# Montana Broadband Communications Advisory Commission Meeting

December 7, 2023

# Topics for Discussion for December Commission Meeting

- Digital Opportunity Plan

- Updates on IPV1 and IPV2

- General Program Timeline

- Stakeholder Outreach and Technical Assistance Plan

- Challenge Process
    - Overview of the Challenge Process
    - Challenge Process Timeline
    - Technical Assistance Schedule for Challenge Process

- Prequalification
    - Overview of the Prequalification
    - Technical Assistance Schedule for Prequalification

- Application Process

- Main Round
    - Overview of the Main Round
    - Technical Assistance

- What Comes Next

# Recall: IIJA BROADBAND FUNDING STREAMS

As of 22 November 2023

Details to follow

## BEAD

### $42.45B

**Broadband Equity, Access & Deployment Program**

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

## DIGITAL EQUITY

### $2.75B

**Digital Equity Act**

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

## TRIBAL

### $2.00B

**Tribal Connectivity Technical Amendments**

A program to help tribal communities expand high-speed internet access and adoption on tribal lands.

## MIDDLE MILE

### $1.00B

**Enabling Middle Mile Broadband Infrastructure**

A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

# Recall: Digital Opportunity Program overview

As of 22 November 2023

> **Summary:** Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

## Funding Overview

| Program | National | MT Allocation |
| --- | --- | --- |
| State Planning | $60M | $600K |
| State Capacity Grant (formula) | $1.44B | TBD |
| Competitive program | $1.25B | N/A[1] |

## Key Considerations

- Current planning efforts will inform the State Capacity Grant Application (Formula funding)
- Program will cover a period of 5 years
- Funding will be provided on an annual basis
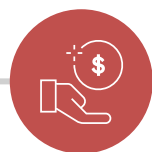- Detailed information on the application for funds has not yet been released

1. The Digital Equity Act Competitive Grant Program will be run by the NTIA and will select sub-recipients directly through a competitive process.
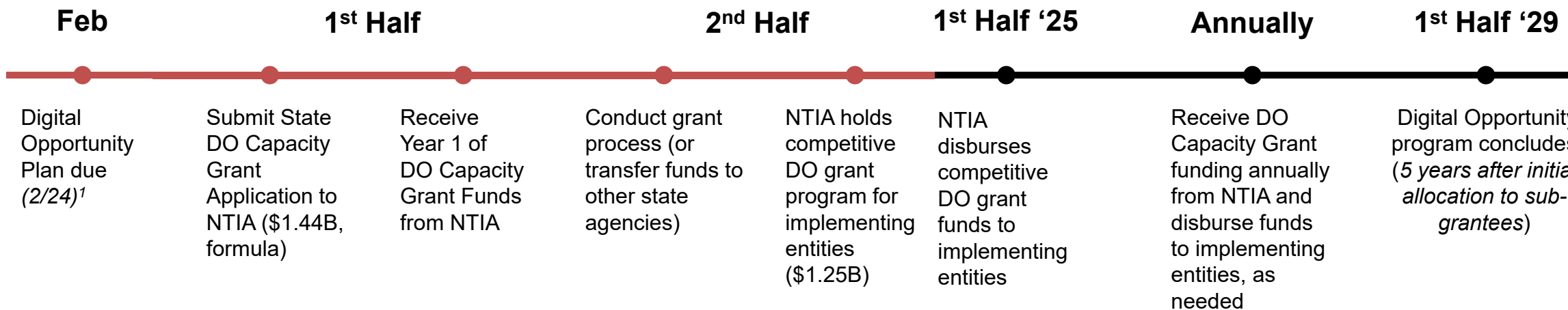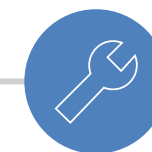
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# Recall: Digital Opportunity Program timeline

