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BEAD Initial Proposal Volume 2



Public Service Commission
of WISCONSIN



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Introduction

Administered by the National Telecommunications and Information Administration (NTIA), the Broadband Equity, Access, and Deployment (BEAD) program will provide \$1,055,823,573.71 in funding to the State of Wisconsin to expand high-speed internet access by funding planning, infrastructure deployment and adoption programs, including \$5 million already allocated for BEAD planning.

Following the first stage of BEAD planning, the Wisconsin Broadband Office (WBO) submitted its BEAD Five-Year Action Plan to NTIA. The plan details the current state of internet access, adoption, and affordability in Wisconsin. The plan specifically identifies key needs and gaps related to broadband and provides a roadmap for Wisconsin to achieve universal broadband service by 2030. The [BEAD Five-Year Action Plan](#) is enmeshed within the Initial Proposal, and clearly reflected in the applicable BEAD Initial Proposal requirements.

The BEAD Initial Proposal is comprised of two volumes and describes the proposed details and mechanics of Wisconsin's forthcoming BEAD competitive grant program. The Initial Proposal Volume 1 includes 4 of the 20 requirements within the Initial Proposal, including the design of the state challenge process that will determine the locations that are eligible for BEAD funding in Wisconsin's forthcoming BEAD competitive grant round.

Volume 2 details the proposed mechanics of the deployment subgrantee selection process for Wisconsin's forthcoming BEAD competitive grant process and provides comprehensive detail and plans for the other requirements of Volume 2.

Per the Notice of Funding Opportunity (NOFO), the WBO has drafted this Volume 2 to meet the following requirements of the BEAD Initial Proposal:

- Requirement 1 Objectives
- Requirement 2: Local, Tribal, Regional and Broadband Planning
- Requirement 4: Local Coordination
- Requirement 8: Deployment Subgrantee Selection
- Requirement 9: Non-deployment Subgrantee Selection
- Requirement 10: Eligible Entity Implementation Activities
- Requirement 11: Labor Standards and Protections
- Requirement 12: Workforce Readiness
- Requirement 13: Minority Business Enterprises / Woman / Labor Surplus Firm
- Requirement 14: Cost and Barrier Reduction
- Requirement 15: Climate Assessment
- Requirement 16: Low-Cost Broadband Service Option
- Requirement 17: Use of 20 Percent of Funding
- Requirement 18: Eligible Entity Regulatory Approach
- Requirement 19: Certification of Compliance with BEAD Requirement
- Requirement 20: Middle Class Affordability



Following a 30-day public comment period and review and consideration of received comments by the Commission, the WBO will submit this Volume 2 to NTIA and then work with NTIA to gain final approval.

The Commission retains jurisdiction over the interpretation and administration of all terms, conditions, and processes established within the Initial Proposal and supporting documentation.

If additional waivers or guidance related to the BEAD program are released by the U.S. Department of Commerce, including NTIA, the Commission reserves the right to modify the Initial Proposal as necessary to comply with the guidance and/or improve processes and ease implementation of the BEAD program.

In exercising its jurisdiction, the Commission intends that all decisions will be made consistent with the vision of the Wisconsin Broadband Office: that all Wisconsinites have access to affordable, reliable high-speed internet and the capacity to fully participate in digital society, and to effectuate the overarching goal of the BEAD program to provide Internet for All.

Requirement 1: Objectives

2.1.1 Text Box: Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans. Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

Goal:

Achieve the highest possible level of broadband deployment and adoption.

Objectives:

- Connect all Wisconsin homes and businesses to broadband with speeds of at least 100 Mbps download and 20 Mbps upload service by 2030.
- Connect Community Anchor Institutions (CAI) to one Gig symmetrical service.
- Add or improve broadband service for at least 1 million people in the state by 2030.
- Design and implement a BEAD program that invests in affordable, reliable broadband infrastructure with community support and that will best achieve the State's goals.
- Increase the number of subscribers to broadband.
- Prioritize locations in the state with the most need for broadband service.

Goal:

Deliver sustained, long-term impact on broadband access and digital opportunity for all Wisconsin residents

Objectives:

- Secure Wisconsin's future by encouraging the use of federal dollars on forward thinking and future proof solutions.
- Fiber should be prioritized.
- Where practicable, place a priority on reaching speeds beyond 100 Mbps download and 20 Mbps upload, including reaching speeds of 100/100 Mbps, 1000/1000 Mbps, and more.
- Plan, coordinate, and capitalize on the increasing federal funding dollars available, including those through the Bipartisan Infrastructure Law (BIL) such as the BEAD Program and Digital Equity (DE) Programs.
- Braid federal funds with other funding sources such as local, state, private, philanthropic, and other federal to increase impact and sustainability.
- Broadband and digital equity investments have community support.

Goal:

Increase the affordability and reliability of broadband service in Wisconsin.

Objectives:

- Promote the Affordable Connectivity Program (ACP) and other related resources for broadband affordability and adoption to increase adoption in Wisconsin.
- Decrease the number of underconnected households and households without adequate broadband.

- Invest resources in promoting adoption and digital literacy, scaling programs and community efforts that are working and initiating new efforts where most needed.
- Households with income below 200% of the federal poverty level have access to fixed, home broadband at a cost of less than \$30 per month.
- Increase outreach and engagement with underserved populations such as aging individuals, incarcerated individuals, veterans, individuals with disabilities, individuals with a language barrier, individuals who are members of racial or ethnic minority groups, and individuals who primarily reside in rural areas to ensure all Wisconsin residents can make full use of the internet and that residents have voice in program design and evaluation.
- Internet access is reliable, and networks are resilient and secure.
- Internet access is consistently available and designed to sustain through disasters and threats.

Goal:

Ensure a sufficient and trained broadband workforce for internet service providers (ISPs), contractors, and subcontractors to construct, operate and maintain current and new broadband infrastructure.

Objectives:

- Support and include in the planning organizations such as workforce development boards, economic development, labor groups and unions, contractors, high schools, higher education and technical colleges, and State agencies.
- Ensure that these organizations are being connected with ISPs and telecommunications associations to increase awareness and create a sustainable and viable pipeline of talent.
- Support equitable training and workforce development initiatives to create and retain both local and regional telecommunications workforce.
- Provide critical pathways for improving geographical, cultural, and economic diversity to the telecommunications workforce.

Requirement 2: Local, Tribal, and Regional Broadband Planning Coordination

2.2.1

2.2.1 Text Box: Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

a. Stakeholder Engagement

The WBO has a number of long-standing stakeholder groups it facilitates and regularly engages for collaboration to inform broadband planning efforts. With the arrival of BEAD and the DE Programs, these groups have pivoted their focus and efforts to this historic opportunity and are actively informing the WBO's planning efforts.

The WBO convenes the Wisconsin Broadband Stakeholders Group, which is comprised of industry representatives, local and state officials, labor organizations and state agency staff. The group has been meeting since 2018 to share information, challenges and ideas about the expansion of broadband in Wisconsin.

The Governor's Task Force on Broadband Access (Task Force) was established by Governor Tony Evers in 2020 via [Executive Order 80](#) and he appoints its members. The Task Force is charged to "Advise the Governor and Wisconsin State Legislature on broadband actions and policy, including strategies for successfully expanding high speed internet access to every residence, business, and institution in the state; initiatives for digital inclusion; and pathways to unlocking and optimizing the benefits of statewide, affordable access to broadband for all communities in Wisconsin."

The Task Force is a key group of diverse stakeholders that help to inform broadband and digital equity planning at the Commission. In 2023, the Task Force aligned their discussions and preparation with Internet for All programs to ensure successful planning and implementation of both BEAD and DE programs. The [2023 Task Force Report](#) looked to the federal funding opportunities on the horizon and made some key recommendations, that have been integrated and aligned with this BEAD Five-year plan. The WBO will continue to rely on this diverse group of stakeholders through the BEAD planning and implementation process, engaging through monthly public meetings.

The WBO partners with UW Extension, the Department of Public Instruction (DPI), and with other interagency groups, to engage and provide support to all populations in the state. Collaborative outreach and engagement with these partners – including the county and Tribal survey, webinars, the Internet for All Listening Wisconsin Tour, and direct outreach to covered populations identified in the DE Act - substantially informed the BEAD Five-Year Plan and the

Wisconsin's DE Plan. These partnerships and engagement efforts are ongoing, with collaboration picking up pace to ensure community understanding and engagement with the BEAD program, and encourage communication and engagement from local governments, providers, and relevant organizations.

The WBO regularly engages industry groups and local providers regarding broadband programs and funding opportunities and has been proactively communicating updates and progress regarding the development of Wisconsin's BEAD program. Throughout this process we've provided opportunities for feedback and maintain open channels of communication with our state's provider community. The WBO's broadband grant program, established in 2014, has fostered many of these ongoing important channels of communication, and the WBO intends to continue actively engaging providers, providing support and guidance to ensure a successful BEAD program.

The WBO DE Outreach Team and the DE Outreach Planning Grant awardees actively engage underrepresented groups and covered populations in the state to understand the evolving barriers and needs of Wisconsin's diverse population. The Outreach team has met with over 184 individuals and groups across all covered populations to better understand their needs and barriers that have deepened our understanding of quantitative data analysis across the key metrics of access, affordability, and adoption. DE Outreach Planning Grant awardees are groups embedded in their communities working directly with underrepresented groups, who are integrating outreach efforts into their existing activities to inform the BEAD Five-Year plan, the DE Plan, and planning going forward. These efforts have created an important foundation for trusted engagement that the WBO intends to continue through the BEAD planning process and into implementation.

Staff have worked proactively with the Commission Tribal liaison to ensure timely and respectful outreach to Wisconsin's Tribal Nations regarding the BEAD and DE programs and the state's planning process. The State has a working relationship Wisconsin's 11 federally recognized Tribes and has engaged with Tribal Nations through formal consultation hosted through the Great Lakes Inter-Tribal Council (see Appendix I for summary of the consultation). The WBO in collaboration with partner UW Extension has engaged five federally recognized Tribes through the BEAD Local Planning grant program and will continue to work closely with these Tribes to both provide resources and technical support regarding BEAD, and to incorporate their planned efforts and vision into our BEAD coordination.

Across all stakeholder engagement functions, WBO has leveraged its long-time relationships within the Wisconsin broadband ecosystem and sought to expand its reach to a broader set of individuals and organizations impacted by lack of broadband. Efforts related to technical assistance, location coordination, workforce planning, and digital equity outreach will continue into the implementation phase of BEAD.

b. Existing Broadband Planning Efforts

The WBO maintains a host of resources to support local units of government, providers, and other broadband stakeholders in the pursuit of internet for all. Resources include



regular webinars, attendance and presentations at local and regional events, toolkits, and other planning resources.

BEAD Technical Assistance Team

The BEAD Technical Assistance Team serves as the primary implementor of statewide technical assistance efforts to regions and local units of government related to broadband deployment under the BEAD Program. The Team consists of individuals from the WBO, UW Extension, and Wisconsin Economic Development Corporation's Office of Rural Prosperity. The BEAD Technical Assistance Team meets several times per month to plan and provide technical assistance to communities, regional economic development organizations, and other local partners as it relates to implementation of BEAD and DE.

Throughout 2022 and 2023, the Team has developed and distributed a comprehensive survey related to broadband planning and digital equity to all counties and Tribes in Wisconsin, hosted regular public webinars and events to educate the public and stakeholders about BEAD funding and implementation, helped develop, deploy, and implement BEAD Local Planning Grant efforts, developed and provided planning materials including community engagement guides and broadband planning toolkits, and hosted workshops for local leaders to learn about planning and deployment of broadband infrastructure. Further, the Technical Assistance Team serves as a direct resource for one-on-one consultation with local partners in planning and deployment efforts.

Broadband Forward! and Telecommuter Forward! Programs

Created by 2015 Wisconsin Act 278, [Broadband Forward!](#) is a voluntary program for local units of government (city, village, town, or county) to signal that the political subdivision has taken steps to reduce obstacles to broadband infrastructure investment. [Telecommuter Forward!](#) was created by 2017 Wisconsin Act 342 and is a voluntary program for local units of government (city, village, town, or county) to signal that the political subdivision supports and commits to promote the availability of telecommuting options.

These programs provide local units of government the opportunity to streamline administrative procedures by appointing a single point of contact for all matters relating to a broadband deployment and telecommuting opportunities. Certification in each program allows communities to demonstrate willingness to support broadband deployment and telecommuting jobs. As of July 25, 2023, 83 units of government are Broadband Forward! certified and 74 units of government are Telecommuter Forward! certified in Wisconsin.

BEAD Local Planning Grant Program

As a [subgrant of Wisconsin's](#) \$5 million in BEAD planning funds, \$1.5 million in funding was awarded to counties, federally recognized Tribes, and Regional Economic Development Organizations to generate locally informed analysis of broadband needs and develop each

community's vision for broadband development to feed into the WBO's statewide broadband planning. Planning subgrantees work collaboratively within communities and with ISP partners to develop goals and a vision for broadband deployment, identify gaps and barriers, and plan project areas for BEAD deployment.

Local Planning Grantees will have the capacity, vision, and expertise to support deployment of BEAD implementation funding. Communities will have a vision, completed a needs assessment, collected data and conducted outreach to ensure a robust, accountable, inclusive and locally informed deployment of BEAD funding. Surveys, data collection, interviews, needs assessments, and other project deliverables will inform the BEAD Five-Year Action Plan, State DE Plan, and BEAD Initial Proposal.

BEAD Workforce Planning Grant Program

As a [subgrant of Wisconsin's](#) \$5 million in BEAD planning funds, \$100,000 in funding was awarded through a competitive grant to two non-profit, workforce-oriented organizations to plan workforce development strategies, convene workforce stakeholders, and assess Wisconsin's workforce readiness related to the coming federal broadband infrastructure funds.

Grant recipient activities will support planning of workforce development strategies, mapping Wisconsin broadband workforce assets, diverse stakeholder engagement in the workforce ecosystem, and studying of policy and funding models to develop recommendations for workforce readiness in anticipation for BEAD implementation. Workforce planning grantees inform development of the Five-Year Action Plan and Initial Proposal to ensure all Wisconsinites have a pathway to career opportunities in broadband.

PSC Broadband Planning Map

[The Wisconsin Broadband Planning Map](#), Beta version released in May 2023, and full version released in October 2023 depicts statewide internet access as declared by ISPs through the FCC Broadband Data Collection. This tool also shows connectivity summaries by geography and areas where broadband expansion funding has already been committed. Summary map layers from internet speed tests are also available.

Wisconsin Internet Self-Report (WISER)

[WISER](#) is an internet survey and speed test that is being used to advise Wisconsin's broadband planning efforts, including further informing actual speeds experienced by users. WISER will serve as a long-standing tool to track broadband service over time. In August of 2023, the Commission in conjunction with BCG, [led a campaign to increase WISER survey responses](#), with over 10,000 survey responses from across the state received to date. The Commission has also partnered with communities to make locally focused surveys using WISER as a guide and will continue this effort. This information is helping shape the state's internet planning efforts as we continue to prepare for BEAD funding and connecting all of Wisconsin.

c. Stakeholder Engagement Meetings and Events

Requirement 4: Local Coordination

2.3.1

2.3.1 Text Box: Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

WBO staff conducted significant stakeholder engagement throughout late 2022 and 2023. WBO staff leveraged existing partnerships and developed new partnerships to conduct outreach statewide. The Commission has an existing relationship with Wisconsin's 11 federally recognized tribes, and has engaged with Tribal nations through formal consultation hosted through the Great Lakes Inter-Tribal Council. WBO conducted outreach meetings statewide, with a significant geographic reach.

WBO staff used the PSC website, including a [specific webpage for Internet for All](#), social media and a monthly [E-newsletter](#) to inform the public of these local coordination efforts. WBO will continue to conduct outreach meetings throughout the development of its BEAD Final Proposal. WBO and the Commission will continue to use all its available communication channels to inform the public about the opportunities for feedback and participation.

Geographic Coverage

WBO focused on geographic coverage when designing the [Internet for All Wisconsin Listening Tour](#). The listening tour included 9 in-person and 2 virtual events. The tour included stops in every regional economic development organization area in the state.

In addition to the listening tour, WBO held outreach meetings with industry representatives, technical colleges, labor unions and non-profits, among others. These meetings also occurred statewide. WBO participated in a Tribal Consultation hosted by the Great Lakes Inter-Tribal Council, and 8 of Wisconsin's 11 federally recognized tribes were present at the meeting.

Engagement and Outreach to Diverse Stakeholder Groups

WBO deliberately engaged in outreach to diverse stakeholder groups in order to inform the Initial Proposal. WBO met with industry representatives, including the Wisconsin Cable Communication Association, the Wisconsin State Telecommunication Association, WISPA, and many individual providers. WBO met with workforce development boards and technical colleges in order to start workforce conversations. WBO met with non-profits such as Urban Leagues and Community Action Coalitions. Finally, WBO met with Communication Workers of America, LiUNA Wisconsin Laborers, and International Brotherhood of Electrical Workers to ensure engagement with labor interests.

Multiple Awareness Mechanisms

WBO used many awareness mechanisms to ensure maximum local coordination and stakeholder engagement. WBO used the PSC website to provide information about the Internet for All Wisconsin listening tour, and to solicit feedback on the BEAD documents available for public comment. WBO used its existing e-newsletter to promote participation in the listening sessions and request public comment on the BEAD documents. WBO uses press releases and social media accounts, including Facebook and LinkedIn to promote public participation. WBO conducted numerous outreach meetings in addition to the formal Internet for All Wisconsin Listening Tour. WBO contracted with University of Wisconsin Madison -UW Extension and the Office of Rural Prosperity to provide ongoing technical assistance for Counties, Tribes and Regional Economic Development organizations to learn about and participate in BEAD.

The Commission issued the following press releases related to Internet for All:

10/17/2022: PSC, NTIA to Host “Internet for All: Connecting Wisconsin Kick-Off”

10/28/2022: PSC, NTIA to Host “Internet for All: Connecting Wisconsin Kick-Off”

12/15/2022: Badger the FCC: PSC Encourages Wisconsinites to Check and Challenge FCC Broadband Map

1/30/2023: PSC Now Accepting Applications for “Internet for All” Planning Grants

4/7/2023: PSC Awards “Internet for All” Planning Grants

4/28/2023: Gov. Evers, PSC Announce Internet for All Listening Tour

5/11/2023: PSC Encourages Wisconsinites to Register for Internet for All Wisconsin Listening Tour

6/28/2023: PSC Asks Wisconsin Households to Share Internet Experience to Improve Broadband Access and Affordability

9/11/2023: PSC Recognizes “Digital Connectivity and Lifeline Awareness Week”

9/21/2023: PSC Releases Wisconsin Digital Equity Plan for Public Comment

Transparency

The WBO has been transparent through the entire BEAD process. All publicly available BEAD documents are posted to PSC’s website. The WBO regularly sends email updates to its E-newsletter list regarding BEAD planning. Prior to the Internet for All listening sessions, WBO staff made efforts to notify participants that interpretation and translation services were available at listening sessions prior to the events.

The Commission has an Electronic Records Filing (ERF) system to receive, circulate, process, and publish documents electronically. The ERF system is organized by dockets and the docket for the Internet for All programs, BEAD and DE Planning is [5-BP-2023](#). The ERF system posts grant application instructions, submitted grant applications, Commission memos, Commission Orders, requests for comments, data requests and responses, public comments and other relevant documents to the system and makes them available on the website and to the public within one hour during regular business hours. The ERF system provides transparency and makes the activities related to the docket easy and convenient to access. Anyone with an e-mail address can sign up for notifications to receive an e-mail when new documents are filed in a particular docket.

Several key decisions related to the BEAD program are under the purview of the Commissioners. For these key decisions, the Commission must make the decision(s) in an open meeting. The Open meeting must be publicly noticed at least 24 hours in advance and be open to the public to observe. Anyone that has subscribed to a docket will receive a notice that an item pertaining to that docket is on the Commission agenda. Commission meetings are streamed live on YouTube and archived on the Commission [YouTube channel](#).

The Governor’s Task Force on Broadband Access meets monthly and provides advice and expertise that helps to inform broadband and digital equity planning at the Commission. The Task Force has been guiding goals and objectives related to Internet for All. The Governor’s Task Force meetings and agendas are publicly noticed and posted on the [Commission event calendar](#). The meetings are hosted virtually and include a time for public comment. The meeting recordings are available on YouTube and on the [Governor’s Task Force for Broadband Access webpage](#).

The [Digital Equity and Inclusion Stakeholder Group](#) has been meeting since 2021 and is an open convening. The group is comprised of community connectors, state and local leaders, schools, libraries, ISPs, digital inclusion practitioners and other individuals. WBO developed and distributed a comprehensive survey related to broadband planning and digital equity to all counties and Tribes in Wisconsin. WBO engaged with other Wisconsin agencies like Department of Corrections and DPI in order to understand their perspective on broadband and underrepresented communities. Finally, WBO procured a consultant, Boston Consulting Group, to conduct data collection and analysis activities relating to broadband.

2.3.1.1 Attachment: As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

(forthcoming)

2.3.2

2.3.2 Text Box: Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

In January 2023, WBO participated in a formal Tribal consultation to discuss upcoming BEAD and DE planning. The consultation was hosted through the Great Lakes Inter-Tribal Council, Inc. and included representatives from 8 of Wisconsin's 11 federally recognized Tribes. At the consultation, Tribal members shared challenges, details about implementation, and impacts of broadband planning, expansion, and digital equity related issues.

