Montana Broadband Communications Advisory Commission Meeting

June 25, 2025

Discussion Topics

June 2025 Commission Meeting:

- BEAD Program Update
- Initial Proposal Modification
- Prequalification
- Benefit of the Bargain Round
- Final Proposal
- Public Comment

BEAD Program Update

BEAD Restructuring Policy Notice

- Received on June 6, 2025

Goals of New Policy Notice

- Align with IIJA and simplify the BEAD process to remove unnecessary requirements from the Notice of Funding Opportunity (NOFO)

- Boost competition by prioritizing technology-neutral solutions

BEAD Program Update

Non-Statutory Requirements

The BEAD Restructuring Policy Notice streamlines regulations by removing non-statutory requirements. Should a state law contradict a policy notice requirement, Eligible Entities have the option to request a waiver for that specific requirement.

The following NOFO provisions have been reduced and/or removed:

- Labor, Employment, and Workforce Development
- Climate Resiliency
- Open Access and Net Neutrality
- Local Coordination and Stakeholder Engagement
- Non-Traditional Broadband Providers
- Middle-Class Affordability Plan
- Low-Cost Service Option

BEAD Program Update

Labor, Employment, and Workforce Development

Removed NOFO Sections	Policy Notice Impacts
IV.C.1.e-g - Labor, workforce, civil rights, and nondiscrimination **IV.B.5.b.11-13** (IP requirements) **IV.B.9.b.11.b-c** (FP requirements) **VII.E.2.9.12.a-b** (Reporting requirements) **VII.D.7** - Contracting with minority, women owned, and labor surplus firms	**Removes** all EE and subgrantee requirements in these sections, except the IIJA requirement for subgrantees to comply with federal labor and employment laws **Streamlines** the application; applicants are only required to certify they comply with all federal labor and employment laws - If state law imposes additional labor and employment obligations, an EE must seek a waiver

DEPARTMENT OF ADMINISTRATION

BEAD Program Update

Climate Resiliency

Removed NOFO Sections	Policy Notice Impacts

Removed NOFO Sections

- **IV.C.1.h** - Climate Resilience
  - Describes EEs' obligations to conduct climate related analyses and encourages engagement with NOAA for weather or climate analysis
- **IV.B.5.b.15** (IP Requirements)
- **IV.B.9.b.11.e** (FP Requirements)

Policy Notice Impacts

- **Removes** all EE and subgrantee requirements in these sections
- **Acknowledges** that subgrantees can meet the IIJA requirement to 'incorporate best practices defined by NTIA for ensuring reliability and resilience of broadband infrastructure' by:
  - Establishing risk management plans that account for technology infrastructure reliability and resilience
  - In other words, complying with the "Cybersecurity and Supply Chain Risk Management" section of the NOFO (IV.C.2.c.vi)

DRAFT

DEPARTMENT OF ADMINISTRATION

BEAD Program Update

Open Access and Net Neutrality

Removed NOFO Sections	Policy Notice Impacts
• **IV.C.2.b.ii - Conduit Access Points** 　○ Requires applicants to provide regular conduit access points and a reasonable amount of excess capacity in applications • **IV.C.2.c.ii - Consumer Protections** 　○ Describes a prohibition on data caps and unjust or unreasonable network management practices • **IV.C.2.c.v - Interconnection Requirements & Wholesale Access** 　○ Required subgrantees to let other ISPs connect to BEAD-funded Middle Mile	• **Scales back** requirements in IV.C.2.b.ii to align with IIJA, which only requires, "Any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals." • **Removes** all EE and subgrantee requirements in: 　○ IV.C.2.c.ii (Consumer Protections) 　○ IV.C.2.c.v (Interconnection Requirements and Wholesale Access)