As of 22 November 2023

## 2024

## 2025 - 2029

| Feb | 1st Half | | 2nd Half | | 1st Half '25 | Annually | 1st Half '29 |
|---|---|---|---|---|---|---|---|
| Digital Opportunity Plan due *(2/24)[1]* | Submit State DO Capacity Grant Application to NTIA ($1.44B, formula) | Receive Year 1 of DO Capacity Grant Funds from NTIA | Conduct grant process (or transfer funds to other state agencies) | NTIA holds competitive DO grant program for implementing entities ($1.25B) | NTIA disburses competitive DO grant funds to implementing entities | Receive DO Capacity Grant funding annually from NTIA and disburse funds to implementing entities, as needed | Digital Opportunity program concludes (*5 years after initial allocation to sub-grantees*) |

1 The MBO has applied for a no-cost extension on the DOP, which has received verbal approval

Source: Digital Equity Planning Grant NOFO

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# Recall: Digital Opportunity Program goals

As of 22 November 2023

**Vision statement:** To narrow the digital divide in support of Montana's economic, workforce, health, and educational goals by ensuring reliable, affordable internet access for all Montanans

| Area | Program goals |
|---|---|
| Broadband Availability & Affordability | Ensure all Montana residents have access to affordable internet and necessary devices in their homes, schools, libraries, and businesses irrespective of their income level |
| Online Accessibility & Inclusivity | Reduce the digital divide among all Montana residents by increasing broadband adoption by covered populations and increasing access to online resources for all residents |
| Digital Literacy | Build digital skills to enhance broadband use through programs and partnerships with community stakeholders |
| Device Availability & Affordability | Reduce the digital divide among Montana residents by ensuring widespread access to internet-capable devices <br> Reduce the digital divide among state agencies by ensuring adequate internet-capable device inventory |
| Online Privacy and Cyber-security | Ensure all Montana residents have access to internet that meets online privacy and cybersecurity standards |

1. Sensitive information defined in "Fact Sheet: The FCC Adopts Order to Give Broadband Consumers Increased Choice Over Their Personal Information,"

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# Summary of updates made to the Digital Opportunity Plan following the public comment period

As of 22 November 2023

| Theme | Examples | | Relevant Updates |
|---|---|---|---|
| **Overall** | • Sharing of resources that may be helpful as MBO further develops its Digital Opportunity Plan<br>• Sharing of existing assets/programs for inclusion in the DOP<br>• Appreciation for the hard work and detailed analysis put into this draft by the MBO to date | | • MBO utilized several additional resources as it further refined the DOP<br>• MBO included the additional assets/programs in the DOP to provide a more comprehensive view of existing assets |
| **Program Design** | • Leverage CAIs in implementing the Digital Opportunity Plan<br>• Adapt digital skills curricula from other states / contexts<br>• Consider promoting device ownership via subsidies, partnering with ISPs, etc.<br>• Importance of cybersecurity in protecting citizen data | | • Program design suggestions have been incorporated throughout the DOP<br>• One of the core goals of the DOP is focused on online privacy and cybersecurity and MBO will ensure it remains a key focus |
| **Stakeholder Engagement** | • Importance of ongoing stakeholder engagement<br>• Desire from specific stakeholder groups to engage in the planning process<br>• Consider creating advisory committee for Covered Populations | | • The DOP was updated to highlight the plan for ongoing stakeholder engagement<br>• MBO engaged additional stakeholder groups during refinement of the plan<br>• The DOP was reposted for public comment |
| **Clarifications** | • Clarity of language, definition of key terms, and further explanation of key concepts throughout the DOP<br>• Delineation of funding between BEAD and DOP<br>• Definition of CAIs | | • Language has been revised for clarity<br>• BEAD will focus on infrastructure, while DOP will focus on other barriers to adoption<br>• CAIs have been defined as part of Initial Proposal Volume I |

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# Current areas of focus of Montana's Digital Opportunity Plan