At the consultation, Tribal leaders discussed the need for affordable, comprehensive broadband access. Access to subsidized devices is also important for many Tribal households to make use of the Internet. Many Tribal leaders expressed the value of Internet access for telehealth, language and culture classes, and economic prosperity.

Some Tribal leaders spoke about the importance of Tribal ownership of the broadband facility, while others would consider partnership with ISPs to connect their members. Some Tribal leaders expressed frustration with the quality of broadband maps and data available online. Multiple Tribes expressed concern about the rising costs of construction for grant projects related to workforce issues and supply chain issues.

2.3.2.1 Optional Attachment: As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

See Appendix I for a Tribal consultation summary.

Requirement 8: Deployment Subgrantee Selection

2.4.1 Text Box: Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

Estimated Subgrantee Selection Timeline

The WBO reserves the right to modify or update the estimated timeline to effectuate the goals of the BEAD program, to ensure a fair and transparent process or to comply with current or updates state or federal guidance.

Letter of Intent open for prospective subgrantees: Days 1 – 60

Letter of Intent review process: Days 30 – 90

Round one open to invited applicants: Days 40 – 100

Round one review process and preliminary awards: Days 101 – 130

Round two certain new applications and expand or modify unawarded round one applications: Days 131 – 175

Round two review process and additional preliminary awards: Days 176- 206

Round three negotiate, invite alternative technologies, non-competitive allocation: Days 207 – 285

Determine if funds are available for Round 4 Community Anchor Institutions or other approved non-deployment use of funds: Days 286 – 300

If applicable round 4 open to applicants Days 301- 330

Round 4 determinations: Days 331- 340

Draft Final Proposal to the Commission and then to Final Proposal to NTIA: Days 341 – 365

Letter of Intent

As the first step in participation in the BEAD allocation process, each prospective subgrantee will submit a letter of intent to participate. The Letter of Intent (LOI) will inform the Commission about the capability of prospective participants to comply with BEAD program requirements, including subgrantee qualifications (see Notice of Funding Opportunity Section IV.D). The LOI questions and instructions will be posted publicly on the Commission's website, as well as the appropriate docket for the BEAD program. WBO will conduct outreach with stakeholders, including hosting webinars and publishing information in its newsletter and notifying prior grant recipients.

WBO will establish a checklist and questionnaire as part of the LOI to ensure applicants are meeting the financial, managerial, technical, and operational requirements necessary to successfully implement BEAD projects. WBO reserves the right to adjust the following list and required information as appropriate to effectuate the goals of the BEAD program, meet compliance and reporting requirements, and ensure only credibly qualified applicants participate in the program.

To reduce the burden and complexity for participation in the BEAD program, and thus maximize the participation and resulting competitive allocation of funding, WBO intends to implement a simplified letter of intent for some applicants, depending on the applicant's intended scope of participation in the BEAD program or prior experience with broadband grants. In the following two instances, less detailed responses will be accepted to the furthest extent allowable by NTIA requirements:

- Any applicant that indicates an intent to apply for funding to build a count of locations that does not exceed 5,000.
- Any applicant that has completed and closed at least five Commission-administered broadband grants, or Commission-administered broadband grant projects totaling at least \$1 million in public funds,. For these applicants, less detailed responses will be accepted in response to questions related to their history building and operating broadband networks, and questions related to managerial and operational capacity, given the established and ongoing working relationship of the entity and WBO.

a) Letter of Intent Contents

The checklist will include, but is not limited to, the following criteria:

- Information about the prospective grantee's plans to participate in the program, including an estimated number of locations for which it will compete for funding and the counties/Tribal Land where it will compete for funding, and the technologies it will deploy. To ensure integrity of the allocation process, this information will be filed confidentially. The count of locations submitted will serve as a ceiling to the applicant's participation in the allocation process. Applicants will be allowed a 10% overage of their proposed locations served, after which a waiver from WBO will be required. Counties served will similarly be binding unless a waiver is provided by WBO.
- Commitment to implement a low-cost broadband service option consistent with BEAD requirements (see Requirement 16 of this document). This will include an attestation of understanding of the minimum low-cost broadband plan requirements, but not specific additional or additive information about pricing, eligibility criteria, or other information, which will be submitted as part of the application for funding.
- An attestation and narrative explanation of how the proposed technologies it will deploy meet the speed, performance, and operational requirements of the BEAD program.
- Documentation to meet best practices and requirements for Labor Standards and Practices (see Requirement 11 of this document) and Minority Business Enterprises (Requirement 13). Documentation will include, but is not limited to, demonstration of compliance with existing laws and requirements and the history of the applicant in implementing such practices.
- Documentation demonstrating the financial capability of the prospective grantee to participate in the BEAD program consistent with the size and scope of their anticipated applications. Such documentation may include, but is not limited to, audited financial statements, business plans and related analysis, and other financial documentation as

specified in the BEAD NOFO. Audited financial statements must be from the prior fiscal year and audited by an independent certified public accountant. If the potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by the WBO. Business plans and related analysis may include: project description review; market analysis review; competitive analysis review; risk assessment review; technical and operational plan review; management team review. Required financial documentation will include a Letter of Credit (LOC), or equivalent instrument as specified in NTIA's BEAD Letter of Credit Waiver

(<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>). WBO operates a reimbursement-based grant program and intends to implement incremental reductions in the amount required to be secured by the LOC or performance bond as reimbursements are made. Further, given its reimbursement practices, WBO will implement the lowest allowable percentage required for an LOC or performance bond as specified in section 2.4 of the waiver. In total, WBO intends to implement the LOC requirement in the least stringent manner possible, to the furthest extent allowed by NTIA, to be consistent with the goal of maximizing participation and competition within the subgrantee selection process.

- Documentation demonstrating the managerial capacity of the prospective grantee, which may include resumes for key management personnel, organizational charts, history implementing broadband grant, universal service fund support and other deployment activities, and description of the experience and qualifications of the entity for undertaking BEAD projects. This will include information demonstrating retention of an appropriately skilled and credentialed workforce, including appropriately credentialed engineers or other qualified staff or contractors that will be involved in the deployment of the network.
- Demonstration of operational capacity, including a demonstrated history of operating broadband networks for two years or more, certification of submission of applicable Form 477 or Broadband Data Collection information to the Federal Communications Commission (FCC), and explanation of any unresolved compliance action with the FCC or PSC. Entities without a history of operating broadband networks for two years or longer will be required to submit additional documentation as determined necessary by WBO to ensure operational capability. Questions related to operational capacity will be evaluated in the context of the proposed number of locations an applicant will compete for, as required under bullet one of this list.
- Documentation establishing ownership information and any affiliate or consortium relationships of the prospective grantee consistent with [47 CFR 1.2112\(a\)\(1\)-\(7\)](#).
- Documentation demonstrating the sustainability of the proposed project, which includes pro forma financial statements or associated business plan analyses. The pro forma statements should be inclusive of cash flow and balance sheet projections and should

include at least three years of operating cost and cash flow projections after the targeted completion of broadband deployment project.

- Information regarding compliance with state laws (including Chapter 182 of the Wisconsin Statutes) related to the Diggers Hotline and timely locating any utility facilities prior to construction or planned excavation. This will include information about the provider's practices for ensuring compliance and timely response to such locate requests and their past performance with timely locates and compliance.
- Attestation of compliance with applicable federal, state and local laws and applicable program requirements. This may include a narrative explanation of its past experience complying with such requirements, and documentation of any policies, procedures, processes, systems, or internal controls that currently exist to ensure compliance with such requirements.
- An attestation and narrative explanation of how the prospective grantee will meet the reporting requirements for participation in the program, including those related to speed and performance, financial documentation and reimbursement, monitoring and compliance work, and any other information required by WBO or NTIA to monitor and ensure successful implementation of projects.
- A certification that the prospective subgrantee has the requisite qualifications commensurate to their respective project, and are able to comply with all requirements, including meeting service milestones.
- An attestation of understanding and intent to comply with Build America, Buy America requirements.
- An attestation of understanding and intent to comply with Environmental and Historic Preservation requirements.
- Information regarding an applicant's cybersecurity risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Information regarding an applicant's supply chain risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Documentation of any other public (federal, state, local, or otherwise) funding the applicant has received, applied for, or intends to apply for, for the deployment of broadband networks. Such explanation will include the location and characteristics of such networks, the source of funds, the anticipated deployment timeline, and any other information requested by the Commission. The applicant must disclose any project or portions of projects where such funding for broadband expansion was withdrawn, terminated, defaulted, amended to reduce, or where the project failed to perform. This documentation will also include information about the applicant's intent to participate in the BEAD program in other states and territories, including the number of locations funded, project cost and match, and any other characteristics as necessary. An applicant will be required to update information regarding ongoing participation and award of BEAD funding in other states in a timely manner upon request of Commission staff.

The Commission reserves the right to request more information from prospective applicants as necessary to ensure all participants have the capacity to participate in the program and meet all

BEAD program requirements and goals. Further, the Commission reserves the right to request updated or additional information at any time, including after the subgrantee selection process, to re-assess the qualifications of subgrantees to execute the specific awards they have received.

b) Letter of Intent Review

LOIs will be posted to a public docket (5-BD-2025) on the Commission’s website, and redacted only where required, to maximize transparency and public access to the submitted materials.

WBO will review the qualifications and information provided as part of the LOI process, and after reviewing the WBO will notify all LOI applicants of their status and if they are eligible to submit a grant application. In the interest of maximizing participation to ensure the best possible result, WBO staff will strive to work with prospective participants to cure and resolve deficiencies in received LOIs. However, depending on time and resources, submission of an incomplete LOI may result in disqualification.

Grant Application

Prospective grantees will submit applications based on geographic areas defined and published by the WBO. These geographic boundaries or “project units” will form the building blocks of applications. Project units will be established according to the principles below in the section on project units. Within 30 days of the conclusion of the state challenge process, and before LOIs are complete, staff will publish to its website a map of BEAD eligible project units.

The Commission recognizes the wide distribution of costs per location for locations eligible for BEAD funding and the resulting BEAD match share necessary to achieve commercial viability. To encourage robust participation, the published online map will include a maximum BEAD match share for each project unit. Projects that exceed the BEAD match share without sufficient justification will be declined and forwarded to a subsequent round for additional competition. The published BEAD match share will seek to encourage applicants to participate in areas that may have high costs per location. Given the historic allocation of funding and ambitious goals of the BEAD program, the Commission recognizes the need to pay for effective deployments even if costs per location are higher than have been awarded in the past. One consideration will be whether an applicant provides a reasonable contribution to the total project budget.

a) Application Contents

Applications will consist of information about an applicant’s proposed project, including the below items.

- The project units proposed to be served and the amount of funding requested. To assist with deconfliction, funding requests will be provided per project unit..
- The proposed technology deployed to all locations in a proposed project (and all of its project units). While WBO will design project units to limit instances where multiple deployment technologies are required, WBO will accept well justified requests for

- waivers that seek to provide service via a different technology to a de minimis number of locations within a project proposal.
- For projects that propose to serve a multiple-dwelling unit (MDU), an applicant will specify if the project will provide: (a) a wireline fiber connection to each unit; (b) connection with a non-fiber technology to each unit; or (c) a building-wide Wi-Fi installation available to all units.
 - A proposed project budget, broken into appropriate categories as specified by the WBO consistent with the budgetary and reporting requirements established by NTIA, such as equipment, supplies, contractors, salary and fringe, etc.
 - A listing of contributed match, including the amount by the applicant, and any other third party or local government contributions.
 - For priority broadband projects, a separate delineation of each CAI within the project unit, and the cost to serve on a location-by-location basis each CAI with gigabit service. For projects other than priority broadband projects, a separate delineation of each CAI within the project unit and the cost to serve on a location-by-location basis each CAI with 100/20 service. Funding for these CAI locations will be authorized if all unserved and underserved locations receive funding through the allocation process. A project unit proposal may submit a letter from each CAI within the project unit certifying existing service meets their needs in lieu of building that service.
 - Geospatial data demonstrating the wireline route and/or placement of towers and modelled coverage area, and any other geospatial data as specified by WBO.
 - Information on any community engagement, public-private partnerships, or non-grantee match funding contributed to the project.
 - As available, a letter of endorsement from the appropriate local government(s) and/or Tribe(s) within the footprint of the proposed project.
 - For all construction that traverses Tribal land or builds to Tribal locations, a signed letter of permission from the Tribal chairperson, president, or their designee, is required for each project proposal.
 - Information about the pricing plans and affordability offerings, including any promotional, equipment, installation, data cap, or other fees that will constitute the entire end cost to the consumer, other than taxes and universal service fees.
 - Plans to leverage a highly skilled workforce, including information about the inclusion of women and minority-owned businesses, organized labor, directly employed staff, use of credentialed workers, local hire provisions, or other information as specified by WBO.
 - Narrative response describing the applicants' experience completing projects of a similar size and scope, relevant organizational policies, experience and qualifications of management as it relates to the specific project, and any recent or known upcoming changes to the organization, including mergers and acquisitions.
 - Information necessary to assess a project's resilience against climate risks, including any mitigation strategies an applicant used in their project design. WBO reserves the

- right to require more detailed mitigation plans and strategies for select project units identified as a under higher risk to climate impacts.
- An analysis of a provider’s service pricing and the extent to which that service is affordable by a household of median income within the project area. The analysis will include a description of the activities a provider is undertaking or will undertake to support middle income households in affording broadband service within the project area.
 - Details on the low-cost plan area of service and marketing including outreach material distributed to current and potential customers as demonstrated and how the low-cost plan will be visible in places (website and forms) where customers subscribe to service.

b) Project Units

Each application or project proposal will consist of one or more project units, which are groupings of BSLs. A detailed description of the rationale and structure of project units is available as part of Text Box 2.4.6 below.

c) Structure of Project Proposals

Project proposals will be submitted consisting of one or more project units.

Costs. Project proposals will provide the proposed cost of service (BEAD and applicant share) for each individual BSL within a project unit. To the extent that a middle mile infrastructure deployment is required to meet the required capacity and performance specifications for all locations within a project proposal, an applicant should appropriately apportion that cost among all locations within the project unit and grouping of project units. In submitting multiple applications for the same unit, providers need not offer the same cost proposal for project units across applications.

Technology. Applications to serve a specific project unit will be required to serve all locations within that unit with one technology type. In limited circumstances, WBO will consider a waiver to provide hybrid service using multiple technologies in a project unit if an applicant can demonstrate the cost and engineering characteristics of the project would necessitate a hybrid approach to avoid excessively high costs of deployment.

- Priority broadband projects will be projects that propose to deploy end-to-end fiber to the premises services meeting speed and capacity requirements as defined in the NOFO to all locations within a project unit.
- Hybrid projects will be projects that propose to deploy a mix of technologies to the locations in the project unit.
- Non-priority broadband projects will be projects that provide reliable broadband service as defined in the BEAD NOFO, but other than fiber to the premises service, to include: (a) cable modem/hybrid fiber-coaxial technology, or (b) terrestrial fixed

wireless technology utilizing entirely licensed spectrum or a hybrid of licensed, and unlicensed spectrum. Consistent with its proposed pre-challenge modifications in Volume 1 and footnote 13 of the BEAD NOFO, WBO requests a waiver to exclude digital subscriber line (DSL) technologies from eligibility for BEAD funding. Non-priority broadband projects will also include deployments of building-wide Wi-Fi networks within eligible MDUs shown through the state challenge process to have two or more units lacking broadband service or is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family size of the size involved is higher than the national percentage of such individuals.

- Non-reliable broadband projects are those that are served exclusively by satellite, fixed wireless with unlicensed spectrum, or any other technology not listed as priority or reliable above but can otherwise meet the technical requirements of the BEAD program (see NOFO page 38).

Released Enforceable Funding Commitments: If an eligible BEAD applicant or their parent company or affiliate or company that shares branding and marketing with an enforceable funding commitment (see BEAD NOFO page 36, footnote 52) as of the date of the data used from the Wisconsin BEAD Challenge (March 5, 2024) withdraws, terminates, defaults, amends to reduce, or fails to perform such that any broadband serviceable location (BSL) is ‘released’ from the enforceable funding commitment for qualifying broadband service, the eligible applicant may only be awarded BEAD funding for that BSL if it is the only eligible applicant with a qualified application for reliable broadband service for the location. Further, if an eligible applicant establishes or is awarded a new enforceable funding commitment after March 5, 2024 and ‘releases’ the BSLs before the Commission approval of the BEAD final proposal the same ‘release’ process applies.

Combinations of project units. To avoid issues of dependency while still allowing WBO to deconflict overlapping proposals, applicants will be allowed to propose a project that consists of multiple project units subject to the following restrictions.

- For projects that span multiple project units, a provider may specify that some units are “nonseparable”, meaning the provider would not accept funding if it did not receive these units, but in the event of overlap, would accept removal of other “separable” units and their associated funding from its project.
- For wireless projects that span multiple units, in lieu of specifying nonseparable project units, a provider may specify a minimum number of project units to be funded by the project before it is withdrawn. This is intended to recognize that a wireless deployment from a single tower may spread over a large area of project units that are not necessarily adjacent, but the applicant would still require some minimum amount of customers to be financially viable.
- **Applicants** will be limited to no more than two applications per project unit, and WBO suggests that providers propose: (a) one larger project that represents the maximum feasible deployment for a project, leveraging economies of scale and

construction efficiencies to produce a low-cost bid; and (b) one smaller project that represents the minimally viable grouping of units in a smaller subset of the project. This will allow a provider to compete for the smaller project in the event the larger project proposal overlaps other more competitive offers.

d) Confidentiality and Collusion

To maximize competition and avoid issues related to collusion among applicants, WBO will require that portions of applications related to the location of project units and costs to serve are submitted confidentially. Further, WBO prohibits applicants from discussing with other prospective applicants any information related to their applications or their contents, including the intent to apply for certain locations, or any other information which would be found to have an adverse impact on the participation of another applicant in the program. Further, applicants will be prohibited from any public disclosures that have the intent or perceived intent to influence the participation of other applicants. Applicants will be required to attest to compliance with these confidentiality and non-collusion provisions as part of their application.

While confidentiality and non-collusion requirements will be strictly enforced, WBO recognizes the importance of partnership with local governments, community groups, and Tribal governments, and waives this requirement for an applicant to conduct coordination and partnership activities with these entities, and pursue formal endorsement or community engagement.

If an applicant is found to have violated confidentiality or non-collusion requirements, WBO may exclude them from BEAD program participation. WBO reserves the right to re-run the subgrantee selection process if it identifies instances of collusion that affect the integrity of the program.

e) Transparency

To ensure robust participation and a competitive allocation process, WBO intends to require certain components of letters of intent and project applications to be submitted confidentially, including but not limited to the project units served and the costs to build. This information will be sealed and not available for public review until after completion of the competitive allocation process. In limiting access to this information, WBO will mitigate opportunities for collusion among applicants and encourage competitive cost proposals consistent with intrinsic cost characteristics rather than an applicant's perceived competition in an area.

Upon conclusion of the competitive subgrantee selection process, WBO will publish all submitted application information that had previously been held confidentially, including all application scores and documentation of WBO's scoring and deconfliction process. In events of ambiguity in program procedures or requirements, WBO will consult with NTIA and provide documentation of the methodology, rationale, and determinations made. WBO intends that in publishing all relevant application review content, it will ensure a transparent, accountable allocation even while temporarily maintaining confidentiality for sensitive information.

Application Process and Review

For invited applicants that completed the letter of intent, grant applications will be accepted in a series of successive rounds, to allow for resolution of overlapping projects [see the deconfliction section below] and to ensure robust and competitive applications even in the most difficult to reach areas. To maximize deployment, it is essential to encourage robust participation and maximize competition in selection of projects. Throughout the allocation process, WBO reserves the right to adjust parameters as necessary to ensure competitive behavior and efficient allocation of funding.

a) Eligibility Review

Prior to starting each grant round, WBO will review all applications for completeness and compliance with minimum eligibility requirements. In the interest of maximizing participation to ensure the best possible result, WBO intends that it will work with prospective participants to cure and resolve incomplete applications. However, depending on time and resources, submission of an incomplete application may result in removal from consideration.

Prior to operating each grant round, the Commission reserves the right to disqualify proposals that in sum do not successfully achieve the goals of the BEAD program. In such instances, WBO intends that it will, as time and resources allow, collaborate with these applicants to provide feedback on what improvements could be made to cure the application for competition in future rounds.

Any applications that fail to meet minimum requirements will be removed from consideration in round 1. However, to the extent that a project unit does not receive a winning bid in round 1, WBO will accept cured applications from previous applicants in round 2.

b) Grant Rounds

Round 1:

Applications will be solicited for all project units for priority and non-priority projects. Applicants are encouraged to submit applications for all planned projects within round 1. To discourage delayed participation, applications will not be accepted for most project units in round 2, and providers must choose to participate early or lose the opportunity to compete for funding.

Applications will be reviewed and scored using the scoring and deconfliction processes established below. Depending on the level of competition and type of project, WBO will forward project units into subsequent rounds and consider alternative options to ensure maximum deployment and minimum public outlay.

