4 of the BEAD Restructuring NOFO. The rules spelled out in the Maryland NOFO provided additional details that ensure that OSB can "select the combination of project proposals with the lowest overall cost to the Program," and that all eligible BSLs and CAIs receive qualifying service, and that proposals can be compared fairly.

Following NTIA guidelines, the selection will aim to identify the combination of proposals for each project area that maximizes the overall weighted score. In each case, any project within 15% of the lowest-cost project is scored based on the secondary criteria. For partial projects, we consider the weighted secondary score. (For example, if there are two choices, namely a combination of proposals A and B, or a single proposal C, where the secondary scores are ranked A, followed by C and then B, OSB will consider the location-weighted score to choose between the two options.)

If a project area received multiple applications, the following steps were followed:

1. If a project area received multiple partial projects labeled as priority projects, OSB combined the project proposals for scoring purposes only so that all locations and CAIs within the project are covered. OSB then computed a per-location cost to the Program by dividing the total cost by the number of locations. We call this collection of proposals a "combined project."
2. If only a combination of priority and non-priority projects can cover a project area, OSB created the highest-scoring combination of all proposals that maximizes the fraction of locations covered by priority projects.
3. If a project area exceeded the extremely high cost per location threshold (EHCPLT), OSB considered non-priority projects. OSB then compared the set of complete and combined projects and chose the option incurring the lowest cost to the Program.
4. OSB then compared the set of complete and combined projects and chose the option incurring the lowest cost to the Program.

OSB only used the secondary criteria "Speed of network and other technical capabilities." All criteria applied to both priority and non-priority proposals. Priority proposals thus always scored at least 10 points for download speed, for example.

| Criteria | Requirement | Points |
|---|---|---|
| **Download speed** (BDC, ≤ 25 pts.) | ≥ 150 Mbps | 5 |
| | ≥ 250 Mbps | 5 |
| | ≥ 500 Mbps | 5 |
| | ≥ 1000 Mbps | 5 |
| | ≥ 2000 Mbps | 5 |
| **Upload speed** (BDC, ≤ 24 pts.) | ≥ 25 Mbps | 4 |
| | ≥ 50 Mbps | 4 |
| | ≥ 100 Mbps | 4 |
| | ≥ 250 Mbps | 4 |
| | ≥ 500 Mbps | 4 |
| | ≥ 1000 Mbps | 4 |
| **Latency** (measured, ≤ 20 pts.) | < 80 ms | 5 |
| | < 40 ms | 5 |
| | < 20 ms | 5 |
| | < 10 ms | 5 |
| **Resiliency** (≤ 31 pts.) | Power backup for 8 hours | 7 |
| | Power backup for 24 hours | 8 |
| | Buried fiber or coax | 16 |

Scores are added for each threshold or condition met. For example, a network with a download speed of 500 Mbps scores 15 points since it satisfies the first three conditions at 5 points each.

Networks with performance between the break points received fractional credit. Where networks extended existing infrastructure, we relied on BDC data to validate performance claims. Resiliency was scored by network locations. For example, if 80% of fiber miles rely on buried fiber, the applicant received 80% of the maximum score.

We only received two applications for one project area that met the 15% criterion.

# Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

*Submit a document which includes the following:*

- *Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.*
- *Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.*
- *Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at [https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements](https://www.firstnet.gov/network/environmental-compliance/projects/regional-programmatic-environmental-impact-statements)*
- *Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.*
- *Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.*

OSB will comply with all EHP requirements under NEPA (42 U.S.C. 4331 et seq.) for all BEAD-funded projects. We will use NTIA's ESAPTT to:

- Create project records for each subgrantee project;
- Evaluate Categorical Exclusions (CATEX) applicability;
- Document the presence or absence of Extraordinary Circumstances; and
- Transmit all environmental information and draft documents to NTIA for review and approval.

As a joint lead agency under 42 U.S.C. 4336a, OSB will prepare or supervise the preparation of all required environmental analyses, including any Environmental Assessments (EAs) or Environmental Impact Statements (EISs), in coordination with NTIA.

OSB has reviewed the FirstNet Regional Programmatic Environmental Impact Statement for the Mid-Atlantic region and determined that most anticipated broadband deployment activities (e.g., aerial fiber deployment, trenching in rights-of-way) are covered by the PEIS. Projects falling outside the PEIS scope will undergo site-specific NEPA review before funding approval.

No BEAD funds will be disbursed for construction until EHP clearance is complete. OSB will impose specific award conditions requiring subgrantees to:

1. Submit all environmental documentation;

2. Delay ground-disturbing activities until NTIA NEPA approval; and

3. Retain compliance records for audit and monitoring.

# Consent from Tribal Entities (Requirement 15)

## Documentation of Consent from Tribal Entities

*Upload a Resolution of Consent from each Tribal Government (in PDF format) from which consent was obtained to deploy broadband on its Tribal Land. The Resolution(s) of Consent submitted by the Eligible Entity should include appropriate signatories and relevant context on the planned (f)(1) broadband deployment including the timeframe of the agreement. The Eligible Entity must include the name of the Resolution of Consent PDF in the Deployment Projects CSV file.*

There are no federally recognized tribal lands in Maryland.

# Prohibition on Excluding Provider Types (Requirement 16)

## Certification of Exclusion of Provider Types

*Does the Eligible Entity certify that it did not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for a BEAD subgrant, consistent with the requirement at 47 U.S.C. § 1702(h)(1)(A)(iii)?*

Yes. OSB hereby certifies that it did not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for a BEAD subgrant, consistent with the requirement at 47 U.S.C. § 1702(h)(1)(A)(iii).

# Waivers

*If any waivers are in process and/or approved as part of the BEAD Initial Proposal or at any point prior to the submission of the Final Proposal, list the applicable requirement(s) addressed by the waiver(s) and date(s) of submission. Changes to conform to the BEAD Restructuring Policy Notice should be excluded. If not applicable to the Eligible Entity, note 'Not applicable.'*

Not applicable.

*If not already submitted to NTIA, and the Eligible Entity needs to request a waiver for a BEAD program requirement, upload a completed Waiver Request Form here. If documentation is already in process or has been approved by NTIA, the Eligible Entity does NOT have to upload waiver documentation again.*

Not applicable.