As of 22 November 2023

■ BEAD focus areas
■ Potential DO focus areas

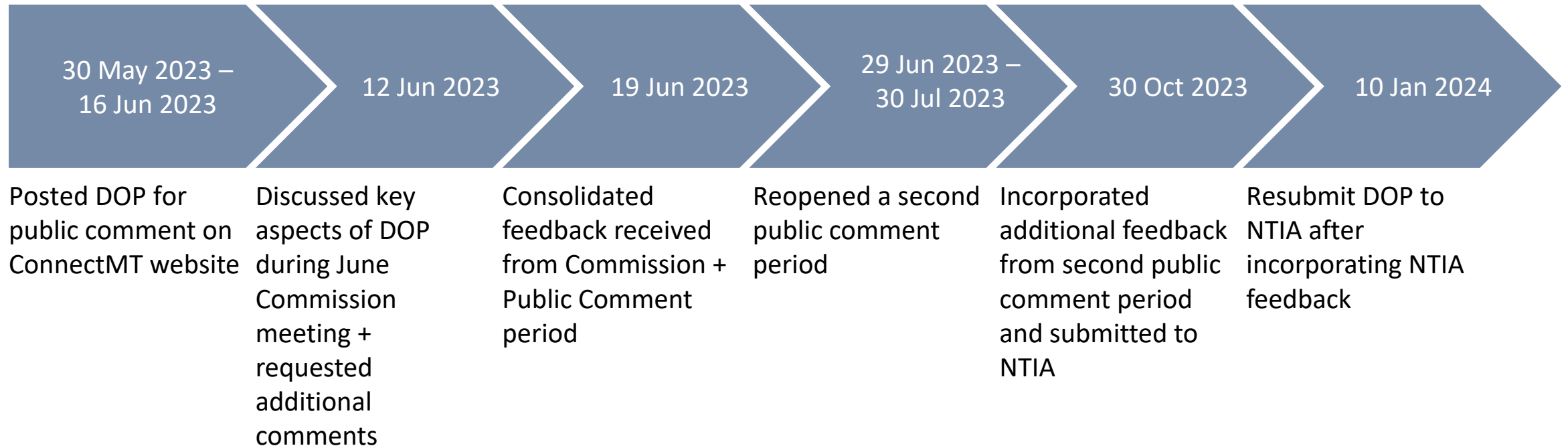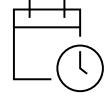| Barrier | Potential programming or opportunity | Existing efforts |
|---|---|---|
| **Access** | **A** **Connect the unserved:** Last-mile and associated middle-mile deployment of broadband technologies to areas without service of at least 25/3 | ✓ |
| | **B** **Upgrade the underserved:** Deploying and/or upgrading technologies to areas with service below 100/20 | ✓ |
| | **C** **Invest in community anchor institutions:** Ensure reliable high-speed access at CAIs or identify opportunities in non-traditional CAIs | ✓ |
| **Affordable subscriptions** | **D** **Increase ACP uptake:** Educate, support & encourage uptake among eligible subscribers | |
| | **E** **Subscription subsidies:** Provide additional subsidies to further reduce broadband cost | |
| | **F** **Offer low-cost plans:** Partner with ISPs to develop and promote low-cost high-speed internet plans | ✓ |
| **Devices access** | **G** **CAI loan programs:** Allow Montanans to rent devices for free or low-cost from CAIs | ✓ |
| | **H** **CAI access points:** Create device access terminals in CAIs, taking advantage of the high-speed broadband and existing community access | ✓ |
| | **I** **Device subsidies:** Provide direct subsidies to purchase internet-capable devices | |
| | **J** **Through strategic partnerships:** Working with businesses or community organizations, share device funding and distribution responsibilities, negotiate bulk rates with device manufacturers | |
| **Digital literacy** | **K** **Develop digital skills curricula:** Deploy training programs through state entities and targeted industries | ✓ |
| | **L** **Fund targeted training programs:** Upskill individuals through classes and training programs, with potential focus on Covered Populations (e.g., aging individuals, individuals in rural areas, veterans) | |
| | **M** **Stand-up digital navigator programs:** Deploy navigators in communities to develop specific understanding of barriers in community, and coordinate resourcing as needed | |