Application Review. Applications in round 1 will be reviewed as follows:

- WBO will review all proposed projects against the published BEAD match threshold for that unit, and any application that exceeds the threshold without providing a well

- justified reason will be removed from competition and forwarded to round 2 for reconsideration in any project units that remain eligible for applications.
- For priority (fiber) projects without competition from other priority projects:
 - For those that meet eligibility requirements, WBO will preliminarily allocate funding to these locations and remove them from further competition and subsequent rounds.
 - For projects that do not meet eligibility requirements, WBO will decline the proposal and forward it to the next funding round, welcoming a revised offer or new applicants for the project unit.
 - For priority (fiber) projects with competition from other priority projects where multiple entities meet the eligibility criteria, WBO will score applications using the scoring criteria below. As necessary, these competing projects will be subject to the deconfliction process [see the deconfliction section below], and like-to-like comparison of project units will be used to determine the higher scoring project.
 - For projects with a decisively higher score, WBO will preliminarily allocate funding to these locations and remove them from further competition and subsequent rounds.
 - For projects without a decisively higher score, the applications will be declined and automatically included in round two for further consideration. Competing applicants for a project unit will be encouraged to revise their project proposal as part of round 2.
 - For all remaining projects (non-priority broadband projects, including Wi-Fi projects in MDUs) that meet eligibility requirements, WBO will review and score projects, applying any necessary deconfliction, and place a “hold” on those winning project units. Project units subject to a hold will be excluded from further competition from a non-priority project in subsequent rounds. In event of “no decisive winner”, non-priority projects will be forwarded to round 2.

No Decisive Winner. During round 1, in instances where two projects are closely competing, and have similar scores, WBO intends to implement a “no decisive winner” process. After reviewing and scoring all competing projects, WBO will review the distribution of project scores and establish a threshold whereby any competing project proposals that are within a certain number of points of each other will be declined and forwarded to the next round, and applicants will be asked to revise their proposals. This mechanism is intended to induce additional competition in areas where there is significant provider interest and thus a revision of funding request or other characteristics could produce a better result by iterating applications in round 2. By implementing this process, WBO intends to use competition to improve the quality of applications and limit the required BEAD outlay for highly competitive locations. To ensure integrity in allocation processes, WBO will thoroughly document its methodology in determining the decisive winner threshold and apply the score differential uniformly across all geographic areas.

Preliminary Allocations. Round 1 awards will be on a preliminary basis, subject to WBO allocations and resulting fund sufficiency in subsequent rounds, and subject to any adjustments

necessary in round 3 to ensure universal service and maximum deployment. That is, while awarded, preliminarily awarded projects may eventually be adjusted, expanded through negotiation, or withdrawn in favor of more cost-effective non-priority technology solutions as is necessary through implementation of the extremely high cost per location threshold process to ensure maximum deployment to all locations. By nature of the program goal to achieve universal service, the Commission must reserve the right to unilaterally modify or withdraw projects, or select non-priority deployments as necessary to ensure funding is sufficient for full deployment, or that no areas are left behind and excluded from deployment.

Round 2:

Round 2 will commence upon completion and notification of round 1, and applicants will be provided an opportunity to revise or expand existing applications, or to submit new applications for select areas.

For project units that had a “no decisive winner” determination in round 1, existing applicants will be allowed a brief opportunity to notify the Commission of an intent to withdraw their application or revise it. If only one proposal remains after other applicants withdraw from a “no decisive winner” project, that proposal will be preliminarily allocated the project and it will not be forwarded to round 2.

Project Areas. In round two, applications will be open for only a subset of project units as follows:

- New applicants with priority broadband projects may apply in areas that did not previously receive an eligible priority broadband project proposal, regardless of if they are subject to a non-priority broadband project hold.
- New applicants with non-priority broadband projects may apply in areas not subject to a non-priority project hold.
- Existing applicants in “no decisive winner” areas may revise their proposed projects, including reducing the proposed cost or other scoring characteristics, or expanding to other units still eligible for applications.

Application Review. Applications in round 2 will be reviewed as follows:

- In round 2, grants will be reviewed for completeness and eligibility as described above. To the extent that WBO identifies project proposals after round 2 that fail the BEAD match threshold review, it reserves the right to request a waiver from NTIA (consistent with NOFO p.42 at footnote 63) to select a different, nonpriority broadband project, to ensure efficient allocation of funding.
- In round 2, grants will be reviewed starting with priority broadband projects, and according to the scoring and deconfliction procedures described below.
 - For noncompetitive projects, WBO will preliminarily allocate projects that meet eligibility requirements.
 - For competitive projects, WBO will score and deconflict remaining projects until all have been preliminarily allocated funding. Round 2 will not use a

“decisive winner” mechanism, the highest score will win regardless of any closely competing projects.

- Non-priority projects that had previously been awarded a hold will be accepted unless a priority project was preliminarily in their place, in which case they will be deconflicted and offered a partial award.

Winners. After review, WBO will announce winners of round 2 and a final determination of all competitive grant awards. To the extent necessary to ensure a comprehensive allocation of competitive projects, WBO reserves the right to operate additional sequences of round 2. WBO contemplates that such additional sequences would be necessary in the event of scenarios that could include, but are not limited to, if a substantially large number of locations are subject to deconfliction or if implementation of the extremely high cost per location threshold necessitates new applications.

Round 3:

Round 3 will serve as the final round of funding, during round 3 WBO will exercise its authority and discretion to evaluate gaps in the deployment map, identifying areas that did not receive applications. Round 3 will consist primarily of non-competitive allocation processes, and occur only after robust competitive means have been exhausted through rounds 1 and 2.

WBO will use the following tools to fill in these remaining gaps:

- Approaching adjacent providers and offering funding for deployment up to and exceeding the modelled cost, as necessary to encourage deployment.
- Mandating providers receiving funding in adjacent project units to accept deployment funds for these areas as a condition of funding award for all adjacent project units.
- Descoping project units or locations from previously allocated grants to develop groups of project units sufficient to induce a successful deployment.
- Open a separate grant round to solicit non-reliable technology proposals for these areas. A separate non-reliable technology grant round will include the same required LOI process and grant rounds as described above but will not include “decisive winner” or “BEAD match threshold” processes.
- Negotiating with available low-earth orbit satellite providers that can meet performance requirements to offer deployment based on a negotiated cost rate to any location that indicates a need and interest for service.

WBO reserves the right to implement any other best practice necessary to fill in remaining service gaps as approved by NTIA. WBO will request a waiver from NTIA to implement other strategies for stranded and unfunded project units and locations as necessary to effectuate the primary goal of the BEAD program for universal service.

Round 4 (Community Anchor Institutions):

At the conclusion of Round 3, WBO will review the remaining budget and determine if funding would be best used to improve service at remaining CAIs or if remaining funds should be

allocated to non-deployment uses. If it elects to provide funding to CAIs, WBO will implement a three-step process to ensure gigabit connections to eligible CAIs.

- 1) For any project units that receive funding for a priority (wireline fiber) broadband deployment, WBO will require those providers to connect all eligible CAIs within that project unit to gigabit service at the price identified in their original project proposal as long as it meets eligibility and BEAD match threshold review. If remaining funding is insufficient for WBO to fund all unserved and underserved locations, WBO will not provide the additional funding for CAIs, although WBO strongly encourages providers to consider building these connections with private funding as is feasible alongside their BEAD deployment obligations.
- 2) For any eligible CAI locations that are not within a priority broadband deployment project unit, WBO will solicit applications on a location-by-location basis to build gigabit service. WBO will require a similar LOI process as outlined above and conduct scoring and allocation consistent with the primary subgrantee selection process above to identify a winning provider.
 - a. To the extent that the proposed service is shown to be excessively high cost and not feasible for public funding, WBO will decline that project proposal and use strategies outlined in round 3 above to identify alternative available service options.
 - b. For locations that do not receive a bid during this round, WBO will exercise its right to waive the obligation to deploy service to further CAIs in favor of other non-deployment activities. Thus, WBO strongly emphasizes that CAIs that lack gigabit connections should work early to seek out partnerships to build service to their location and have those partners apply for funding.
- 3) For CAIs that lack 100/20 service and do not receive funding for gigabit service during the CAI process outlined above, WBO will request a waiver from NTIA to fund the construction of non-fiber service to those locations in partnership with the winner of the project unit or any adjacent provider (using strategies from round 3 above).

c) BEAD Match Threshold

Through evaluation of cost model data and existing enforceable funding commitments, WBO finds a broad distribution of costs per location for locations still in need of public funding assistance to reach deployment goals, and significant variability in the share of BEAD investment required to meet commercial viability across those locations. A key requirement of the BEAD program is the threshold criteria that all applicants, except in certain limited circumstances, receive no more than a 75% share of funding from BEAD and otherwise maximize the private share of funding allocated to the project.

To ensure efficient deployment of funding and tight adherence to the principal of minimal public outlay to project deployment, WBO will scrutinize closely project proposals against available cost model data and decline proposals that unreasonably exceed a reasonable share of BEAD funding for a project. While WBO acknowledges cost model data is not necessarily reflective of

the public funding required in every instance and may not take into account unique cases for specific projects, it expects that applicant proposals will take seriously the actual cost to build service and thoroughly explain why a proposed application requires a larger BEAD share of funding than the specified BEAD match threshold.

To mitigate situations where BEAD might overpay for locations that otherwise are anticipated to require little public investment, WBO will implement a “BEAD match threshold” review for all applications in round 1. The BEAD match threshold will establish, as a percentage, the maximum allowable request for BEAD funding as a share of the total construction budget for a project unit. The BEAD match threshold will be informed by cost model data for both greenfield and brownfield scenarios, and any adjustments necessary to ensure competition and robust participation. When it publishes project units, WBO will include the BEAD match threshold for each project unit based on cost model data and adjusted as necessary to reflect unique circumstances.

The BEAD match threshold will be based on the greenfield cost to build, assuming no or very minimal existing broadband infrastructure. However, if WBO finds that an applicant has significant existing and adjacent infrastructure, it reserves the right to apply the brownfield cost to build, which may result in a lower maximum BEAD match allowed to reflect the incumbent’s existing infrastructure. Further, WBO reserves the right to provide an enhancement to the BEAD match threshold beyond the estimated required amount of public funding for locations as is necessary to induce participation and proposals for certain areas, including those that are economically disadvantaged, have a high proportion of covered populations, or otherwise are anticipated to require an additional incentive to increase participation. In addition to the BEAD match threshold, the WBO will score all applications. For project units with only one project proposal, the application must reach the minimum threshold of 40 points to be awarded funding in round 1 or round 2. In the cases where the application does not meet the minimum threshold the applicant may be required to modify or cure prior to receiving a preliminary award.

In round 1, absent a sufficient justification of why a proposal exceeds the BEAD match threshold, WBO will decline proposals that request higher than the BEAD match threshold and forward them to round 2 to seek further competition and alternative proposals. In doing so, WBO will seek to encourage additional competition to identify projects that are below the previous applicant’s cost. During round 2, new providers may submit applications for the location, or the prior applicant may revise their application to a lower cost. If after round 2, all proposed priority fiber projects continue to significantly exceed a reasonable BEAD match share, or no additional applicants seek funding for the location, WBO reserves the right to implement the EHCT process to select a non-priority project and/or request a waiver from NTIA and award a project to a non-priority project that reflects a more reasonable public investment.

WBO expects that using this process will discourage providers from non-competitive and overly costly proposals that do not reflect the intrinsic cost characteristics or minimize the BEAD share of funding necessary to reach commercial viability. This will further emphasize and effectuate the BEAD program goal of minimum outlay and maximize the impact and deployment

of public dollars, saving funding for locations where the intrinsic cost of deployment may be significantly higher.

WBO notes that incumbent providers (i.e. those internet service providers that have existing adjacent infrastructure, which may include but is not limited to ILECs) have significant inherent advantage in their cost to build, and emphasizes it will have strict bias against incumbent providers that bid at greenfield prices or request unreasonably large match shares for locations that are adjacent to their existing service. By implementing the BEAD match threshold review in round 1, WBO intends to encourage further competition in areas where incumbents propose an unnecessarily high public share of funding. WBO will affirmatively seek additional alternative proposals to ensure all options are considered in deploying infrastructure and maximizing the effectiveness of the limited available budget for BEAD funding.

WBO further emphasizes that due to its requirement that actual paid costs are documented prior to reimbursement, providers should be aware that proposals that do not reflect actual direct costs to deploy infrastructure to the awarded project unit, even if initially awarded, will not actually result in payment beyond the true cost to build, and cost documentation will be required for all locations that reflects actually incurred costs to build the infrastructure.

d) Extremely High Cost Per Location Threshold Process

WBO will implement an extremely high cost per location threshold (EHCT) in an ex-post process, as necessary to ensure sufficient funding is available to achieve universal deployment. A detailed description of the EHCT process is available as part of Text Box 2.4.9 below.

e) Deconfliction

Project proposals may consist of multiple project units, thus it is inevitable that proposals will have partially or fully overlapping groupings of project units. WBO will conduct the deconfliction process to allow for like-to-like comparisons when identifying the highest scoring project proposal. A detailed description of the deconfliction process is available as part of Text Box 2.4.6 below.

2.4.2

2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

Grant Scoring

All applications will be scored. For project units with only one project proposal, the application must reach the minimum threshold of 40 points to be awarded funding in round 1 or round 2. In the cases where the application does not meet the minimum threshold the applicant may be required to modify or cure prior to receiving a preliminary award.

In the event two project proposals are competing for the same locations, WBO will use the score to implement a scoring process. The scoring process will be used to compare project proposals using the same technology type, as a priority broadband project is the default winner if only other non-priority projects are competing for a location. In the limited instances where a waiver is granted to provide a hybrid solution within a project, if a competing proposal for the same project unit offers to deploy all locations using one higher-priority technology, it will win by default. For example, for a project that uses primarily fiber, but a small number of fixed wireless locations, a competing project that offers fully fiber will not compete with the hybrid project on score, and if the fiber project that meets the threshold criteria, it will win by default.

a) Scoring requirements, Priority Projects

Criteria	Max Points Available	Description
Primary Criteria		
Minimal BEAD Outlay	40	Based on % of the reference BEAD match threshold, cost model for the technology and quality of the network for the cost
Priority Affordability	18	Based on the total non-promotional cost of 1 Gbps / 1 Gbps service.
Fair Labor Practices	17	Based on prior compliance record for entities in operation or modified information for new entrants and future workforce plans
Secondary and Additional Criteria		
Speed to deployment	1	Points for enforceable deployment plans faster than 36 months.
Local and Tribal Coordination Support and Engagement	5	Points for demonstrated community support and local and/or Tribal coordination
Local and Tribal Coordination: Endorsement by local Government and/or Tribe	7	Points for formal endorsement of support by County and/or Tribal government through public action.
Affordability middle class and low-cost plan	10	Based on cost of service to the customers and reach of required low-cost plan
Community Anchor Institutions	2	Based on inclusion of CAIs without a symmetrical gig of service.

1. Minimal BEAD Outlay = 40 points
 - a. In the case of a zero-dollar bid (funding request), the full 40 points are awarded.
 - b. Up to 15 points = based on the application cost efficiency compared to the cost model where 120% and higher of the cost model equals 0 points and 20% and lower of the cost model equals 15 points

Cost efficiency = cost model cost per location – application cost per location

$$Score = \left[\frac{Cost\ Efficiency}{Cost\ Model} + 0.2 \right] \times 15$$

Where the score cannot exceed 15 and a negative result equals 0 points

As necessary based on applications actually received, WBO reserves the right, in consultation with NTIA, to update its scoring range for the cost model to reflect actual construction costs as shown in the distribution of project proposals received. For example, if the cost model appears to underestimate build costs across the board, WBO could increase the range for scores of 0 to 15 from 20% to 120% to some other higher amount such as 60% to 160%. The intent would be that cost model-based scoring is adjusted to reflect the range of actual bids received, rather than a model which may not accurately reflect actual build costs in the context of the BEAD program. If implemented, this adjustment would apply uniformly across all project areas. WBO will adjust the cost model for MDU to account for the number of housing units.

- c. Up to 15 points = based on the application proposed private match as it related to the BEAD match threshold where more points are allocated for higher project match compared the difference between the BEAD match threshold and total project cost.
- d. Up to 10 points = based on the quality, planned performance, network design and resiliency of the proposed network for the BEAD cost.

$$Score = \left[1 - \frac{100 - Private\ Share\ of\ Cost}{BEAD\ Match\ Threshold} \right] \times 15$$

Where the score cannot exceed 15 and a negative result equals 0 points. A negative score means an application did not meet the BEAD match threshold and an explanation would be required in the application.

2. Priority Affordability = 18 points maximum available
 - a. Any FTTP (priority) application or FTTP service within a hybrid application that includes a five-year commitment to offer symmetrical 1 Gbps service for a monthly reference price of less than \$165, with no installation, equipment rental, required bundling or other charges to the end user, shall receive a score based on the formula below.. The five-year commitment begins when the entire project is complete and all customers in the project area have access to service. The applicant may not charge more to customers who purchase slower internet service packages. The price commitment may be adjusted up to the Consumer

Price Index (CPI) annually starting with the year the grant agreement is executed,

$$\text{Score} = 0.2 \times [165 - \text{Commitment Price}]$$

b. No commitment on price of service = 0 points

3. Fair Labor Practices = 17 points

a. Up to 8 points Applicant's demonstrated record of past compliance with Federal labor and employment laws for the past 5 years.

New Entrants: In accordance with the BEAD NOFO, "Eligible Entities must give priority to projects based on a prospective subgrantee's demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." A new entrant without an organizational record of labor and employment law compliance may submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance and will be scored as indicated in Evidence of Past Compliance. New entrants that are unable to produce any evidence of past compliance with federal labor or employment law, either as an organization or from senior executives within the organization, will receive zero points for this section because the BEAD NOFO requires WBO to prioritize funding based on a prospective subgrantee's record of compliance and therefore, some evidence of past compliance is required to score points. Consistent with how prospective subgrantees will be evaluated in other criteria, applicants with strong prior records of performance will be scored higher than those with little to no prior record of performance. New entrants without evidence of past compliance with federal labor law may mitigate or lessen the negative impact of their lack of prior record of compliance, this fact by making specific, forward-looking commitments to strong labor and employment standards and protections in their plans for future compliance with federal labor laws. In this case, such an applicant could receive up to 9 points for future compliance (and up to 9 points total for this scoring criterion) as is described in the section below.

b. Up to 9 points Applicant's demonstrated plans to be in compliance with Federal labor and employment law, strong labor and employment standards and protections with a preference for directly employed workforce and locally hired workforce. The Commission will require ongoing documentation related to the workforce and efforts to recruit directly employed Wisconsin residents.

4. Speed to Deployment = 1 point available

a. Any application that certifies, including binding commitments and assumption of contractual liability for penalties established by the Commission for non-compliance, that deployment to all eligible locations with their awarded project will be complete in less than 36 months shall receive an additional 1 point.

5. Local and Tribal Coordination: Support and Engagement = 5 points available
 - a. Applicant demonstrates that the planning of their proposal included outreach, engagement and coordination with local government, Tribes, and as applicable any schools, libraries or community organizations that work with covered populations.
 - i. Up to 2 points for evidence of a public meeting to engage the community in the project planning
 - ii. Up to 2 points for a letter(s) of support from any municipal government included in the project area
 - iii. Up to 1 point for a letter of support from the school district, the local public library or organization that supports a covered population in the project area.
6. Local and Tribal Coordination: Endorsement by County and/or Tribe = 7 points available
 - a. 7 points = the County and/or Tribe where the project is located takes official action at a noticed, open meeting to affirmatively endorse the project. The action is memorialized in public minutes and an official letter of endorsement is provided.
7. Affordability: Low-cost plan and middle-class affordability = 10 points available
 - a. Proposals that improve affordability to ensure all Wisconsin residents have access to affordable, reliable high-speed internet will receive additional points.
 - i. 8 points = the applicant makes a five-year commitment to expand the BEAD required low-cost plan to all of their eligible subscribers in the State of Wisconsin. The plan offering is expanded to the entire provider footprint.
 - ii. 4 points = the applicant makes five-year commitment to provide 100 Mbps / 100 Mbps service at a price point of not more than \$75 per month with no additional costs or fees within the BEAD project.
 - iii. 10 points = the applicant commits to both 7.a.i (expanding the low cost plan) and 7.a.ii. (a \$75 per month price point for 100/100 Mbps)
8. Community Anchor Institutions = 2 points available
 - a. An application that commits to connecting all Community Anchor Institutions identified in the Challenge Process in their awarded project units without 1 Gig symmetrical service to at least 1 Gig symmetrical service shall receive 2 points.

b) Scoring requirements, Non-Priority Projects

Criteria	Max Points Available	Brief Description
Primary Criteria		
Minimal BEAD Outlay	40	Based on % of the reference BEAD match threshold, cost model for the technology and quality of the network for the cost

Priority Affordability	18	Based on the total non-promotional cost of 100/20 Mbps service
Fair Labor Practices	17	Based on past compliance record for entities in operation or modified information for new entrants and future workforce plans
Secondary and Additional Criteria		
Speed to deployment	1	Points for enforceable deployment plans faster than 36 months.
Local and Tribal Coordination Support and Engagement	5	Points for demonstrated community support and local and/or Tribal coordination
Local and Tribal Coordination: Endorsement by local Government and/or Tribe	7	Points for formal endorsement of support by County and/or Tribal government through public action.
Affordability middle class and low-cost plan	8	Based on cost of service to the customers and reach of required low-cost plan
Speed of Network and other technical capabilities	4	Based on the speeds, latency and other technical capability

1) Minimal BEAD Outlay = 40 points

- a. In the case of a zero dollar bid (funding request) the full 40 points are awarded.
- b. Up to 15 points = based on the application cost efficiency compared to the cost model where 120% and higher of the cost model equals 0 points and 20% and lower of the cost model equals 15 points

Cost efficiency = cost model cost per location by technology type – application cost per location

$$Score = \left[\frac{Cost\ Efficiency}{Cost\ Model} + 0.2 \right] \times 15$$

Where the score cannot exceed 15 and a negative result equals 0 points

As necessary based on applications actually received, WBO reserves the right in consultation with NTIA, to update its scoring range for the cost model to reflect actual construction costs as shown in the distribution of project proposals received. That is, if the cost model appears to underestimate build costs across the board, WBO could increase the range for scores of 0 to 15 from 20% to 120% to some other higher amount such as 60% to 160%. The intent would be that cost model-based scoring is adjusted to reflect the range of actual bids received, rather than a

model which may not accurately reflect actual build costs in the context of the BEAD program. If implemented, this adjustment would apply uniformly across all project areas. WBO will adjust the cost model for MDUs to account the number of housing units and proposed technology.