BEAD Program Update

Local Coordination and Stakeholder Engagement

Removed NOFO Sections	Policy Notice Impacts

• **IV.C.1.c - Local Coordination**
    ○ Requires EEs to develop, execute, and report local coordination approaches; describes NTIA evaluation of approach
• **IV.C.2.c.iv - Public Notice**
    ○ Requires subgrantees to carry out public awareness campaigns
• **IV.B.5.b.4** (IP Requirements)
• **IV.B.9.b.5** (FP Requirements)
	• **Removes** all EE and subgrantee requirements in these NOFO sections
	• **Clarifies** that EEs can meet the statutory requirement 'to adopt local coordination requirements established by NTIA' by certifying in the Final Proposal that they:
	    ○ Observed the FP public comment requirements in the FP Guidance
	    ○ Received plans submitted by political subdivisions up until submission of the Final Proposal to NTIA

BEAD Program Update

Non-Traditional Broadband Providers

Removed NOFO Sections	Policy Notice Impacts
• **IV.C.1.a. - Consider All Provider Types** o Describes how EEs may not exclude any provider type and how to navigate SGS if conflicting state laws exist • **IV.B.5.b.18** (IP Requirements) • **IV.B.9.b.10** (FP Requirements)	• **Removes** all EE requirements in these NOFO sections • **Clarifies** EEs must still comply with IIJA requirement that it "may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for such grant funds"

BEAD Program Update

Middle Class Affordability Plan

Removed NOFO Sections	Policy Notice Impacts
• **IV.C.2.c.i - Affordability & Low-Cost Plans** ○ Outlines that EEs are required to submit a plan focused on middle-class affordability	• **Removes** all requirements associated with middle-class affordability, including requirements to develop, implement, and provide updates on the plan

DRAFT

BEAD Program Update

Low-Cost Service Option

Removed NOFO Sections	Policy Notice Impacts

• **IV.C.2.c.i - Affordability & Low-Cost Plans**
    ○ Requires EEs to propose a definition of "low-cost broadband service option" (LCSO) and submit it for approval in the Initial Proposal
    ○ Requires applicants to offer at least one LCSO in alignment with the approved definition for eligible subscribers
• **IV.B.5.b.16** (IP Requirements)
• **IV.B.9.b.11.d** (FP Requirements)
	• **Removes** EE requirements in these sections
	• **Updates** the requirement for applicants to propose a LCSO for eligible subscribers
	    ○ LCSO must offer at least 100/20 Mbps with latency measurements of no more than 100 milliseconds
	    ○ If applicable, applicants may offer existing low-cost plan as BEAD LCSO
	• **Updates** definition of "eligible subscriber"
	    ○ Households that are eligible to enroll in the FCC Lifeline Program

BEAD Program Update

Unlicensed Fixed Wireless (ULFW) Challenge Process

- Technology neutral approach allows ULFW to participate in BEAD, thus their service needs to be considered as part of the challenge process

- Policy Notice outlines process for ULFW providers to demonstrate existing BEAD-eligible service that meets the requirements

- Providers have 7 days to indicate intent to submit evidence and an additional 7 days to submit documentation after MBO posted notice (June 13, 2025).
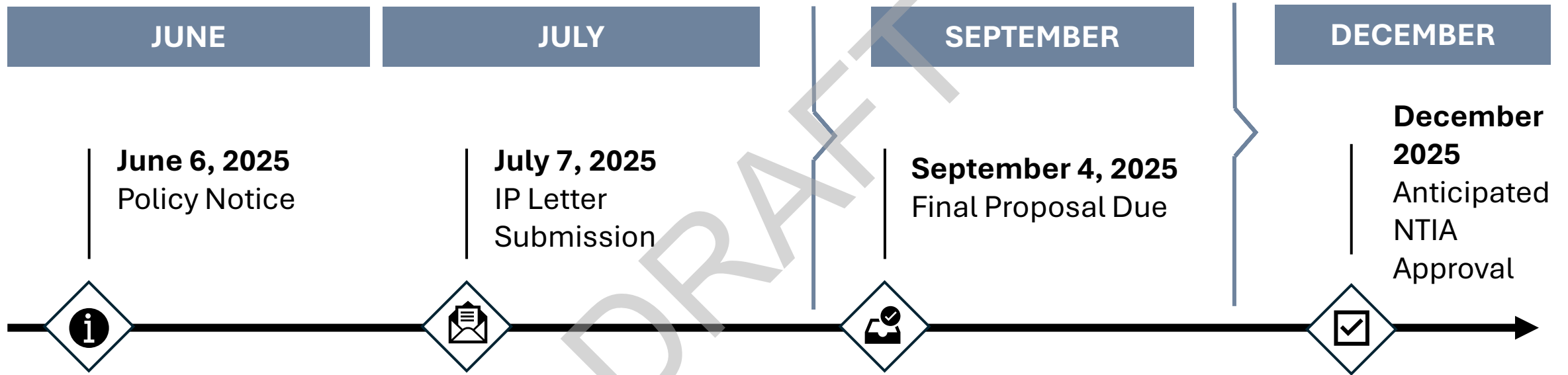
BEAD Program Update