- c. Up to 15 points = based on the application proposed private match as it is related to the BEAD match threshold where more points are allocated for higher project match compared the difference between the BEAD match threshold and total project cost.

$$Score = \left[1 - \frac{100 - Private\ Share\ of\ Cost}{BEAD\ Match\ Threshold} \right] \times 15$$

Where the score cannot exceed 15 and a negative result equals 0 points. A negative score means an application did not meet the BEAD match threshold and an explanation would be required in the application.

- d. Up to 10 points = based on the quality, planned performance, network design and resiliency of the proposed network for the BEAD cost.
- 2) Priority Affordability = 18 points maximum available
- a. Any non-priority application or non-priority service within a hybrid application that includes a five-year commitment to offer at least 100/20 Mbps service for a monthly reference price of less than \$165, with no installation, equipment rental, required bundling or other charges to the end user, shall receive a score using the formula below. The five-year commitment begins when the entire project is complete and all customers in the project area have access to service. The price commitment may be adjusted up to the Consumer Price Index (CPI) annually starting with the year the grant agreement is executed,
- $$Score = 0.2 * [165 - Commitment\ price]$$
- b. No commitment on price of service = 0 points
- 3) Fair Labor Practices = 17 points
- a. Up to 8 points Applicant's demonstrated record of past compliance with Federal labor and employment laws for the past 5 years. For new entrants same as priority project scoring.
 - b. Up to 9 points Applicant's demonstrated plans to be in compliance with Federal labor and employment law, strong labor and employment standards and protections with a preference for directly employed workforce and locally hired workforce. The Commission will require ongoing documentation related to the workforce and efforts to recruit directly employed Wisconsin residents.
- 4) Speed to Deployment = 1 point available
- a. Any application that certifies, including binding commitments and assumption of contractual liability for penalties established by the Commission for non-compliance, that

deployment to all eligible locations with their awarded project will be complete in less than 36 months shall receive an additional 1 point.

- 5) Local and Tribal Coordination: Support and Engagement = 5 points available
 - a. Applicant demonstrates that the planning of their proposal included outreach, engagement and coordination with local government, and Tribes, and as applicable any schools, libraries and/or community organizations that work with covered populations.
 - i) Up to 2 points for evidence of a public meeting to engage the community in the project planning
 - ii) Up to 2 points for a letter(s) of support from any municipal government included in the project area
 - iii) Up to 1 point for a letter of support from the school district, the local public library or organization that supports a covered population in the project area.
- 6) Local and Tribal Coordination: Endorsement by County and/or Tribe = 7 points available
 - a. 7 points = the County and/or Tribe where the project is located takes official action at a noticed, open meeting to affirmatively endorse the project. The action is memorialized in public minutes and an official letter of endorsement is provided.
- 7) Affordability: Low-cost plan and middle-class affordability = 8 points available
 - a. Proposals that improve affordability to ensure all Wisconsin residents have access to affordable, reliable high-speed internet will receive additional points.
 - i) 6 points = the applicant makes a five-year commitment to expand the BEAD required low-cost plan to all of their eligible subscribers in the State of Wisconsin. The plan offering is expanded to the entire provider footprint.
 - ii) 3 points = the applicant makes five-year commitment to provide 50/10 Mbps service at a price point of not more than \$75 per month with no additional costs or fees.
 - iii) 8 points = the applicant commits to both 7.a.i (expanding the low cost plan) and 7.a.ii. (a \$75 per month price point for 50/10 Mbps)
- 8) Speed of Network and Technical Capabilities = 4 points available
 - a. Speed, latency and capacity metrics, as certified by the applicant and subject to technical review and verification by the WBO, shall receive points as follows:

Minimum speed (Mbps)	Maximum latency (milliseconds)	Points
200/20 Mbps	100	1
300/30 Mbps	100	2
500/50 Mbps	100	3

To receive points the state review or certified network plan must confirm that the proposed network design has the ability to deliver to all eligible locations within an application the certified speeds and latency.

An application that demonstrates the backhaul and network capacity to add future locations and customers beyond the obligated locations in the proposal to the certified speed without adding additional infrastructure will receive an additional 1 point.

2.4.2.1 Attachment: As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA, or use their own format for the scoring rubric.

See detailed rubrics inline above under Text Box 2.4.2.

2.4.3 Text Box: Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

Based on available cost model data and projections provided by NTIA through its Eligible Entity Planning Toolkit and WBO-contracted expertise, WBO finds that it has sufficient funding to meet its deployment obligation to all unserved and underserved locations. Thus, it elects to implement its deployment to unserved and underserved as a unified process to simplify administration and more efficiently allocate projects into project units that incorporate unserved and underserved locations. A detailed description of the process for identifying service solutions for areas not receiving applications is described in Round 3 of the allocation process above.

At the conclusion of Round 3, depending on remaining funds, WBO will consider the balance of the remaining need of eligible CAIs that were not otherwise served through prior rounds compared with the benefit of pursuing the implementation activities in the Digital Equity Plan. Depending on limited remaining funding, WBO finds significant tradeoffs in allocation of scarce funds to CAIs where 100/20 service may be sufficient to meet organizational needs. The Commission may determine based on CAI needs and available funds to forgo further deployment to CAIs and instead transition to non-deployment uses of funding if it is determined that doing so will best achieve the goals of the program.

2.4.4 Text Box: If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note “Not applicable.”

At the conclusion of Round 3, depending on remaining funds, WBO will consider the balance of the remaining need of CAIs that were not otherwise served through prior rounds compared with the benefit of pursuing the implementation activities in the Digital Equity Plan. Depending on limited remaining funding, WBO finds significant tradeoffs in allocation of scarce funds to CAIs where 100/20 service may be sufficient to meet organizational needs. The state may forgo further deployment to CAIs and instead transition to non-deployment uses of funding if it is determined that doing so will best achieve the goals of the program.

WBO finds that not all CAIs are in need of gigabit service, which is necessary when an organization has significant staff or daily visitors, such as a library, school, or healthcare

institution. Through its outreach, WBO finds anecdotally that such high-need, high-capacity CAIs do not commonly lack access to a gigabit connection within Wisconsin. Further, as part of its allocation process, WBO intends to incentivize providers to deploy service to CAIs within their project units as part of their primary deployment to unserved and underserved locations. Thus, remaining CAIs lacking such gigabit connections are likely to receive such service as part of the primary allocation process.

In weighing further deployment to CAIs, WBO must evaluate the tradeoff of using such funding instead for digital equity activities. Based on outreach and data collection as outlined in its Five-Year Plan and Digital Equity Plan, WBO finds significant barriers in affordability and adoption that would limit the effectiveness of the infrastructure deployed with BEAD funding. Thus, absent a compelling and urgent need for further upgrades to CAI access, WBO intends to allocate remaining funds to its non-deployment uses.

2.4.5 Text Box: The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

PSC has an established process for communicating EHP requirements to prospective subgrantees. The Energy Innovation Grant Program (EIGP) at the Commission created an [environmental screening form](#) for federal funding recipients that WBO can modify and use. WBO will communicate historic preservation and Build America, Buy America requirements to prospective grantees in a similar manner.

WBO staff will be trained on EHP and BABA requirements, so they are able to communicate them accurately to prospective grantees. WBO staff will communicate these requirements to prospective grantees through webinars or written communications. EHP and BABA compliance will be screened by WBO staff when reviewing grant applications.

2.4.6 Text Box: Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

Project Units

Each application or project proposal consist of one or more project units, which are groupings of broadband serviceable locations. WBO chooses to define project units for several reasons. First, by bundling locations into project units it can ensure that there are no “stragglers” in a project deployment area, where one high-cost location might reasonably be built from the same project construction but is excluded to avoid increasing the cost and reducing the perceived

competitiveness of a project. Further, in establishing project units, WBO will be able to compare like-to-like projects that have the same boundary and number of locations.

Despite these benefits, project units have several drawbacks. Efficient network deployment does not follow traditional geographic boundaries (political subdivisions, zip codes, census units), and pigeonholing projects into these geographic units produces cost inefficiencies, as providers are expected to duplicate infrastructure or deploy along longer, less efficient routes. Further, proposing applications based on project units creates a dependency problem: a provider may win one project unit at the furthest end of a line, but a competitor wins the earlier units along that line, resulting in a business case where it is not practical for the winner to build only at the end of the line.

With acknowledgement of these tradeoffs, WBO plans to implement a hybrid approach. It will develop units that are small enough to ensure flexibility in network deployment of minimally viable projects and maximize participation in the program, but large enough to simplify deconfliction processes and streamline administration and compliance. WBO will develop project units using cost model data, road networks, and certain other boundaries that better align with network deployment principles or community participation in the process. The more tailored project units will seek to minimize (but inevitably cannot eliminate) the inefficiency created through project units not specific to a specific deployment project. Project units will be developed taking into account compactness, modelled cost data, feasibility of different technologies, local geography, BEAD priority (unserved) status, and any other criteria necessary to optimize the goals of cost-efficient network deployment and universal service.

In some instances, WBO anticipates project units which may consist of five or less BSLs, for example locations in need of a line extension in an otherwise well-served area. WBO intends to establish project units that consist of as little as one location if there are no other adjacent locations that would logically be included in the same deployment, most commonly in instances of line extension.

Another instance where WBO may implement project units of five BSLs or less is for any MDU property where, through the state challenge process or otherwise, it has been established that two or more units within the property location lack access to broadband. MDU locations deemed to be eligible for funding will be set as separate project units to allow for the additional deployment option of building-wide Wi-Fi in lieu of individual construction of broadband to each unit. MDUs will still be eligible for BEAD funding to deploy a wireline or fixed wireless connection to each unit, but prospective applicants may also apply to build a building-wide Wi-Fi deployment.

As staff prepare project units, WBO reserves the right to modify its criteria and process for determining project units as necessary to ensure viable project units and a competitive allocation process that effectuates the goals of the BEAD program. For example, WBO intends that once project units are developed using automated methods, it will manually review and adjust project units for unique local characteristics to ensure areas promote competitive participation in the program and universal service.

WBO reserves the right to adjust project unit boundaries at any point during its allocation process to ensure cost-effective deployment that best effectuates the goals of the BEAD program, including granting waivers to the requirement to serve all BSLs within a project unit. In granting waivers or making adjustments to project units, WBO will consider the feasibility of construction to a location, the nature of bids received, or other characteristics necessary to ensure universal service and maximize competition. Adjustments to boundaries of awarded projects may include descoping a subset of BSLs as necessary to ensure full deployment and resolve deconfliction processes, including during the post-award negotiation period to identify providers in areas not receiving cost-efficient bids.

Deconfliction

Project proposals may consist of multiple project units, thus it is inevitable that proposals will have partially or fully overlapping groupings of project units. WBO will conduct the below deconfliction process to allow for like-to-like comparisons when identifying the highest scoring project proposal.

WBO will review all overlapping applications and assign a score based on the scoring criteria below. The score will be assigned to each project unit of a proposal.

- 1) WBO will start by identifying the highest scoring project within among a group of overlapping proposals, and preliminarily allocate funding to that project proposal's nonseparable units, and any separable units that have the highest available score among their overlapping projects. Any projects with non-separable units overlapping the first awarded project will be eliminated from competition.
- 2) WBO will then select the next highest scoring project within an area and preliminarily allocate funding to that project proposal's non-separable units and any separable units that have the highest available score among their overlapping projects.
- 3) In selectively eliminating and awarding separable project units, WBO will retain contiguity with project proposals for wireline projects. That is, separable project units for wireline projects will always be adjacent to other funded units within a project proposal to ensure continuity in deployment of the network. As applicants may submit two proposals for the same area, WBO will also assume the larger project is preferred while it is still feasible.
- 4) WBO will complete steps 1 through 3 first for priority broadband projects then non-priority broadband projects. Non-priority broadband projects will be deconflicted from preliminarily allocated priority projects, eliminating any non-priority projects with nonseparable units that overlap a priority broadband project. In round 1, non-priority projects will be awarded a "hold" on all areas not receiving a preliminary allocation for a priority broadband project.

WBO will continue steps 1) through 3) until all projects have been deconflicted, with the result being: (a) preliminary award for the highest score for a unit after deconfliction; (b) no decisive winner for competing projects; or (c) failed application.

In the event WBO needs to implement the EHCT process [see the EHCT process section below], WBO will return to original applications and deconflict non-priority projects as necessary to establish preliminary allocations for withdrawn priority project allocations exceeding the threshold. This may further require WBO to reopen the grant allocation process and operate an additional round 2, as is necessary to identify new proposals of lower cost.

WBO acknowledges that deconfliction is an inherently complex process, and that it is not possible to anticipate all possible overlapping scenarios. In executing its deconfliction process, WBO will exercise decision making consistent with the goals of the BEAD program: to ensure the highest quality deployment projects for the largest amount of locations, at the lowest possible public cost, and in a manner that achieves universal service. In instances with ambiguous tradeoffs or unclear winners of a deconfliction process, WBO intends to use as a final tiebreaker a priority for projects that have the most unserved locations and that have the least overlap with other project proposals.

Throughout deconfliction, WBO intends to consult with NTIA for technical assistance and to thoroughly document its decision-making to ensure an accountable, transparent process consistent with the principles laid out in this document and the goals of the BEAD program. WBO reserves the right to adjust project boundaries, require providers to accept additional project units as a condition of funding, or make any other modifications to the deconfliction process necessary to effectuate the goals of the BEAD program.

2.4.7 Text Box: If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

As part of round 3 in its selection process, WBO will implement various other allocation strategies to ensure all project units that did not initially receive an application for funding receive upgraded service.

Round 3 will serve as the final round of funding, during round 3 WBO will exercise its authority and discretion to evaluate gaps in the deployment map, identifying areas that did not receive applications. Round 3 will consist primarily of non-competitive allocation processes, and occur only after robust competitive means have been exhausted through rounds 1 and 2.

WBO will use the following tools to fill in these remaining gaps:

- Approaching adjacent providers and offering funding for deployment up to and exceeding the modelled cost, as necessary to encourage deployment.
- Mandating providers receiving funding in adjacent project units to accept deployment funds for these areas as a condition of funding award for all adjacent project units.
- Descoping project units or locations from previously allocated grants to develop groups of project units sufficient to induce a successful deployment.

- Open a separate grant round to solicit non-reliable technology proposals for these areas. A separate non-reliable technology grant round will include the same required LOI process and grant rounds as described above but will not include “decisive winner” or “BEAD match threshold” processes.
- Negotiating with available low-earth orbit satellite providers that can meet performance requirements to offer deployment based on a negotiated cost rate to any location that indicates a need and interest for service.

WBO reserves the right to implement any other best practice necessary to fill in remaining service gaps as approved by NTIA. WBO will request a waiver from NTIA to implement other strategies for stranded and unfunded project units and locations as necessary to effectuate the primary goal of the BEAD program for universal service. The State of Wisconsin does not intend to use State funding towards match requirements or other benefits during the grant selection process.

2.4.8 Text Box: Describe how the Eligible Entity intends to submit proof of Tribal Governments’ consent to deployment if planned projects include any locations on Tribal Lands.

As part of each application for funding, WBO will require a signed letter of permission from the Tribal chairperson, president, or their designee for all construction that traverses Tribal land, or builds to Tribal locations.

2.4.9 Text Box: Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.

WBO will implement an extremely high cost per location threshold (EHCT) in an ex-post process, as necessary to ensure sufficient funding is available to achieve universal deployment. That is, if after allocating all round 1 and round 2 awards, sufficient funding does not remain to provide some level of improved service (priority, non-priority, or non-reliable) to all unserved and underserved locations, WBO will implement an EHCT process.

If, after completing rounds 1 and 2, sufficient funding is not available to ensure upgraded service to all project units, WBO will implement its EHCT process. WBO will begin reviewing the highest cost per location priority broadband projects and withdraw those preliminary allocations where a non-priority project could be selected, in order to recover funding for allocation to areas lacking service. WBO will continue this process from highest cost priority award and downward, until sufficient funding is available to meet funding allocations through the end of round 3.

WBO reserves the right to implement regional EHCTs, informed by cost model data and actual subgrant proposals, to withdraw preliminary allocations from areas that are the highest cost for a priority broadband project relative to the expected cost based on cost model data. In this case, WBO may segment projects into rurality or density groups to allow for better comparisons for the best value projects and best use of limited federal fund. i.e.. This will maximize the value derived from public investment, by limiting over-allocation of funding to areas that would be expected to need less public investment and instead allocating those dollars to ensure full deployment to all locations. In the case of the dollar amount of the EHCT differing across regions, WBO will apply the same threshold for all projects in that region.

WBO will always prefer a priority FTTP project unless the decision not to select a given FTTP project or subset of locations within the project results in significantly more eligible locations receiving service from the best available technology given the total pool of subgrant proposals. WBO also emphasizes that a selection of a EHCT value at a certain level merely permits the state to select a non-FTTP application in a given overlap scenario, meaning that other FTTH projects, even with a cost-per-location higher than such an EHCT, in many cases, still would be selected.

Importantly, this EHCT process will seek to optimize for 100% coverage of unserved locations in two ways: (1) allowing the selection of lower-cost alternative technologies if the BEAD budget is exhausted prior to reaching 100% of unserved locations, and (2) bringing back for consideration any non-FTTP applications that were provisionally eliminated due to overlap with a higher-cost FTTP application, including potentially in project areas not included in the preliminarily awarded FTTP application but that were eliminated due to application overlap.

2.4.10 Text Box: Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.
- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

If, after completing rounds 1 and 2, sufficient funding is not available to ensure upgraded service to all project units, WBO will implement its EHCT process. WBO will begin reviewing the highest cost per location priority broadband projects that have been provisionally selected for funding in the previous rounds. The highest cost priority broadband projects will be provided the opportunity to revise their funding request below the established EHCT. For the most costly

priority projects that do not revise their funding request below the EHCT, the WBO will withdraw those preliminary allocations where a non-priority project could be selected, in order to recover funding for allocation to areas lacking service. WBO will continue this process from highest cost priority award and downward, until sufficient funding is available to meet funding allocations through the end of round 3. As discussed in section 2.4.9 above and aligned with the prioritization framework detailed in the NOFO, less-costly technologies that may not meet the definition of reliable broadband will only be selected as a part the EHCT process when a reliable technology is not a viable option given the remaining BEAD budget available for provisional awarding or is not an available option based on the submitted projects using a reliable technology..

WBO reserves the right to implement a location-specific or regional EHCT threshold, informed by cost model data, to withdraw preliminary allocations from areas that are the highest cost for a priority broadband project relative to the expected cost based on cost model data. This will maximize the value derived from public investment, by limiting over-allocation of funding to areas that would be expected to need less public investment and instead allocating those dollars to ensure full deployment to all locations.

2.4.11 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.
- b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).
- c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

WBO will ensure prospective grantees deploying network facilities will meet the minimum qualifications for financial capability through its Letter of Intent process as described below, including requiring a certification that the prospective subgrantee has the requisite qualifications commensurate to their respective project, and are able to comply with all requirements, including meeting service milestones. Prospective subgrantees will be required to certify that they are qualified and they retain these financial resources and operational capabilities at service milestones and reporting periods. The Letter of Intent will be required to include information about the financial capacity of a subgrantee, and WBO will reject prospective grantees unable to meet minimum requirements.

As the first step in participation in the BEAD allocation process, each prospective subgrantee will submit a letter of intent to participate. The Letter of Intent (LOI) will inform the Commission about the capability of prospective participants to comply with BEAD program requirements, including subgrantee qualifications (see Notice of Funding Opportunity Section IV.D). The LOI questions and instructions will be posted publicly on the Commission's website, as well as the appropriate docket for the BEAD program. WBO will conduct outreach with stakeholders, including hosting webinars and publishing information in its newsletter and notifying prior grant recipients.

WBO will establish a checklist and questionnaire as part of the LOI to ensure applicants are meeting the financial, managerial, technical, and operational requirements necessary to successfully implement BEAD projects. WBO reserves the right to adjust the following list and required information as appropriate to effectuate the goals of the BEAD program, meet compliance and reporting requirements, and ensure only credibly qualified applicants participate in the program.

To reduce the burden and complexity for participation in the BEAD program, and thus maximize the participation and resulting competitive allocation of funding, WBO intends to implement a simplified letter of intent for some applicants, depending on the applicant's intended scope of participation in the BEAD program or prior experience with broadband grants. In the following two instances, less detailed responses will be accepted to the furthest extent allowable by NTIA requirements:

- Any applicant that indicates an intent to apply for funding to build a count of locations that does not exceed 5,000.
- Any applicant that has completed and closed at least five Commission-administered broadband grants, or Commission-administered broadband grant projects totaling at least \$1 million in public funds. For these applicants, less detailed responses will be accepted in response to questions related to their history building and operating broadband networks, and questions related to managerial and operational capacity, given the established and ongoing working relationship of the entity and WBO.

c) Letter of Intent Contents

The checklist will include, but is not limited to, the following criteria:

- Information about the prospective grantee's plans to participate in the program, including an estimated number of locations for which it will compete for funding and the counties/Tribes where it will compete for funding, and the technologies it will deploy. To ensure integrity of the allocation process, this information will be filed confidentially. The count of locations submitted will serve as a ceiling to the applicant's participation in the allocation process. Applicants will be allowed a 10% overage of their proposed locations served, after which a waiver from WBO will be required. Counties served will similarly be binding unless a waiver is provided by WBO.
- Commitment to implement a low-cost broadband service option consistent with BEAD requirements (see Requirement 16 of this document). This will include an attestation of understanding of the minimum low-cost broadband plan requirements, but not specific additional or additive information about pricing, eligibility criteria, or other information, which will be submitted as part of the application for funding.
- An attestation and narrative explanation of how the proposed technologies it will deploy meet the speed, performance, and operational requirements of the BEAD program.
- Documentation to meet best practices and requirements for Labor Standards and Practices (see Requirement 11 of this document) and Minority Business Enterprises (Requirement 13). Documentation will include, but is not limited to, demonstration of compliance with existing laws and requirements and the history of the applicant in implementing such practices.
- Documentation demonstrating the financial capability of the prospective grantee to participate in the BEAD program consistent with the size and scope of their anticipated applications. Such documentation may include, but is not limited to, audited financial statements, business plans and related analysis, and other financial documentation as specified in the BEAD NOFO. Audited financial statements must be from the prior fiscal year and audited by an independent certified public accountant. If the potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by the WBO. Business plans and related analysis may include: project description review; market analysis review; competitive analysis review; risk assessment review; technical and operational plan review; and management team review. Required financial documentation will include a Letter of Credit (LOC), or equivalent instrument as specified in NTIA's BEAD Letter of Credit Waiver (<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>). WBO operates a reimbursement-based grant program and intends to implement incremental reductions in the amount required to be secured by the LOC or performance bond as reimbursements are made. Further, given its reimbursement practices, WBO will implement the lowest allowable percentage required for an LOC or performance bond as specified in section 2.4 of the waiver. In total, WBO intends to implement the LOC requirement in the least stringent manner possible, to the furthest

extent allowed by NTIA, to be consistent with the goal of maximizing participation and competition within the subgrantee selection process.

- Documentation demonstrating the sustainability of the proposed project, which includes pro forma financial statements or associated business plan analyses. The pro forma statements should be inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections after the targeted completion of broadband deployment project.
- Documentation demonstrating the managerial capacity of the prospective grantee, which may include resumes for key management personnel, organizational charts, history implementing broadband grant, universal service fund support and other deployment activities, and description of the experience and qualifications of the entity for undertaking BEAD projects. This will include information demonstrating retention of an appropriately skilled and credentialed workforce, including appropriately credentialed engineers or other qualified staff or contractors that will be involved in the deployment of the network.
- Demonstration of operational capacity, including a demonstrated history of operating broadband networks for two years or more, certification of submission of applicable Form 477 or Broadband Data Collection information to the Federal Communications Commission (FCC), and explanation of any unresolved compliance action with the FCC or PSC. Entities without a history of operating broadband networks for two years or longer will be required to submit additional documentation as determined necessary by WBO to ensure operational capability. Questions related to operational capacity will be evaluated in the context of the proposed number of locations an applicant will compete for, as required under bullet one of this list.
- Documentation establishing ownership information of the prospective grantee consistent with [47 CFR 1.2112\(a\)\(1\)-\(7\)](#).
- Information regarding compliance with state laws (including Chapter 182 of the Wisconsin Statutes) related to the Diggers Hotline and timely locating any utility facilities prior to construction or planned excavation. This will include information about the provider's practices for ensuring compliance and timely response to such locate requests and their past performance with timely locates and compliance.
- Attestation of compliance with applicable federal, state and local laws and applicable program requirements. This may include a narrative explanation of its past experience complying with such requirements, and documentation of any policies, procedures, processes, systems, or internal controls that currently exist to ensure compliance with such requirements.
- An attestation and narrative explanation of how the prospective grantee will meet the reporting requirements for participation in the program, including those related to speed and performance, financial documentation and reimbursement, monitoring and compliance work, and any other information required by WBO or NTIA to monitor and ensure successful implementation of projects.

- A certification that the prospective subgrantee has the requisite qualifications commensurate to their respective project, and are able to comply with all requirements, including meeting service milestones.
- An attestation of understanding and intent to comply with Build America, Buy America requirements.
- An attestation of understanding and intent to comply with Environmental and Historic Preservation requirements.
- Information regarding an applicant's cybersecurity risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Information regarding an applicant's supply chain risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Documentation of any other public (federal, state, local, or otherwise) funding the applicant has received, applied for, or intends to apply for, for the deployment of broadband networks. Such explanation will include the location and characteristics of such networks, the source of funds, the anticipated deployment timeline, and any other information requested by the Commission. This documentation will include information about the applicant's intent to participate in the BEAD program in other states and territories, including the number of locations funded, project cost and match, and any other characteristics as necessary. An applicant will be required to update information regarding ongoing participation and award of BEAD funding in other states in a timely manner upon request of Commission staff.
- The Commission reserves the right to request more information from prospective applicants as necessary to ensure all participants have the capacity to participate in the program and meet all BEAD program requirements and goals. Further, the Commission reserves the right to request updated or additional information at any time, including after the subgrantee selection process, to re-assess the qualifications of subgrantees to execute the specific awards they have received.
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d) Letter of Intent Review

LOIs will be posted to a public docket on the Commission's website, and redacted only where required, to maximize transparency and public access to the submitted materials.

WBO will review the qualifications and information provided as part of the LOI process, and after reviewing the WBO will notify all LOI applicants of their status and if they are eligible to submit a grant application. In the interest of maximizing participation to ensure the best possible result, WBO staff will strive to work with prospective participants to cure and resolve deficiencies in received LOIs. However, depending on time and resources, submission of an incomplete LOI may result in disqualification.

2.4.11.1 Optional Attachment: As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

2.4.12 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.
- b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

WBO will ensure prospective grantees deploying network facilities will meet the minimum qualifications for managerial capability through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will be required to include information about the managerial capacity of a subgrantee, and WBO will reject prospective grantees unable to meet minimum requirements. Required documentation demonstrating the managerial capacity of the prospective grantee will include but is not limited to resumes for key management personnel; organizational charts; history implementing broadband grants, universal service fund support and other deployment activities; and description of the experience and qualifications of the entity for undertaking BEAD projects. This will include information demonstrating retention of appropriately credentialed engineers or other qualified staff or contractors that will be involved in the deployment of the network.

Prospective subgrantees that are deemed eligible to participate in the grant rounds following submission of the letter of intent will then be required to provide a narrative description of their readiness and capacity to manage and provide ongoing services for the project areas they are submitting a grant application for. The narrative should include its experience completing projects of a similar size and scope, relevant policies, experience and qualifications of management as it relates to the specific project, and any recent or known upcoming changes to the organization, including mergers and acquisitions.

2.4.13 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

WBO will ensure prospective grantees deploying network facilities will meet the minimum qualifications for technical capability through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will be required to include information about the technical capacity of a subgrantee, and WBO will reject prospective grantees unable to meet minimum requirements. A description of the letter of intent as it pertains to technical capability is below.

As the first step in participation in the BEAD allocation process, each prospective subgrantee will submit a letter of intent to participate. The Letter of Intent (LOI) will inform the Commission about the capability of prospective participants to comply with BEAD program requirements, including subgrantee qualifications (see Notice of Funding Opportunity Section IV.D). The LOI questions and instructions will be posted publicly on the Commission's website, as well as the appropriate docket for the BEAD program. WBO will conduct outreach with stakeholders, including hosting webinars and publishing information in its newsletter and notifying prior grant recipients.

WBO will establish a checklist and questionnaire as part of the LOI that requires applicants to certify they can meet the financial, managerial, technical, and operational requirements necessary to successfully implement their proposed BEAD projects. WBO reserves the right to adjust the following list and required information as appropriate to effectuate the goals of the BEAD program, meet compliance and reporting requirements, and ensure only credibly qualified applicants participate in the program.

To reduce the burden and complexity for participation in the BEAD program, and thus maximize the participation and resulting competitive allocation of funding, WBO intends to implement a simplified letter of intent for some applicants, depending on the applicant's intended scope of participation in the BEAD program or prior experience with broadband grants. In the following

two instances, less detailed responses will be accepted to the furthest extent allowable by NTIA requirements:

- Any applicant that indicates an intent to apply for funding to build a count of locations that does not exceed 5,000.
- Any applicant that has completed and closed at least five Commission-administered broadband grants, or Commission-administered broadband grant projects totaling at least \$1 million in public funds. For these applicants, less detailed responses will be accepted in response to questions related to their history building and operating broadband networks, and questions related to managerial and operational capacity, given the established and ongoing working relationship of the entity and WBO.

e) Letter of Intent Contents

The checklist will include, but is not limited to, the following criteria:

- Information about the prospective grantee's plans to participate in the program, including an estimated number of locations for which it will compete for funding and the counties/Tribes where it will compete for funding, and the technologies it will deploy. To ensure integrity of the allocation process, this information will be filed confidentially. The count of locations submitted will serve as a ceiling to the applicant's participation in the allocation process. Applicants will be allowed a 10% overage of their proposed locations served, after which a waiver from WBO will be required. Counties served will similarly be binding unless a waiver is provided by WBO.
- Commitment to implement a low-cost broadband service option consistent with BEAD requirements (see Requirement 16 of this document). This will include an attestation of understanding of the minimum low-cost broadband plan requirements, but not specific additional or additive information about pricing, eligibility criteria, or other information, which will be submitted as part of the application for funding.
- An attestation and narrative explanation of how the proposed technologies it will deploy meet the speed, performance, and operational requirements of the BEAD program.
- Documentation to meet best practices and requirements for Labor Standards and Practices (see Requirement 11 of this document) and Minority Business Enterprises (Requirement 13). Documentation will include, but is not limited to, demonstration of compliance with existing laws and requirements and the history of the applicant in implementing such practices.
- Documentation demonstrating the financial capability of the prospective grantee to participate in the BEAD program consistent with the size and scope of their anticipated applications. Such documentation may include, but is not limited to, audited financial statements, business plans and related analysis, and other financial documentation as specified in the BEAD NOFO. Audited financial statements must be from the prior fiscal year and audited by an independent certified public accountant. If the potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements

from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by the WBO. Business plans and related analysis may include: project description review; market analysis review; competitive analysis review; risk assessment review; technical and operational plan review; management team review. Required financial documentation will include a Letter of Credit (LOC), or equivalent instrument as specified in NTIA's BEAD Letter of Credit Waiver

(<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>). WBO operates a reimbursement-based grant program and intends to implement incremental reductions in the amount required to be secured by the LOC or performance bond as reimbursements are made. Further, given its reimbursement practices, WBO will implement the lowest allowable percentage required for an LOC or performance bond as specified in section 2.4 of the waiver. In total, WBO intends to implement the LOC requirement in the least stringent manner possible, to the furthest extent allowed by NTIA, to be consistent with the goal of maximizing participation and competition within the subgrantee selection process.

- Documentation demonstrating the managerial capacity of the prospective grantee, which may include resumes for key management personnel, organizational charts, history implementing broadband grant, universal service fund support and other deployment activities, and description of the experience and qualifications of the entity for undertaking BEAD projects. This will include information demonstrating retention of an appropriately skilled and credentialed workforce, including appropriately credentialed engineers or other qualified staff or contractors that will be involved in the deployment of the network.
- Demonstration of operational capacity, including a demonstrated history of operating broadband networks for two years or more, certification of submission of applicable Form 477 or Broadband Data Collection information to the Federal Communications Commission (FCC), and explanation of any unresolved compliance action with the FCC or PSC. Entities without a history of operating broadband networks for two years or longer will be required to submit additional documentation as determined necessary by WBO to ensure operational capability. Questions related to operational capacity will be evaluated in the context of the proposed number of locations an applicant will compete for, as required under bullet one of this list.
- Documentation establishing ownership information of the prospective grantee consistent with [47 CFR 1.2112\(a\)\(1\)-\(7\)](#).
- Information regarding compliance with state laws (including Chapter 182 of the Wisconsin Statutes) related to the Diggers Hotline and timely locating any utility facilities prior to construction or planned excavation. This will include information about the provider's practices for ensuring compliance and timely response to such locate requests and their past performance with timely locates and compliance.
- Attestation of compliance with applicable federal, state and local laws and applicable program requirements. This may include a narrative explanation of its past experience complying with such requirements, and documentation of any policies, procedures,

processes, systems, or internal controls that currently exist to ensure compliance with such requirements.

- An attestation and narrative explanation of how the prospective grantee will meet the reporting requirements for participation in the program, including those related to speed and performance, financial documentation and reimbursement, monitoring and compliance work, and any other information required by WBO or NTIA to monitor and ensure successful implementation of projects.
- A certification that the prospective subgrantee has the requisite qualifications commensurate to their respective project, and are able to comply with all requirements, including meeting service milestones.
- An attestation of understanding and intent to comply with Build America, Buy America requirements.
- An attestation of understanding and intent to comply with Environmental and Historic Preservation requirements.
- Information regarding an applicant's cybersecurity risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Information regarding an applicant's supply chain risk management plan, or its plans to operationalize such a plan in the event of receipt of funding.
- Documentation of any other public (federal, state, local, or otherwise) funding the applicant has received, applied for, or intends to apply for, for the deployment of broadband networks. Such explanation will include the location and characteristics of such networks, the source of funds, the anticipated deployment timeline, and any other information requested by the Commission. This documentation will include information about the applicant's intent to participate in the BEAD program in other states and territories, including the number of locations funded, project cost and match, and any other characteristics as necessary. An applicant will be required to update information regarding ongoing participation and award of BEAD funding in other states in a timely manner upon request of Commission staff.
- The Commission reserves the right to request more information from prospective applicants as necessary to ensure all participants have the capacity to participate in the program and meet all BEAD program requirements and goals. Further, the Commission reserves the right to request updated or additional information at any time, including after the subgrantee selection process, to re-assess the qualifications of subgrantees to execute the specific awards they have received.

f) Letter of Intent Review

LOIs will be posted to a public docket on the Commission's website, and redacted only where required, to maximize transparency and public access to the submitted materials.

WBO will review the qualifications and information provided as part of the LOI process, and after reviewing the WBO will notify all LOI applicants of their status and if they are eligible to submit a grant application. In the interest of maximizing participation to ensure the best possible

result, WBO staff will strive to work with prospective participants to cure and resolve deficiencies in received LOIs. However, depending on time and resources, submission of an incomplete LOI may result in disqualification.

2.4.14 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.
- b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

WBO will ensure prospective grantees deploying network facilities will comply with applicable laws through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will be required to include information about such compliance activities, and WBO will reject prospective grantees unable to meet minimum requirements.

Requirements of the Letter of Intent will include:

- Information regarding compliance with state laws (including Chapter 182 of the Wisconsin Statutes) related to the Diggers Hotline and timely locating any utility facilities prior to construction or planned excavation. This will include information about the provider's practices for ensuring compliance and timely response to such locate requests and their past performance with timely locates and compliance.
- Attestation of compliance with applicable federal, state and local laws and applicable program requirements. This may include a narrative explanation of its past experience complying with such requirements, and documentation of any policies, procedures, processes, systems, or internal controls that currently exist to ensure compliance with such requirements.
- An attestation of understanding and intent to comply with BEAD rules to allow workers to create worker-led health and safety committees and to meet with such committees upon reasonable request.
- An attestation and narrative explanation of how the prospective grantee will meet the reporting requirements for participation in the program, including those related to speed and performance, financial documentation and reimbursement, monitoring and

compliance work, and any other information required by WBO or NTIA to monitor and ensure successful implementation of projects.

- An attestation of understanding and intent to comply with Build America, Buy America requirements.
- An attestation of understanding and intent to comply with Environmental and Historic Preservation requirements.
- An attestation of understanding and intent to comply with BEAD rules to allow workers to create worker-led health and safety committees and to meet with such committees upon reasonable request.

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

WBO will ensure prospective grantees deploying network facilities will meet the minimum qualifications for operational capability through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will require prospective subgrantees to certify that they possess the operational capacity required as well as provide details of their stated operational capacity. The WBO will reject prospective grantees unable to meet minimum requirements.

To further ensure prospective grantees possess the operational capability to qualify to complete and operate a project, if a prospective subgrantee with an enforceable funding commitment (see BEAD NOFO page 36, footnote 52) as of the date of the data used for the Wisconsin BEAD Challenge (March 26, 2024) withdraws, terminates, defaults, amends to reduce, or fails to perform such that any broadband serviceable location (BSL) is ‘released’ from the enforceable funding commitment for qualifying broadband service, the Commission will consider the operational capacity of the potential subgrantee reduced for the released locations. In cases where the entity has release BSLs, the potential subgrantee may only be awarded BEAD funding for that BSL if it is the only eligible applicant with a qualified application for reliable broadband service for the location. Further, if an eligible applicant establishes or is awarded a new enforceable funding commitment after March 26, 2024 and ‘releases’ the BSLs before the Commission approval of the BEAD final proposal the same ‘release’ process applies.

For prospective subgrantees that have provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, the WBO will require the submission of a certification and/or attestation of these facts and the numbers of years of operation.

Prospective subgrantees that have provided a voice and/or broadband service will be required to provide a certification that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission’s rules and regulations.

If a prospective subgrantee has operated only an electric transmission or distribution service, they will be required to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

For prospective subgrantees that are new entrants to the broadband market, they must provide sufficient evidence that the newly formed entity has obtained, through internal or external resources, sufficient operational capacity. Evidence may include but is not limited to project narratives and/or descriptions from contractors, subcontractors, or other partners with relevant broadband operational experience; resumes from key personnel; or other relevant and comparable evidence to demonstrate operational capacity.

Entities without a history of operating broadband networks for two years or longer (including new entrants to the broadband market), or prospective grantees that have operated only an

electric transmission or distribution service will be required to submit additional documentation as determined necessary by WBO to ensure operational capability, which may include qualified operating and financial reports filed with relevant financial institutions.

2.4.16 Text Box: Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:
a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

WBO will ensure prospective grantees deploying network facilities provide information regarding ownership through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will be required to include information about the ownership structure of a subgrantee, and WBO will reject prospective grantees unable to meet minimum requirements. The Letter of Intent will include the following:

- Demonstration of operational capacity, including a demonstrated history of operating broadband networks for two years or more, certification of submission of applicable Form 477 or Broadband Data Collection information to the Federal Communications Commission (FCC), and explanation of any unresolved compliance action with the FCC or PSC. Entities without a history of operating broadband networks for two years or longer will be required to submit additional documentation as determined necessary by WBO to ensure operational capability. Questions related to operational capacity will be evaluated in the context of the proposed number of locations an applicant will compete for, as required under bullet one of this list.
- Documentation establishing ownership information of the prospective grantee consistent with [47 CFR 1.2112\(a\)\(1\)-\(7\)](#).

2.4.17 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

The response must:

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

WBO will ensure prospective grantees deploying network facilities will provide information regarding other public funding through its Letter of Intent process, as described in the subgrantee selection process above. The Letter of Intent will be required to include information about other funding of a subgrantee, and WBO will reject prospective grantees unable to meet minimum requirements. WBO will require each prospective subgrantee to disclose, for itself and its affiliates, any application the prospective subgrantee or its affiliates have submitted or plan to submit and every broadband deployment project that the prospective subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including, but not limited to, funds provided under:

- Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
- CARES Act (Public Law 116-136; 134 Stat. 281)
- Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Any Eligible Entity or local universal service or broadband deployment funding program

Requirement 9: Non-deployment Subgrantee Selection

2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

The WBO has determined – based on the procured Broadband Intelligence cost model data, estimated BEAD match funding, existing state grant broadband infrastructure commitments, provider’s Enhanced ACAM elections, existing Rural Digital Opportunity Fund awards, existing USDA ReConnect Awards and additional planned public and private investment in broadband expansion - that Wisconsin’s BEAD allocation will extend sufficient funding to eligible BEAD applicants to reach all unserved and underserved locations in the state. To the extent that after WBO reaches all unserved and underserved locations and funding remains the WBO intends to use remaining funds to increase digital opportunity and create opportunities for Wisconsinites in the process of meeting the goals of BEAD and to efficiently facilitate the large-scale deployment of broadband infrastructure projects beginning as earlier as 2025.

As available, the WBO also intends to utilize remaining funds to support a competitive subgrant process supporting the implementation and goals of Wisconsin’s Digital Equity Plan and for other broadband deployment projects that support and effectuate the core BEAD goal of internet for all. Digital equity-related subgrants will be intended to supplement, but not to duplicate or supplant, BEAD Planning Grant funds or the forthcoming Digital Equity Capacity Grant funds. The WBO will carefully delineate BEAD Program eligible non-deployment activities that pursue the goals of the state’s broader Digital Equity Plan and more specifically the goals of the Digital Equity Capacity Grant Program to ensure distinct activities are clearly funded by each source.