Optimizing BEAD locations

- Policy notice directed eligible entities to optimize BEAD locations

- Update to newly released Fabric v6

- Incorporate serviceability changes from new enforceable commitments and defaults

- NTIA provided data on two additional RDOF defaults on June 13, 2025
    - Blackfoot
    - Lumen

Updated Program Timeline

JUNE	JULY	SEPTEMBER	DECEMBER

June 6, 2025
Policy Notice

July 7, 2025
IP Letter
Submission

September 4, 2025
Final Proposal Due

December 2025
Anticipated NTIA Approval

DRAFT

Initial Proposal Modification

Initial Proposal (IP) Correction Letter

- Authorized Organization Representative for each Eligible Entity must submit a letter to NTIA within (30) calendar days requesting an Initial Proposal correction

  - Appendix D: Initial Proposal Correction Template

  - The submission must include the list of newly added locations described in Section 4 of the NTIA BEAD Restructuring Policy Notice

Prequalification

Prequalification re-opened in AmpliFund on June 13, 2025, and closes on June 27, 2025

- Policy Notice required states to reopen prequalification

- New entrants may apply for prequalification

- Previously rejected applicants are able to update applications and reapply

- Previously approved prequalified applicants are not required to reapply for prequalification

DEPARTMENT OF ADMINISTRATION

Benefit of the Bargain

Overview of Subgrantee Selection Process Changes

- All BEAD-eligible BSLs must be opened for an additional round – Benefit of the Bargain

- Fiber preference has been removed
    - All technology types that meet technical standards can apply on the same terms to serve any eligible BSL

Benefit of the Bargain

Priority Broadband Project

- Public Notice restored 'Priority' Broadband Project' to IIJA definition:

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

Benefit of the Bargain

Priority Broadband Project Evaluation

- BEAD applications will be evaluated against the "priority broadband" definition on a per project basis
    - Key performance criteria such as capacity and scalability will be assessed
    - Project area criteria such as location density and physical topology will be included in the analysis
- Applicants must respond to a series of questions to validate that their application qualifies as a priority project
    - The questions will be included as part of the benefit of the bargain round application submission

Scoring Rubric

Policy Notice revised scoring criteria to focus on cost minimization:

- Primary Criteria

    - Minimal BEAD Program Outlay: Project proposal reflects the lowest overall cost to the Program based on total BEAD funding required to complete the project calculated as the total project cost minus the applicant's proposed match and the cost to the Program per location (i.e., the total BEAD funding that will be required to complete the project divided by the number of BSLs the project will serve)

- Secondary Criteria

    - Speed to Deployment: Project can be completed within (4) years.

    - Speed of Network and Other Technical Capabilities: Ability for network design to demonstrate technical performance (speed and latency) and future scalability.

    - Preliminary/Provisional Subgrantees: Project was previously preliminarily selected.

Benefit of the Bargain

Project Areas

DRAFT

Benefit of the Bargain

Application Process

DRAFT

Benefit of the Bargain

Application Timeline

DRAFT

Final Proposal

- Final Proposal Templates and Guidance have been removed from the NTIA website as of June 11, 2025

  - No updated guidance has been provided yet

- The new deadline for Eligible Entities to submit is Thursday, September 4, 2025

  - 90 calendar days from the release of the Public Notice

Public Comment