The WBO is located within the PSC and grant subawards are subject to the review and decision-making authority of the Commission. Through the established Commission process for funding and policy decisions regarding grant programs, the WBO will draft a proposed grant making process for directing BEAD funds for non-deployment activities through a competitive grant program based on the specific non-deployment activity, including the objective means for selecting eligible subgrantees for eligible non-deployment activities. The WBO will use the existing grant processes previously established by the Commission that are fair, open and competitive and include safeguards against collusion, bias, conflicts of interest and arbitrary decisions. Past Commission-approved grant program provisions that have been provided publicly prior to the opening of the grant application window include, but may not be limited to:

- Scope of the grant program
- Timeline and schedule for application process
- Performance period for grant funds
- Applicable Federal and State requirements
- Anti-collusion and potential conflict of interest attestation

- Specific application submission instructions
- Eligibility and merit questions and corresponding criteria for evaluation
- Clear explanation of application evaluation process and awarding process
- A draft grant agreement

Applications will be reviewed by diverse three-person panel from the WBO, individuals within the PSC, or external subject matter experts. Applications panel reviewers attest to not making biased or arbitrary decisions and are required to report any known conflicts of interest or known collusion. The Commissioners will review non-deployment subgrants applications and award funding in a publicly noticed, open meeting using their subject matter expertise as informed by the recommendations of the review panel. By using this existing process for grantmaking that seeks final review and determination from Commissioners in a public open meeting, the process controls for undue bias, arbitrary decision making, and conflicts of interest. If at any point an applicant is found to have violated non-collusion requirements, WBO may exclude them from the grant program.

Additionally, the WBO seeks to use BEAD funds for workforce costs in advance of and simultaneously with last-mile deployment projects upon approval of the Initial Proposal. These BEAD-related training and workforce development will be targeted to diverse groups in the state to facilitate the necessary upskilling to reduce deployment delays and barriers that would lead to a more costly overall deployment, ultimately detracting from beneficial state growth in good jobs and Wisconsin's broadband deployment industries.

Wisconsin finds that modest and early investments in quality broadband workforce upskilling and training will result in faster and more cost efficient BEAD last mile deployments along with more local hires and direct employment. The WBO is requesting to undertake this workforce training early in the process, upon the approval of the Initial Proposal, to ensure effective skilling on-ramps and training are established to support the larger outcomes of the BEAD program. The workforce training will happen within the eligible entity through the Wisconsin Technical College System.

2.5.2 Text Box: Describe the Eligible Entity's plan for the following:

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds;
- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction;
- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;
- d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

In Wisconsin, the Commission serves as the authority to receive and administer both the BEAD program funds and the Digital Equity Act funds including Digital Equity Capacity Grant funds.

As such in the planning process the Commission developed a sequenced, integrated and aligned approach between the BEAD and DE programs. As a single entity administering both programs the Commission is well positioned to understand the non-deployment needs related to BEAD, and how that may overlap with digital equity efforts. The Commission may coordinate the use of non-deployment BEAD subawards and direct funding within the eligible entity to complement the DE Capacity funding to implement the DE plan. To the extent allowable the Commission will deploy BEAD funds through the approved DE Capacity Grant Program including both subawards and direct funding within the eligible entity.

Through extensive and ongoing outreach to communities and covered populations to inform both BEAD and DE planning (see Requirement 4), the WBO has gathered an understanding of both the digital equity gaps, broadband deployment and the training and skilling needs of Wisconsin communities. If BEAD non-deployment funds are remaining, subsequent competitive grant programs and direct funding within the eligible entity will address these needs to effectuate the BEAD goal of universal service.

2.5.3 Text Box: Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

The WBO will confirm that following the deployment subgrantee selection period, every BEAD eligible unserved and underserved BSL in Wisconsin will have a confirmed BEAD subgrant award for providing qualifying broadband service. The subgrantee selection process is designed to carefully assess prospective subgrantee's compliance record, financial and managerial capacity, and the technical and operational expertise to successfully complete their proposed project.

2.5.4 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

The WBO will ensure prospective subgrantees awarded through potential non-deployment competitive grant programs will meet the following qualifications:

1. Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, Eligible Entity, and local laws;
2. Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity; and
3. Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

The WBO will require a prospective subgrantees to enter into a grant agreement that requires ongoing compliance with federal and local laws, as well as an attestation to abide by relevant federal and state laws and requirements. The WBO will also consider potential subgrantees past performance and compliance if they have received funding through a PSC grant program in the past.

Documentation demonstrating the financial capability of the prospective grantee to participate in the program consistent with the size and scope of their anticipated applications will be required upon application, as well as documentation demonstrating the managerial capacity of the prospective grantee, which may include resumes for key management personnel, organizational charts, history implementing similar grants, and description of the experience and qualifications of the entity for undertaking the project(s). Based on the nondeployment subgrant program, the WBO will require demonstration of operational capacity, including a demonstrated history similar activities or initiatives.

Requirement 10: Eligible Entity Implementation Activities

2.6.1 Text Box: Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

The WBO will require funds for administrative and implementation activities including operation of the challenge process, the subgrantee selection process and subsequent monitoring, program compliance, reimbursement and financial management activities and related evaluations, certifications, audits or reviews. The broadband office will ensure that administrative and program implementation costs are allowable, allocable and reasonable.

The WBO intends to enter into an official memorandum of understanding (MOU) or an equivalent binding agreement with the Wisconsin Technical College System (WTCS), as a part of the eligible entity. The WBO proposes to provide funding for occupational training, credentialing or badging programs supporting broadband and industry-standard training courses for locating services that will be administered at multiple WTCS locations and/or partner locations across the state. Per the Volume 2 guidance published by NTIA, Wisconsin will include implementation of workforce development related to the deployment of broadband as an implementation activity and requests to begin this activity upon the approval of the initial proposal. The training and credentialing will be coupled with needed digital literacy training and targeted for many types of positions including but not limited to fiber and wireless technicians, trenchers, radio frequency and field engineers, software engineers cybersecurity professionals, trucking and construction skills related to broadband deployment. There is a projected estimated deficit of over 3,000 qualified workers across key broadband-related occupations in the state. To ensure timely deployment of BEAD infrastructure projects and avoid adverse effects to the success of the BEAD program, it is necessary to address the gap in both specific digital literacy skills and broadband-related training.

To further reduce and eliminate barriers to timely and cost-efficient deployment of BEAD broadband infrastructure, the WBO intends to provide BEAD funding designed to support more effective approaches to underground locating services and other permitting processes for fiber broadband projects across the state.

Wisconsin communities, local government and a large group of broadband stakeholders were critical to the development of the Five-Year Action Plan and to broadband planning, deployment, and adoption activities around the state. During the initial planning period the WBO executed an MOU and provided funding for UW Extension and the Wisconsin Office of Rural Prosperity to provide technical assistance for local governments, Tribes, and Regional Economic Development Organization. Through workshops, webinars, office hours and the development of a toolkit, additional supports and resources were offered to communities. Ongoing quality technical assistance will be critical to ensure that local communities have the resources and knowledge to fully engage in BEAD implementation. The WBO will continue to partner with UW Extension for ongoing technical assistance activities to effectuate the goals of the BEAD program; local communities are critical to ensuring reliable, affordable, high-speed internet for all Wisconsinites.

Mapping, robust and commercial data and expert analysis related to the state of deployment and adoption of affordable, reliable, high-speed broadband across Wisconsin will be an important ongoing implementation activity. As needed, Wisconsin will use BEAD non-deployment funds for the eligible entity implementation activity of procuring an updated broadband intelligence platform for the purpose of acquiring and analyzing the most current household and geospatial data related to broadband access, broadband cost modeling, performance, adoption, affordability, take-rate, ACP or low-cost plan offer eligibility, cost burden and additional metrics to reach the goals of BEAD and effectively monitor both sub awardees and statewide progress towards the program goals.

Through the BEAD planning process, the WBO has identified that additional broadband deployment specific permitting staff will likely be needed to help streamline processes and ensure a proper and timely review of various BEAD related permitting applications. An additional implementation initiative will be the development of a fast-track BEAD permitting process. To the extent additional permitting staff are needed within the eligible entity to effectuate the goals of BEAD program on the required timeline, the WBO may procure an outside contractor, hire additional internal staff or develop programmatic agreements and with other state agencies for this implementation activity.

Requirement 11: Labor Standards and Protections

2.7.1 Text Box: Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

a. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:

- i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
- ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
- iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

b. Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:

- i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

The WBO will require applicants and other proposed parties contributing to the project, including contractors and subcontractors, to provide record of compliance with federal labor and employment laws. The requested records from applicants and associated parties must include:

1. Records of compliance with federal labor and employment laws on broadband deployment projects for the last three years, which will include:
 - a. information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - b. certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee and associated parties evidencing consistent past compliance with federal labor and employment laws; and
 - c. written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws

such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

- d. New Entrants: In accordance with the BEAD NOFO, “Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.” A new entrant without an organizational record of labor and employment law compliance may submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance.
 - e.
2. Prospective subgrantees’ plans for ensuring compliance with federal labor and employment laws, including:
 - a. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors. This includes information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and how the prospective subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.
 3. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

The Wisconsin Broadband Office will evaluate applicants submitted materials during the first stage of the subgrantee selection process, determining whether the minimal requirements above have been met with the prospective subgrantee’s submission of the Letter of Intent. Following the Letter of Intent stage, prospective subgrantees that proceed to the application rounds will have both their past record of fair labor practices based on compliance records and labor plans, and demonstrated plans for compliance, including a preference for directly employed workforce and locally hired workforce, scored as one of the three primary BEAD evaluation criteria for both priority and non-priority broadband project proposals as required by the NOFO, detailed in Requirement 8.

2.7.2 Text Box: Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

- a. Using a directly employed workforce, as opposed to a subcontracted workforce;
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- d. Use of local hire provisions;
- e. Commitments to union neutrality;
- f. Use of labor peace agreements;
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- i. Taking steps to prevent the misclassification of workers.

Per the requirements and outlined guidance in the BEAD NOFO, the WBO does not intend to include any of the following optional items into binding legal commitments with subgrantees:

- Using a directly employed workforce, as opposed to a subcontracted workforce;
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- Use of local hire provisions;
- Commitments to union neutrality;
- Use of labor peace agreements;
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);

- Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- Taking steps to prevent the misclassification of workers.

While these labor items will not be included in binding legal agreements, the following items will be utilized in the subgrantee selection process, as detailed in Requirement 8:

- The letter of intent process will require prospective subgrantees to provide documentation to meet best practices and requirements for Labor Standards and Practices (as outlined for 2.7.1 above) and Minority Business Enterprises (Requirement 13). Documentation will include, but is not limited to, demonstration of compliance with existing laws and requirements and the history of the applicant in implementing such practices.
- While not mandatory, the WBO will review workforce plans and score each applicant's demonstrated plans to comply with Federal labor and employment laws, including labor and employment standards and protections with a preference for directly employed and locally hired workforces.

Requirement 12: Workforce Readiness

2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (e.g., child care, transportation, mentorship), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and
- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

As detailed in Requirement 11 (Labor Standards and Protections), the WBO does not plan to require subgrantees to enter a legal binding commitment for labor provisions, but will require potential subgrantees to detail labor standards and protections in their submitted letter of intent, and will include a scoring criteria related to demonstrated plans to be in compliance with Federal labor and employment law, strong labor and employment standards and protections with a preference for directly employed workforce and locally hired workforce. The Commission will require ongoing reporting documentation from prospective subgrantees to ensure that the proposed plan for development and use of a highly skilled workforce is maintained to ensure a safe and effective deployment, and that commitments to hire a highly-skilled local workforce are maintained.

The WBO will continue to promote diverse networks of partnership across the state's broadband workforce ecosystem through its existing channels of engagement and collaborative planning networks, including the Wisconsin Broadband Stakeholders Workgroup (a group of industry, government and workforce entities that meet quarterly to share information and ideas for increasing and improving broadband in Wisconsin), BEAD planning workforce outreach

(detailed in the Five-Year Action Plan), and the BEAD Workforce Planning Grant program subgrantees and their respective diverse partnership networks. The WBO has engaged labor unions, nonprofits, government agencies, the state technical college system, ISPs, and trade groups that all intersect with the broadband infrastructure workforce ecosystem in the state. The WBO has engaged these stakeholders to share BEAD developments and timelines, as well as highlight existing workforce training assets in the state and consider new avenues for broadband workforce training.

The WBO will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations by providing funding for occupational training and/or credentialing or badging programs for supporting broadband that will provide relevant training to attract, train, retain, or transition to meet local workforce needs, increase high-quality job opportunities, and provide equitable on-ramps into broadband-related jobs. The training and credentialing will be administered the Wisconsin Technical College System (WTCS) at multiple locations and/or partner locations across the state. These training and credentialing opportunities will also be available to new and incumbent workers engaged in the sector, and the introduction of such training and credentialing will not adversely affect incumbent workers with extensive expertise in the field. The WBO will work with partners and labor organizations to maintain job quality for both new and incumbent workers engaged in the sector. This workforce on-ramp and training initiative will focus on education for a diverse group of candidates to ensure that forthcoming BEAD funding results in more quality jobs for both current and non-traditional workers in the sector. Furthermore, the WTCS and State of Wisconsin will work with partners to ensure workers and future workers have access to wrap-around services including, childcare, transportation and mentorship to needed to complete training. This effort will complement and scale existing efforts for increasing training for telecommunication and broadband workforce in the state.

Wisconsin currently has four entities offering broadband-specific training programs, which includes apprenticeship programs, credentialing programs, and degree programs in both virtual and in-person formats.

Northwood Technical College

- a. Broadband Service Technician Apprenticeship Program: provides the classroom training component for the registered apprenticeship program through DWD, listed in the last row of this table.
- b. Online Broadband Academy: The Online Broadband Academy is used by those in the apprenticeship program, as well as other trainees, and often adopted by employers to train their respective workforce.
- c. Telecommunications Industry Registered Apprenticeship (TIRAP) Program: The TIRAP program is an on-campus apprenticeship program through the overhead and underground utility installer technician program
- d. Training Partnership with NTCA, The Rural Broadband Association: Apprenticeship-like program that provides badges that are recognized by industry partners across the country

Northeast Wisconsin Technical College (NWTC) Broadband and Telecommunications Training Program: NWTC offers the Telecommunications Fiber Optic Engineering Technician Technical Diploma and a more comprehensive Telecommunications Engineering Technician associate degree program. NWTC focus on key elements of network design, fiber splicing and install, project data collection, and overall telecommunications engineering and design principles.

Southwest Wisconsin Technical College Fiber Optic Technician part-time certification: Certified Fiber Optic Technician (CFOT) program is a part-time certification course offering hands-on training, designed to accommodate the schedules of working individuals.

WI Department of Workforce Development (DWD) Broadband Service Technician Registered Apprenticeship Program: This registered apprenticeship is a one-year program and consists of 144 instructions hours and 2,000 hours of on-the-job training. Three broadband telecommunication companies are currently sponsors that coordinate with DWD to train apprentices.

The WBO intends to enter into an official memorandum of understanding (MOU) or an equivalent binding agreement with the Wisconsin Technical College System (WTCS), as a part of the eligible entity for the purpose of expanding training and credentialing. This training and credentialing will be coupled with needed digital literacy training and targeted for many types of positions including but not limited to fiber and wireless technicians, trenchers, radio frequency and field engineers, software engineers cybersecurity professionals, trucking and construction skills related to broadband deployment. There is a projected estimated deficit of over 3,000 qualified workers across key broadband-related occupations in the state. To ensure timely deployment of BEAD infrastructure projects and avoid adverse effects to the success of the BEAD program, it is necessary to address the gap in both specific digital literacy skills and broadband-related training.

In addition to the broadband-specific training and education programs, Wisconsin has several educational institutions offering different training, each providing specific or transferable skills applicable to broadband and telecommunications work. The table below includes all the institutions with such programs and the number of people who have completed a program in 2021.

Institution	Certificates (2021)	Degrees (2021)	Total Completions (2021)
Chippewa Valley Technical College	60	0	60
Northeast Wisconsin Technical College	43	0	43
Southwest Wisconsin Technical College	39	0	39
Northwood Technical College	32	0	32
Moraine Park Technical College	30	0	30
Northcentral Technical College	18	0	18
Herzing University-Madison	0	16	16
Blackhawk Technical College	14	0	14
Milwaukee Area Technical College	12	4	16
Waukesha County Technical College	9	0	9
Western Technical College	5	7	12
Mid-State Technical College	5	0	5
Nicolet Area Technical College	4	0	4
Rasmussen University-Wisconsin	0	2	2
Bryant & Stratton College-Wauwatosa	1	2	3
Herzing University-Brookfield	0	1	1

The WBO will leverage its growing diverse network of partners and stakeholders to ensure equitable on-ramps into broadband-related jobs and maintain job quality for new and incumbent workers engaged in the sector. The WBO has taken specific steps in its outreach to better understand the workforce training support needed for new entrants into the field, particularly those that fall into the covered population groups as defined by the DE Act Planning NOFO. The WBO is maintaining ongoing conversations and collaboration with the state technical college system, the department of corrections, non-profit entities, labor unions and organizations, and entities overseeing Workforce Innovation and Opportunity Act (WIOA) programs to ensure equitable on-ramps to forthcoming broadband jobs and maintain job quality for new and incumbent workers engaged in the sector. The WBO and partners will continue to collaborate widely to carry out broad and diverse messaging and outreach to ensure the job opportunities and on-ramps to training are available to a diverse pool of potential workers.

These ongoing partnerships as well as broad input from local industry on workforce and training needs will both enable efficient training for new and incumbent workers, and enable collaboration with employers to ensure high-quality jobs are provided and maintained for this skilled workforce.

2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. These plans should include the following:

- a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- c. Whether the workforce is unionized;
- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

As detailed in 2.8.1 above, to ensure prospective subgrantees have a plan to onboard and retain an appropriately skilled and credentialed workforce for their proposed projects, as a requirement of the grant application process following the letter of intent, prospective subgrantees will be required to submit:

- The ways in which the applicant will ensure the use of an appropriately skilled workforce, e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers;
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification and licensure;

- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.

Additionally, prospective subgrantees will be required to include information about the inclusion of women and minority-owned businesses, directly employed and locally hired staff, and other information as specified by WBO. The WBO will encourage potential subgrantees to align their training and hiring with broadband training and credentialing pathways offered within the state, which offer differing levels of skilling that are accessible to all populations, workers, and future workers. The Commission will require ongoing documentation related to the workforce and efforts to recruit Wisconsin residents. This will be a scoring criterion, detailed in Requirement 8.

The WBO will review these workforce plans to ensure the potential subgrantee has retained a diverse and highly skilled and appropriately credentialed workforce, and they provide a thorough plan for recruiting additional workforce capacity. If the WBO finds that a potential subgrantee's workforce plan is insufficient in any areas, the WBO will return the plan to the applicant for curing.

If an awarded project's workforce, including any contractors and subcontractors, are not unionized, the prospective subgrantee must provide the following for the non-unionized workforce:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce.
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

Requirement 13: Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion

2.9.1 Text Box: Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

The Wisconsin Department of Administration (DOA) administers the Supplier Diversity Program (SDP). The SDP certifies disabled veteran-owned (DVB), woman-owned (WBE), and minority-owned (MBE) businesses.¹ Businesses, who are certified as MBE, are at least 51% owned, controlled, and actively managed by an identified racial or ethnic minority and serve a useful business function. All firms in the programs are listed in the SDP directory.²

The Wisconsin Department of Transportation administers the Disadvantaged Business Enterprise (DBE) Program, which supports small and emerging businesses in the state, and compiles an annual list of DBE firms.³ DBE firms are small businesses at least 51% owned, operated, and fully controlled on a daily basis by any of the following: African Americans, Native Americans, Hispanic Americans, Asian-Pacific Americans, sub-continent Asian Americans, women.

Through the application and subgrantee selection process, WBO will provide these directories to prospective subgrantees. In order for subgrantees to fulfill the related merit criteria included in the subgrantee selection process section and detailed below, they can propose to use these available directories and/or adopt the certification criteria used by these programs, to extend preference to WBEs and MBEs.

Following each US Department of Labor's release of the Labor Surplus Area list on a fiscal year basis, through the BEAD program implementation, the WBO will advise subgrantees if there are changes to Wisconsin’s Labor Surplus Areas, to ensure their project activities are aligned with the goals of Labor Surplus Firm inclusion.⁴

As part of the required reporting and compliance measures described in Requirement 19, the WBO will require subgrantees to attest to the ongoing implementation of their procurement and workforce strategy submitted at the time of application that extends preference to WBEs, MBEs, and entities within designated Labor Surplus Areas. Through the quarterly reporting requirements described in Requirement 19, the WBO will use existing software to create a data

¹ Administered through processes governed by §16.283, 16.285, and 16.287, Wis. Stats., and Administrative Code Chapters Adm 82, 83, and 84 respectively.

² Wisconsin Supplier Diversity Program Business Directory <https://wisdp.wi.gov/Search.aspx>

³ Wisconsin Department of Transportation list of Disadvantaged Business Enterprises <https://wisconsin.gov/pages/doing-bus/civil-rights/dbe/certified-firms.aspx>

⁴ US Dept. of Labor, Labor Surplus Area list <https://www.dol.gov/agencies/eta/lssa>

tracking system to compile the collected information and ensure that minority businesses, and labor surplus firms are recruited, used and retained when possible.

- 2.9.2 Check Box:** Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:
- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

The WBO will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

Requirement 14: Cost and Barrier Reduction

2.10.1 Text Box: Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:

- a. Promoting the use of existing infrastructure;
- b. Promoting and adopting dig-once policies;
- c. Streamlining permitting processes;
- d. Streamlining cost-effective access to poles, conduits, easements; and
- e. Streamlining rights of way, including the imposition of reasonable access requirements.

In 2015, Wisconsin Act 278 created Broadband Forward!, a voluntary program for local units of government (city, village, town, or county) to signal that the political subdivision has taken steps to reduce obstacles to broadband infrastructure investment (PSC Broadband Forward! Program <https://psc.wi.gov/Pages/ServiceType/Broadband/BroadbandForward.aspx>). The WBO administers this initiative and has created a model ordinance that satisfies the minimum requirements under statute to assist communities in pursuing the Broadband Forward! certification. Similarly, 2017 Wisconsin Act 342 created Telecommuter Forward!, a voluntary program for local units of government (city, village, town, or county) to signal that the political subdivision supports and commits to promote the availability of telecommuting options (PSC Telecommuter Forward! Program <https://psc.wi.gov/Pages/ServiceType/Broadband/TelecommuterForward.aspx>).

The Broadband Forward! and Telecommuter Forward! certifications serve to better position local units of government to engage providers; facilitate fair, transparent, and efficient grantmaking; and maintain communication with the WBO. These certifications serve as an essential starting point for broadband infrastructure project discussions within communities, and eliminating barriers to engagement and entry, to then facilitate collaboration for cost and barrier reduction.

The Wisconsin Department of Transportation (WisDOT) maintains right-of-way use and permit polices for controlled access highways (WisDOT Highway Maintenance Manual Chapter 9, Section 15, Subject 40) and as of December 3, 2021, adopted a new rule implemented by the Federal Highway Administration (WisDOT Highway Maintenance Manual Chapter 9, Section 15, Subject 42). The new rule is applicable to federal-aid highway projects and establishes four new requirements of Title 47 U.S.C. 1504 Section 607. WisDOT must:

1. Identify a broadband utility coordinator who is responsible for facilitating infrastructure Right of Way (ROW) efforts in the state.
2. Establish a registration process for broadband companies that are interested in placing infrastructure as part of the program.
3. Notify broadband companies registered in #2 of the state highway improvement program on an annual basis and provide other notifications as necessary.

4. Coordinate initiatives with other:
 - a. Statewide telecommunication and broadband plans
 - b. State and local transportation plans
 - c. Land use plans

The WisDOT has a full time Broadband Coordinator to ensure compliance with the federal rules and who serves as a single point of contact for ISPs seeking permits in state highways. Through the Broadband Stakeholder Group the WBO has connected the Broadband Coordinator with ISPs and industry groups. The WBO will ensure these rules are communicated to potential subgrantees, and any applicable resources are made available to potential subgrantees and will coordinate with WisDOT's Broadband Coordinator to assist in facilitating infrastructure efforts and relaying resources to potential subgrantees (<https://wisconsindot.gov/Documents/doing-bus/real-estate/permits/09-15-42.pdf>).

The WBO has partnered with University of Wisconsin-Madison, Division of Extension (UW Extension) to implement key local coordination, capacity building, and outreach functions related to BEAD planning and implementation. Extension's efforts to date include webinars, workshops, and toolkits to develop local capacity to plan and implement broadband deployment projects. Further, UW Extension maintains one-on-one technical assistance for local units of government and other broadband stakeholders. UW Extension intentionally facilitates connection between broadband stakeholders, most often local units of government and providers, to work towards reducing costs and barriers to broadband network expansion, including promoting the use of existing infrastructure; promoting and adopting dig-once policies; streamlining permitting processes; streamlining cost-effective access to poles, conduits, easements; and streamlining rights of way, including the imposition of reasonable access requirements.

Requirement 15: Climate Assessment

2.11.1 Text Box: Describe the Eligible Entity’s assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

Like much of the United States, Wisconsin has seen a consistent increase in temperature since the beginning of the 20th century. According to [NOAA National Centers for Environmental Information](#), Wisconsin has also seen an increase in both annual precipitation and extreme precipitation events, and those increases will continue.

According to the [Governor’s Task Force on Climate Change Report](#), Wisconsin has experienced extreme weather, including tornadoes, flooding, and polar vortexes making broadband infrastructure especially vulnerable to risks that can significantly impact Wisconsinite's access to critical services.

a. Initial Hazard Screening

Wisconsin’s initial hazard screening process utilizes Wisconsin’s [2021 State Hazard Mitigation Plan](#), prepared by Wisconsin Emergency Management (WEM). The plan uses the National Risk Index (NRI), a mapping application from FEMA that identifies counties at risk for negative impacts as a result of a natural hazard. The NRI recognizes nine weather-related natural hazards as part of the Wisconsin Risk Index to include: freezing temperatures, hail, heat wave, landslide, lightning, riverine flooding, strong wind, tornadoes, and winter weather.

Very high risk: Adams County. Risks: Freezing temperatures, strong winds, heat wave, tornado, wildfire

Relatively high risk: Milwaukee County. Freezing temperatures, hail, heat wave, landslide, lightning, riverine flooding, strong winds, tornado, winter weather

Relatively moderate: Polk, Burnett, Douglas, Barron, Sawyer, Vilas, Clark, Kenosha, Racine, Walworth, Rock, Crawford, Vernon, Monroe, Juneau, Sauk, Waushara, and Marquette counties. Freezing temperatures, hail, heat wave, ice storm, lightning, riverine flooding, strong winds, tornado, winter weather

Relatively Low: Pierce, Dunn, Buffalo, Trempealeau, Jackson, La Crosse, Eau Claire, Washburn, Bayfield, Ashland, Rusk, Oneida, Langlade, Shawano, Waupaca, Door, Brown, Manitowoc, Sheboygan, Fond du Lac, Green Lake, Winnebago, Green, Grant, Richland, Portage, Wood, Green, Dane, and Columbia counties. Freezing temperatures, hail, heat wave, strong winds, tornado

Very Low: St Croix, Pepin, Chippewa, Taylor, Price, Iron, Florence, Forest, Oconto, Menomonie, Kewaunee, Outagamie, Calumet, Ozaukee, Washington, Dodge, Waukesha, Lafayette, Iowa, Lincoln, and Marathon counties. Freezing temperatures, hail, heat wave, strong winds, tornado

WEM created visual representations ([Figure 4.4.4-2](#)) of areas across the state identified as high risk for weather and climate related risks from 2016-2021, included in the Wisconsin Hazard Mitigation Plan.

b. Weather and Climate Hazards

WBO has identified flooding and severe storms as weather and climate risks to the implementation of Wisconsin's BEAD program. According to the [Wisconsin Institute on Climate Change Impacts](#), the past decade in Wisconsin has been the wettest on record. Areas with permeable soils have seen increased groundwater flooding, and stream flooding is also a concern when there are large storms ([Water Chapter - WICCI 2021 Assessment Report.pdf | Powered by Box](#)). Communities adjacent to the Mississippi River are particularly at high risk due to variability in river flows (<https://wicci.wisc.edu/2021-assessment-report/water/wisconsin-communities-along-mississippi-river-at-risk-from-climate-change/>) In addition to flooding, severe storms are increasing in Wisconsin ([Water Chapter - WICCI 2021 Assessment Report.pdf | Powered by Box](#)). Severe storms cause damage to infrastructure such as roads, trails, culverts, and bridges (<https://wicci.wisc.edu/2021-assessment-report/land/warmer-winters-and-extreme-rain-are-stressing-wisconsins-forest-resources/>).

c. Weather and Climate Risks to New Infrastructure

The aforementioned climate and weather risks pose a threat to broadband infrastructure funded by BEAD. Heavy rainfall events and flooding pose a risk to infrastructure, including utility poles. Higher than average temperatures pose a risk to the power grid. Increased severe storms pose an additional risk to infrastructure.

Flooding could have a critical impact on new infrastructure, including potential damage to buried and underground plants, and central offices. Additionally, severe storms resulting in hail damage, strong winds, and tornados could see potential risks to aerial plants and expose central office equipment. Finally, while at a lower-risk, winter storms and weather could raise risks to aerial plants, buried plant and expose the central office.

d. Mitigation Plan

The WBO will consider potential subgrantees mitigation and resiliency strategies for climate and weather risks as it reviews grant applications for BEAD funding to ensure that the technology and network design selected is appropriate. The WBO will encourage local coordination of a regional response teams between ISPs, local leaders and emergency managers to prepare and manage the effects of extreme weather. ISPs and the regional response teams should prepare business continuity plans for floods, severe storms, strong winds, and tornados in the event of a power outage or disruption to broadband infrastructure and services. The response teams should establish a communication plan to consult with one another before and during emergencies with the intent to share resources as necessary.

Following the letter of intent stage of the subgrantee selection process, each applicant will be required to provide the information necessary to assess a project's resilience against climate risks and the mitigation strategies an applicant used in their project design. WBO reserves the right to require more detailed mitigation plans and strategies for select project units identified as under higher risk to climate impacts.

e. Periodic Plan Review

As needed, the WBO will repeat the above screening process periodically using up to date resources and information, including revising the risk categories of counties listed above. The WBO will consider all relevant information provided by the WEM's local hazard mitigation plans. WEM will continue to update the state's plans on a five-year cycle ([Section4 Local Hazard Mitigation Planning.pdf \(wi.gov\)](#)).

2.11.1.1 Optional Attachment: As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

Requirement 16: Low-Cost Broadband Service Option

2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity’s jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);
- b. The plan’s basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and
- d. Any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans

The availability of broadband alone is not enough to expand high-speed internet access to every residence and business. A key component that allows full use of the internet is robust affordable service. Many residences throughout the state do not have internet at home because it is cost prohibitive. The Pew Research Center found that nationally although only 1 percent of adults with annual incomes over \$75,000 do not use the internet, 14 percent of those with annual incomes under \$30,000 are not online. The EducationSuperHighway 2021 Report No Home Left Offline estimated that Wisconsin’s broadband affordability gap prevents 273,415 households from accessing the internet at home and impacts 650,000 people in the state (https://www.educationsuperhighway.org/wp-content/uploads/No-Home-Left-Offline-Report_EducationSuperHighway2021.pdf).

The WBO’s [Wisconsin Internet Self Report \(WISER\) survey](#) responses and subsequent analysis related to affordability further supports the results of these national studies in Wisconsin. The WISER survey results revealed that a significant portion of households not online cite cost as a barrier, 13 percent of respondents who were not using internet cited cost as a barrier. An even higher percentage of the WISER responses gathered via postcard – 304 or approximately 28 percent of respondents who were not using internet cited cost as a barrier.

In the development and outreach for the Five-Year Action Plan and the Wisconsin DE Plan the WBO sent a formal request to state agencies to provide existing plans and strategies and input. The DPI, the state agency that oversees schools and public libraries in Wisconsin submitted a letter (<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=469609>) and urged the Commission to, “Require BEAD recipients to provide high-speed internet access at \$30 per month maximum to customers who qualify for the ACP.”

Across the state, on average broadband subscription prices are less affordable in rural areas, compared to urban and suburban localities. Affordability analysis conducted by an external contractor as part of Wisconsin’s Broadband Intelligence platform, found that the median subscription cost was about \$10 more in rural areas compared to urban, and the range in rural areas much larger, with the lowest available cost subscription price in some areas around \$150

per month, compared to \$90 in urban areas

(<https://psc.wi.gov/Documents/broadband/5YearActionPlan.pdf#page=40>). While rurality plays a role in the cost of service, provider competition also plays a role in affordability of subscription plans across the state. Census blocks with only one provider on average have subscription prices approximately 25 percent higher than census blocks with 3 or more provider options (<https://psc.wi.gov/Documents/broadband/5YearActionPlan.pdf#page=40>). Since BEAD funding will largely go to rural areas and most often be awarded in locations with only one broadband service provider it is required and essential that a low-cost plan be available to eligible households to ensure that networks built or improved with BEAD funding provide affordable, reliable high-speed internet for all.

The draft of the initial proposal volume 2 went out for public comment for 30 days and received fifty-eight timely public comments. In the draft initial proposal of volume 2 the Commission had proposed a \$30 low cost requirement for larger providers and a higher \$40 low cost requirement for smaller providers. The Commission proposed these cost amounts based on a statewide survey of over 10,000 residents, which included questions related to the internet service plans available and whether they were considered affordable. Statewide, the proportion of residents reporting service was affordable fell significantly when prices began exceeding \$65 per month. Converting \$65 per month as a ratio of median income in Wisconsin, PSC established a baseline of 1.17% of gross income as its threshold for affordability. At 100% of the federal poverty line for a household of two, this equals up to \$20 per month. At 200% of the federal poverty line for a household of 4, this rises to up to \$50 per month. Thus, staff selected \$30-\$40 as an acceptable cost to the consumer for the required low cost plan.

The Commission received comments from a large number and broad array of commenters indicating that \$30 per month was too low. Commenters included, elected officials, local governments, the Wisconsin Economic Development Association, Internet Service Providers, Industry associations, and interested members of the public, these commenters expressed concern that: 1) the a low cost requirement of \$30 per month would reduce participation in the BEAD program 2) that different rates based on the size of the provider would be unfair to Wisconsin consumers and 3) that a \$30 requirement would reduce the number of homes and businesses that would ultimately benefit from the program by limiting participation in the BEAD program and most impact the hardest to serve locations. At their open meeting on December 14, 2023 the Public Service Commission carefully considered all public comments and determined that a low cost plan of \$40 would allow Wisconsin to best effectuate the goals of the BEAD program by both maintaining an affordable option for low-income households but also acknowledging the difficulty of ensuring financial viability for providers participating in BEAD.

Unlike many other states, Wisconsin maintains a state Universal Service Fund, that for lifeline customers of eligible telecommunication carriers offers a state discount in addition to the federal lifeline discount. The State of Wisconsin offer a monthly benefit of up to \$9.25 in addition to the federal benefit of \$9.25 for lifeline eligible customers. In Wisconsin administrative code, the lifeline benefit can be the less of the following: The amount necessary to reduce the monthly service rate to the consumer to \$15 or the maximum reimbursement available under 47 CFR

54.403 plus \$9.25

[https://docs.legis.wisconsin.gov/document/administrativecode/PSC%20160.062\(2g\)](https://docs.legis.wisconsin.gov/document/administrativecode/PSC%20160.062(2g))). While not every BEAD award will offer lifeline, many low income Wisconsin customers will have access to both the state and federal lifeline programs to further reduce their monthly internet cost. After the wind-down of ACP, staff observe that the \$40 per month cost provides a unique opportunity to maximize state and federal lifeline subsidies while also ensuring financial viability for providers because the maximum lifeline subsidy becomes available at \$33.50 per month, based on the minimum cost to the consumer of \$15 (+\$18.50 subsidy) under state administrative code. Thus by establishing a rate of \$40, the Commission again emphasizes its choice to balance the final cost to the consumer while also ensuring a path to financial viability for BEAD participants. All sub awardee/providers accepting BEAD funding, and their successors including future owners of the facilities during the useful life of the network assets, will be contractually required to offer a low-cost plan as outlined below to subscribers that meet the qualifications for the ACP or its successor program(s).

Broadband networks encompass a variety of types of equipment and material, the useful life of the entire network can vary between providers, technology types and even the physical location of the network assets. The WBO finds it prudent and fair to create a standard and consistent useful life for all projects funded by BEAD, consistent with guidance provided by NTIA, Wisconsin will define the useful life of the network to be ten years from the completion of the project. Certainty will help applicants correctly plan and cost projects and Wisconsin residents and communities know the minimum period for the low-cost plan. For the purpose of the low-cost plan and this section the useful life of the network assets will be ten years.

A robust and competitive subgrantee process is critical to ensuring that all Wisconsin residents and businesses get access to affordable, reliable, high-speed internet and that Wisconsin uses BEAD funding to achieve the highest possible level of broadband deployment and adoption.

The low-cost plan must meet all the following criteria:

- Costs \$40 per month or less for the first year (12 months) of service, inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands, or \$75 per month or less, inclusive of all taxes, fees, and charges if the subscriber resides on Tribal Lands, with no additional non-recurring costs or fees to the consumer. If the ACP is not reauthorized or without funds, the monthly-recurring charge for the low-cost plan for subscribers on Tribal Lands must mirror those of subscribers not on Tribal Lands, at a cost of \$40 per month or less and the low cost plan on non-Tribal lands remains unchanged. After the first year, the monthly cost may be adjusted once per year up to the Consumer Price Index, as defined by the U.S. Bureau of Labor Statistics upon request and approval from Commission.
- Allows the end user to apply the Affordable Connectivity Benefit subsidy or successor program(s) to the service price.
- Provides at least a typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of if less than 100/20 Mbps.

- Provides typical latency measurements of no more than 100 milliseconds; and
- Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;
- In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits eligible subscribers that are subscribed to the low-cost broadband service option to upgrade to the new low-cost offering at no cost.
- Is advertised and included in marketing and outreach material distributed to current and potential customers as demonstrated through print and online materials. The low-cost plan must be visible in places (website and forms) where customers subscribe to service. ❌

If the provider is designated as an eligible telecommunication carrier anywhere in the state of Wisconsin at the time of their BEAD application, they are encouraged to request ETC designation for any areas built with BEAD funding and to accept lifeline benefit for broadband and broadband bundled service to further reduce the cost of broadband service for eligible low-income households.

In the event the ACP is not reauthorized and if it becomes the case that National Verifier is no longer available to determine eligibility for the low-cost plan, BEAD subawardees will be required to participate in another eligibility verification process as determined by NTIA or the State of Wisconsin. ❌

The subawardee may offer other households, in addition to households that meet the qualifications for the ACP, access to the low-cost plan, for example households with K-12 children or households with a veteran, but the provider will be responsible for determining the eligibility.

A subawardee may request, and the Commission may approve, a different maximum cost per month for the required low-cost plan if the subawardee provides documentation that the requested price is affordable to the eligible population in the locations where BEAD funding constructs new or improved broadband. A request to increase the maximum cost per month must include detailed information with the specific rationale for the higher cost and includes data on the current and anticipated take rate and cost burden to the household in the project area. A request to increase the monthly cost may not exceed seventy-five percent of the average urban internet service cost as provided by the U.S. Bureau of Labor Statistics. To illustrate the ceiling if a sub-awardee were to request a different maximum rate in February of 2024, the Commission would reference the statics [Bureau of Labor Statistics Data \(bls.gov\)](https://www.bls.gov) for the month of February 86.434 and take 75 percent of the amount to determine the maximum cost. In this case, \$64.83 would be the highest low cost plan that could be approved at that point in time. Approval will be required before any proposed increase is implemented, and all requests and Commission determinations regarding the requests will be made publicly transparent on the Commission's website. Commission staff will identify reasonable methods to solicit public input on proposals before determinations are made, including conferring with any entities that provided a formal

endorsement of the project. These requests may be made only after an approved award and executed agreement.

2.12.2 Checkbox: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

Requirement 17: Use of 20 Percent of Funding

2.14.1 Text Box: Describe the Eligible Entity's planned use of any funds being requested, which must address the following:

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

✘ The Commission requests 100% of funding for its Initial Proposal, equal to \$1,050,823,573.71, of which \$5 million was already awarded from the planning grant. The Commission requests the full allocation in order to best achieve affordable, reliable, high speed internet for all and to achieve universal internet service for all Wisconsin residents through a competitive and fair BEAD process.

Further, the request is based on the following:

- The proposed funding gap needed to serve all the BEAD Eligible unserved and underserved locations broadband serviceable locations.
- The Wisconsin requests to run the grant process to obligate all BEAD funds through preliminary awards. Specific details on subgrantee selection during can be found within Requirement 8 of the Initial Proposal. The BEAD funds being obligated to the state will ensure Wisconsin has greater certainty with respect to funding that is available for providers which will create a more expansive and competitive group of applicants and better broadband deployment.

As identified in the Wisconsin Digital Equity Plan, the state faces barriers related to adoption and affordability, trust and sustainability. As a result, non-deployment funds will be dedicated to implementing the digital equity plan, and non-deployment deployment projects, as described in Requirement 9.

To ensure effective skilling on-ramps and training are established to support the larger outcomes of the BEAD program, the WBO will dedicate non-deployment eligible entity implementation activity funds within the eligible entity through a partnership with the Wisconsin Technical College System to support accelerated training and skill development initiatives following the

approval of the Initial Proposal Funding Request (IPFR), and before the Final Proposal approval, as detailed in Requirement 10.

With the request for 100% of our allocation, WBO will have the following categories with funding amounts defined in the IPFR:

- Deployment costs
- Non-deployment costs
- Implementation activities costs
- Programmatic expenses
- Administrative costs

2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'

The Commission requests 100% of funding for its Initial Proposal, equal to \$1,055,823,573.71, of which \$5 million was already awarded from the planning grant.

2.14.3 Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note "Not applicable."

Requirement 18: Eligible Entity Regulatory Approach

2.15.1 Text Box

a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

Wis. Stat. § 66.0422 (<https://docs.legis.wisconsin.gov/document/statutes/66.0422> video service, telecommunications, and broadband facilities) imposes specific requirements and restrictions on local governments regarding the provision of broadband and telecommunications services. Most local governments must satisfy several statutory requirements in order to construct, own, or operate any facility providing video service, telecommunications service, or broadband service to the public, directly or indirectly.

Wis. Stat. § 66.0422(2) details that “no local government may enact an ordinance or adopt a resolution authorizing the local government to construct, own, or operate any facility for providing video service, telecommunications service, or broadband service, directly or indirectly, to the public” unless they effectively fulfill a sequence of requirements. The statute requires local governments to (1) hold a public hearing on the proposed ordinance or resolution, (2) provide notice of the public hearing to those that would be affected, and (3) 30 days before the public hearing the local government must provide a detailed analysis of the costs and revenue projected for the project, as well as a cost benefit analysis on at least three-year timeline. This process does not apply if the governing board of the local government votes to send the question to advisory referendum vote to allow the local government to operate such a facility. The other way to bypass the public hearing process, outlined in Wis. Stat. § 66.0422(2), is for the local government to ask all existing providers if they currently, or within nine months, will serve the proposed area. If no written responses are received within 60 days, or the local government proves the letters they received were not accurate, then the local government may enact an ordinance or adopt a resolution.

Per Wis. Stat. § 66.0422(3n), the Wis. Stat. § 66.0422(2) requirements described above do not apply to the 21 alternative telecommunication facilities in the state that were providing video service on March 1, 2004. The following alternative telecommunication facilities are thus authorized to construct, own, or operate any facility for providing video service, telecommunications service, and/or broadband service, directly or indirectly, to the public:

- Antigo Utilities
- Brodhead Water and Light Commission

- Columbus Water and Light Department
- DeForest Municipal Water Utility
- Fennimore Water and Light Plant
- Johnson Creek Water Utility
- Kaukauna Utilities
- Manitowoc Public Utilities
- Marshfield Utilities
- Menasha Electric and Water Utilities
- New London Electric and Water Utility
- City of Oconomowoc Utilities
- Plymouth Utilities
- Reedsburg Utility Commission
- River Falls Municipal Utility
- Stoughton Municipal Utilities
- Sturgeon Bay Utilities
- Sun Prairie Utilities
- Two Rivers Water and Light Utility
- Waterloo Water and Light Commission
- Waupun Public Utilities

The WBO does not have the authority to waive Wis. Stat. § 66.0422 for other local governments to effectuate more robust competition for the state’s BEAD subgrantee selection process. If the Wisconsin State Legislature wishes, they may waive this statute for the purposes of the BEAD program. No such action has been taken to date.

2.15.1.1 Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Requirement 19: Certification of Compliance with BEAD Requirement

2.16.1 Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 Text Box: Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- 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);
- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;
- c. Timely subgrantee reporting mandates; and
- d. Robust subgrantee monitoring practices.

The WBO has a longstanding and robust broadband grantmaking process that has distributed funds on a reimbursement basis since 2014. The WBO will distribute BEAD funds aligned with the standard reimbursement procedures established by the Commission with precise language that will reflect the nuances and requirements of the BEAD program, but will include the following general provisions, including but not limited to:

1. No Grant Award funds will be issued without a Request for Payment.
2. The Grant Award is exclusive funding and will be used only for the Project. The Grant Recipient must not apply funds authorized by the grant subaward to activities authorized under other grant awards or other grant proceedings.
3. The Grant Recipient must prepare and submit to the Commission all Requests for Payment using the PSC Grants System.
4. The Commission will disburse funds to Grant Recipient for Eligible Costs in a total amount not to exceed the Total Award.
 - a. The reimbursement to Grant Recipient will not exceed 90 percent of the amount of the Total Award prior to the submittal of the required reports and information to the Commission.

5. Only Eligible Costs may be reimbursed. A Grant Recipient may request from the Commission an amendment to the Project Budget to add to or revise the list of expenses eligible for reimbursement.
6. The reimbursement to Grant Recipient will not exceed the Total Award.
7. Grant Recipient is responsible for repayment to the Commission for any disbursed Grant Award funds that are determined by the Commission to have been ineligible, misused or misappropriated, or not incurred during the performance period. If the Commission determines that any provision of the Grant Award, including the Grant Agreement or Commission Order has been breached by Grant Recipient, the Commission may require and be entitled to reimbursement or claw back of any or all funds under the Grant Award. Any reimbursement of funds that is required by the Commission, with or without termination of this Agreement, will be due within 45 days after giving written notice to Grant Recipient. The Commission also reserves the right to recover such funds by any other legal means, including litigation. Grant Recipient must indemnify and hold harmless the Commission for all suits, actions, claims and the reasonable attorneys' fees and legal expenses incurred in recovering such funds, irrespective of whether the funds are recovered. Grant Recipient must promptly refer to the Commission any credible evidence that a Grant Recipient Contractor or Grant Recipient Personnel or other person has either: 1) submitted a false claim for grant funds as that term is used under any false claims act or other similar law, whether state or federal; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

The Commission intends to use the above general reimbursement provisions that have been approved by the Commission for past broadband grant programs, and the WBO retains the right to make adjustments to best reflect the requirements of the BEAD NOFO, 2 CFR 200 Uniform Guidance for BEAD, and to effectuate the goals of the program.

The Commission intends to employ its existing reporting process on a quarterly basis for BEAD grant recipients. Each report will describe each type of project and other eligible activities carried out using the subgrant and the duration of the subgrant. For BEAD broadband infrastructure projects, the interim and final reports will include but will not be limited to:

1. A list of addresses or location identifications (including the BSL Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project;
2. New locations served within each project area at the relevant reporting intervals, and service taken (if applicable);
3. Whether each address or location is residential, commercial, or a community anchor institution;
4. Description of the types of facilities that have been constructed and installed;
5. Description of the peak and off-peak actual speeds of the broadband service being offered;
6. Description of the maximum advertised speed of the broadband service being offered;

7. Description of the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;
8. The number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are MBEs, WBEs or Labor Surplus Firms;
9. Any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects;
10. A completed SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports;
11. For projects over \$5,000,000 (based on expected total cost):
 - a. A subgrantee may provide a certification that, for the relevant Project, all laborers and mechanics employed by contractors and subcontractors in the performance of such Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as “baby Davis-Bacon Acts”). If such certification is not provided, a Recipient must provide a project employment and local impact report detailing:
 - i. The number of contractors and subcontractors working on the Project;
 - ii. The number of workers on the Project hired directly and those hired through a third party;
 - iii. The wages and benefits of workers on the Project by classification; and
 - iv. Whether any of the reported wages are at rates less than those prevailing.
 - b. If a subgrantee has not provided a certification that a Project either will use a unionized project workforce or includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)), then the subgrantee must provide a project workforce continuity plan, detailing:
 - i. Steps taken and to be taken to ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the Project (as required in Section IV.C.1.e), including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-management partnership training programs, and partnerships with entities like unions, community colleges, or community-based groups;
 - ii. Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;

- iii. Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (*e.g.*, OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution;
 - iv. The name of any subcontracted entity performing work on the Project, and the total number of workers employed by each such entity, disaggregated by job title; and
 - v. Steps taken and to be taken to ensure that workers on the Project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.
12. Comply with any other reasonable reporting requirements determined by the Commission to meet the reporting requirements established by the Assistant Secretary; and certify that the information in the report is accurate.

The WBO will require BEAD subgrantees to maintain sufficient records to substantiate all information above upon request and for the quarterly reports.

The WBO has an existing robust subgrantee monitoring process that has been successfully employed for past and current broadband grant program, adapted to meet the requirements of the applicable funding source. Monitoring is consistent with grant agreements that reflect applicable federal and state regulations to effectively monitor administrative, programmatic, financial, and operational compliance. The WBO staff will employ this existing monitoring methodology structure and will be carefully adapt it to meet the rules and requirements of the BEAD program.

Subrecipient monitoring schedule is determined by several different weighted factors including risk assessment, results of prior audit, size of award(s), past performance, current performance, new personnel and/or systems, and project close out date. The monitoring components will include, but are not limited to:

1. Risk Assessment
2. Executing the reimbursement processes and documentation review with strong and documented separation of duties process
3. Compliance attestation checklists
4. Quarterly reporting, including collection and analysis of project mapping data
5. Desk reviews and site reviews
6. Inspection of facilities, network and worksites
7. Labor and workforce reporting
8. Project close-out program review

Results of monitoring will result in follow up with a formal letter listing any observations and/or findings. As appropriate, the letter will request a corrective action plan to ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award or taken to address audit findings related to the subaward. Grant agreement terms specify

a process for noncompliance under which the Commission may claw back all awarded grant funding.

All governmental and non-profit Grant Recipients (non-federal entities) that are required to comply with the Single Audit Act Amendments of 1996, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and the State Single Audit Guidelines issued by the Department of Administration, must ensure that funds awarded by the Commission Order are included in the audit report. A nonfederal entity that expends \$750,000 or more during the non-federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions 2 CFR parts 200.500 through 200.521. A non-federal entity must submit audit reports to the Commission within 180 days of the close of the entity's fiscal year, unless waived by the Commission.

Grant Recipient must submit an agreed upon procedures audit upon request from the Commission. This audit will consist of procedures and questions requested by the Commission and may expand beyond the scope of that provided for under the Wisconsin State Single Audit Guideline requirements.

The Grant Recipient must submit one copy of the audit to the WBO. Additionally, Grant Recipient must submit responses and corrective actions to be taken by management regarding any findings or comments issued by the auditor. If Grant Recipient has had an audit at any point within the last 5 years outside of the Commission Grant Agreement, Grant Recipient must share the results of that audit with the Commission, along with any corrective actions to be taken, and any findings or comments issued by the auditor.

The WBO intends to use the above general monitoring procedures that have been approved by Commission for past broadband grant programs, and it retains the right to adjust to best reflect the requirements of the BEAD NOFO, current and future guidance and to effectuate the goals of the BEAD program.

2.16.3 Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- 1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

- 1) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

Requirement 20: Middle Class Affordability

2.13.1 Text Box: Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

A foundational goal in Wisconsin's Five-Year Action Plan is to increase the affordability and reliability of broadband service in Wisconsin. High speed, reliable internet access should be affordable to all Wisconsin residents, including both low-income and middle-class households. The WBO will adopt diverse strategies to achieve this objective with a particular focus on BEAD-funded network's service area.

As indicated in the subgrant selection section the Commission will use cost of service as part of the merit criteria for the BEAD sub-granting process. This includes both the required scoring related to price of for symmetrical 1 Gbps service and additional scoring for lower cost plans that are available to all Wisconsin customers on BEAD-funded networks.

The Commission will require a low-cost plan for all ACP eligible households for all BEAD funded networks. The state will continue activities to promote outreach of the ACP or a successor program, outreach for state and federal Lifeline subsidies, and other state Universal Service Fund programs that support essential telecommunication access for people with disabilities and low-income households in Wisconsin. Activities that support higher subscription rates on BEAD funded networks will increase the overall network viability.

As outlined in the Wisconsin Five-Year Action Plan, provider competition plays a role in the affordability of plans across the state. Census blocks with only one provider on average have subscription prices more than 25 percent higher than census blocks with three or more provider options (See Wisconsin Public Service Commission, BEAD Five-Year Action Plan, page 39 <https://psc.wi.gov/Documents/broadband/5YearActionPlan.pdf>). While achieving competition in an unserved and underserved areas in the state may be challenging a variety of current and emerging technology may increase competition now and in the future. The Commission will continue to promote structural competition in the broadband marketplace to ensure Wisconsin customers can benefit from a competitive marketplace where it is available.

The affordability of high-speed internet service is often dependent on a variety of specific characteristics of the household, including geographic location, household size and composition, income and disposable income, and the specific fixed and mobile broadband needs for each member of the household and their related costs. In the development of the Five-Year Action Plan and Wisconsin DE Plan and through the use a Broadband Intelligence platform, the WBO found that households were cost burdened when their monthly subscription costs exceeded 1.17 percent of their monthly gross income. A final strategy for the middle-class affordability plan



will be for Wisconsin to track annually the number and location of cost burdened households and ensure that households in BEAD-funded networks are not unduly cost burdened. As needed, the Commission will issue data requests to BEAD sub-awardees to ensure that BEAD funded networks are affordable and may develop new and expanded strategies to ensure ongoing affordability for all Wisconsin residents as needed to fully realize the goals of the BEAD program in Wisconsin.

Public Comment

2.17.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- The public comment period was no less than 30 days; and
- Outreach and engagement activities were conducted to encourage feedback during the public comment period.

2.17.2 Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

Appendix 1 Tribal Consultation Summary

Summary of Tribal Consultation with Public Service Commission of Wisconsin

Details:

Great Lakes Inter-Tribal Council, Inc.

January 11, 2023

Special Board of Directors Meeting -Tribal BEAD Consultation

Lac du Flambeau, Wisconsin

Attendance:

Bad River: Daniel Wiggins, Tribal Council Member
Forest County Potawatomi: Manny Johnson, Treasurer
Ho-Chunk Nation: Mark Leonard, Executive Director, Office of the President
Lac Courte Oreilles:
Lac du Flambeau: John Johnson, Tribal President
Menominee: Ron Corn, Tribal Chairman
Oneida: Tehassi Hill, Tribal Chairman
Red Cliff: Chris Boyd, Tribal Chairman
St. Croix: Michael Decorah, Senior Intergovernmental Affairs Specialist
Sokaogon Chippewa:
Stockbridge-Munsee:

GLITC CEO Bryan Bainbridge
GLITC IT Director Jake Valliere
Wisconsin Broadband Office Staff: Alyssa Kenney and Rory Tikalsky
National Telecommunications Information Administration Staff: Carah Koch and Theron Rutyna

Themes and Notes

Challenges

Broadband and Cellular Connectivity Needs

The critical need for affordable, comprehensive broadband access was consistently voiced by every Tribal leader attending the consultation. Broadband access is seen as important to learning, health care access via telehealth, employment, economic opportunity, cultural preservation and access to more affordable goods and services. Several leaders expressed specific interest in fiber to home service or ensuring that residential locations have business class service available. During the consultation a few Tribal leaders discussed the need for not just for fixed broadband service to homes and business but also cellular service or mobile broadband. One leader indicated thick tree cover impacting the quality of cellular service. Another Tribal leader indicated the public safety concerns associated with poor cellular service. There was interest in developing a coordinated approach to both fixed broadband and cellular service where practical.

Affordability

Throughout the consultation several Tribal leaders expressed concerns about the current cost of internet service, one leader cited monthly bills exceeding \$140 as common among members. Another leader noted that members are held hostage by the local internet service provider, forced to pay increasing amounts for poor service. For several leaders ensuring affordability of service was a top concern and identified as a social justice issue for Tribes.

Tribal leaders were interested in how upcoming federal funding takes into account affordability in its prioritization and allocation of funding. Questions were raised about PSC's ability to regulate broadband rates, and concern expressed from Tribal members about the inability of PSC to regulate affordability.

Several members expressed that existing internet service providers have excessively high costs, are unreliable, or that advertise speeds that are not achievable.

One leader expressed concern that there was too much red tape and paperwork to access the Affordable Connectivity Program (ACP) benefit. They expressed concern about those requirements limiting access to the program. However, they also expressed that ACP is proving to be impactful for those in need.

Devices

In the case of one Tribe, that spent CARES money to build infrastructure, they quickly learned that many people did not own internet enabled devices. Access to subsidized devices was important for some households to make use of the newly constructed internet. For other Tribes, access to libraries with devices and internet access was indicated as important.

Impact and Importance

Future Pandemic Preparedness and Response

A number of Tribal leaders spoke about the profound impact of the pandemic on their communities. One leader indicated that the transition to online school was a total failure for many of their students and that many young adults in their community were now without a high school diploma as a result. Another Tribal leader indicated that the pandemic caused trauma for their community and leaders were still processing the impact of this sustained stress. Tribal leaders indicated more pandemics will come, and broadband connectivity may be critical to keep people alive. Broadband access is part of pandemic preparedness.

Tribal leaders told stories of maintaining community and connection during lockdowns because of broadband access, and the profound impact and struggle for households lacking that access. Several Tribal leaders expressed profound concerns that broadband was a matter of personal and cultural safety and vitality, and that lack of broadband threatened the lives of their members.

Multiple leaders expressed the value of telehealth for supporting their Tribal elders both physical and social wellbeing.

Language and Cultural Preservation and Learning

For one Tribe that invested CARES funding into broadband infrastructure, access served to expand and accelerate language and cultural programming. Online attendance in language and culture classes during the pandemic was over 300 people, a much larger reach than the in-person class. Internet access was also a way to connect members on the Reservations with members off the Reservation. Broadband has allowed the Tribe to cultivate a vibrant online community and stay connected with both their younger, tech savvy, and older, previously isolated, members.

Another leader emphasized the opportunity for the internet to support preservation of culture and collect the extensive knowledge of Tribal elders. It was noted that, while some cultural knowledge is best shared face to face, the internet will be crucial for future generations connection to their culture and language. The internet may be able to serve as a repository of cultural knowledge.

Economic Prosperity

Through the consultation, some leaders indicated the important connection between broadband connectivity and economic prosperity for members. Tribal leaders provided examples of Bear Creek candle company and Red Cliff Fish Company as local businesses that were able to grow and expand because of the internet. One leader noted the contrast between their Tribe and the nearby County, whereas the County had focused economic development on

mining, the Tribe was focusing on broadband connectivity as an economic development strategy.

Several leaders expressed broadband as essential for management of their businesses and for reaching, and being competitive in, a global market.

Environmental Sustainability and Longevity

Another issue that was discussed was the impact of broadband infrastructure deployment on the environment. Broadband deployment should not destroy the Anishinaabe way of life. Likewise, historical preservation review will be required for projects funded with federal money. A common thread through the consultation sustainable planning for long term success. The more people that are connected to service the more sustainable the network becomes.

One Tribal leader explained that access to broadband would allow for more successful and sustainable development of the economy and society of Tribal communities. The leader explained that economic opportunities in and around Tribal lands have historically been extractive industries with environmental side effects such as damage to watersheds, but that broadband provides opportunities for creative and constructive industries and economic development. Several Tribal leaders see broadband as a way to pursue prosperity without damaging their environment.

One Tribal leader explained that access to broadband has allowed the Tribe to organize and advocate for protection of the environment and Native lands. Through connectivity, that leader has seen strength in coordination and advocacy, whereas prior to broadband access, Tribal members were disconnected and dispersed and more easily silenced.

Implementation

Tribal Ownership of Broadband Facilities and Spectrum Licenses

One Tribal leader expressed that it was a priority for their Tribe to own and operate the broadband facility that serves their members. This allows the Tribe to design and construct their own network and to keep monthly costs down for members. A number of Tribes mentioned winning 2.5 GHz spectrum in the FCC Rural Tribal auction and wanting future broadband expansion to complement and extend this spectrum.

Tribal ownership was mentioned as a matter of sovereignty, allowing Tribes to better respond to crises, such as the pandemic, and ensure sustainable, long-term service and support for Tribal members. One Tribal leader talked about how Tribal ownership allowed them to avoid disconnections during tough economic times brought on by the pandemic.

One leader suggested that Tribal ownership allows broadband networks to serve goals other than profitability, such as cultural preservation and education, economic opportunity, educational services, and universal access.

Building Partnerships with Internet Service Providers and Counties

While some leaders spoke about the importance of Tribal ownership of the broadband facility others considered partnership with internet service providers to connect their members. Different Tribes have specific geographic considerations, with a few Tribal nations having a checkerboard of Tribal Land that may make ownership of facilities more challenging. Some Tribes also indicated an interest in working with the adjacent counties to ensure broadband connectivity across a region and to take advantage of joint purchasing power.

Mapping

Tribal members expressed frustration with poor broadband availability maps and data. One Tribe described their experience compiling and submitting challenges to the FCC's map, and submitting written feedback to FCC on the map.

One Tribe found the FCC challenge process difficult and confusing to navigate.

Questions were raised about the process to build out and fill in the most remote locations, and concerns expressed that existing funding efforts only support deployment in areas adjacent to dense areas.

Federal Funding

Multiple Tribes expressed concern about rising costs of construction for grant projects related to workforce issues and supply chain issues, and sought advice and guidance on how to resolve cost overruns.

Several leaders discussed their NTIA Tribal Connectivity Grants, and expressed that those grant opportunities allowed them to “think big” and pursue ambitious broadband deployment goals in a way they have not before.

One Tribal leader talked about how their Tribe used federal COVID relief funding to make significant investments in broadband deployment. The Leader was concerned that they would not receive BEAD or TBCP funding because they had already invested COVID funding. While they were grateful for the opportunity being shared with their Tribal neighbors, they felt it was unfair their prior investments and diversion of scarce resources towards broadband deployment would limit their access to future broadband funding.

Planning for Federal Funding

Tribes asked questions and learned about the State's planning process for federal funding. Several leaders emphasized that each Tribe's experience with broadband has been different, and that planning and outreach must be individualized in order to understand each Tribe's needs.



Tribal leaders were interested in learning more about funding opportunities under the BEAD program and asked about what entities would be responsible for administering and distributing BEAD funding, as well as the planning process and their opportunities for input in the state Five Year Plan.

Several Tribes expressed difficulty planning, coordinating, and applying for federal and state funding because of the dispersed nature of the Tribes across multiple counties and municipalities.