# Overview of progress to date and next steps

As of 22 November 2023

**Timeline for completion of DOP**

| 30 May 2023 – 16 Jun 2023 | 12 Jun 2023 | 19 Jun 2023 | 29 Jun 2023 – 30 Jul 2023 | 30 Oct 2023 | 10 Jan 2024 |
|---|---|---|---|---|---|
| Posted DOP for public comment on ConnectMT website | Discussed key aspects of DOP during June Commission meeting + requested additional comments | Consolidated feedback received from Commission + Public Comment period | Reopened a second public comment period | Incorporated additional feedback from second public comment period and submitted to NTIA | Resubmit DOP to NTIA after incorporating NTIA feedback |

**Next Steps**

- Update digital opportunity plan to enhance clarity based on feedback received from NTIA following first submission (no updates to core content)

- Resubmit digital opportunity plan to NTIA ahead of February 24 deadline

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# Updates to IPV1 and IPV2

**Updates**

Initial Proposal Volume 1

Initial Proposal Volume 2

**What to Expect Next**

- IPV1 approval by NTIA (Jan 2024)
- IPV2 comments from NTIA (Jan 2024)
- IPV2 curing and resubmission (Feb 2024)
- IPV2 approval by NTIA (TBD)
- Final Proposal drafting (Fall 2024)
- Final Proposal CAC approval (Dec 2024)
- Final Proposal submission to NTIA (Jan 2025)

# 2024 Month by Month IIJA Program Timeline

Digital Opportunity Plan Due

Prequalification Opens

Prequalification Closes

Main Round Opens

Main Round Closes

CAC Approves Subrecipients

| Jan 24 | Feb 24 | Mar 24 | Apr 24 | May 24 | June 24 | July 24 | Aug 24 | Sep 24 | Oct 24 | Nov 24 | Dec 24 |

Prequalification Approval

Map Challenge Adjudication Completes

BEAD Reporting Begins

Selection of Subrecipients

Final BEAD Proposal Due 1/2025

Map Challenge Process Begins (12/15/2023)

*Full allocation received upon approval of IPV2

# Comprehensive Approach to Stakeholder Engagement

Preparing potential applicants and informing the public

**Outreach and Technical Assistance Goals**

- Prepare potential applicants for the BEAD application process by providing multi-modal technical assistance

- Integrate lessons learned from ARPA to ensure complete and high-quality applications are submitted

- Coordinate with other MT agencies to provide guidance for applicants on state compliance requirements

- Provide timely and informative resources such as application guides, templates, fact sheets, and FAQ documents to assist applicants as they develop their applications

- Inform the general public of the BEAD application process and encourage local participation in the BEAD subrecipient application process

**Anticipated Activities**

- Overview, deep dive, and topical webinars for each application phase (appx. 15 webinars)

- In-person bidders conferences for both prequalification and main round phases (2-3 events)

- Weekly Q&A office hours during each application phase (appx. 15 sessions)

- Application guides, fact sheets and templates

- Comprehensive FAQ documents posted to ConnectMT website

- Presentations at local and regional meetings and conferences, as requested

# Components of Stakeholder Engagement and Technical Assistance

| Proposed Technical Assistance | | | |
|---|---|---|---|
| **Component** | **Topic** | **Anticipated Date** | **Mode** |
| Challenge Process | Overview | 12/20/2023 | Webinar |
| Challenge Process | Deep Dive | 01/03/2024 | Webinar |
| Challenge Process | Q&A Session | 01/10/2024 | Webinar |
| Challenge Process | Rebuttal | 01/24/2024 | Webinar |
| Prequalification | Overview | 01/17/2024 | Webinar |
| Prequalification | Deep Dive | 02/08/2024 | In-Person |
| Prequalification | Deep Dive | 02/14/2024 | Webinar |
| Prequalification | Q&A Session | 02/23/2024 | Webinar |
| Prequalification | Q&A Session | 03/01/2024 | Webinar |
| Prequalification | Q&A Session | 03/08/2024 | Webinar |
| Prequalification | Q&A Session | 03/15/2024 | Webinar |
| Main Round | Overview | 04/03/2024 | Webinar |
| Main Round | Bidder's Conference | 04/17/24 - 04/18/24 | In-Person |
| Main Round | Application System Demo | 05/02/2024 | Webinar |
| Main Round | Financial | 05/07/2024 | Webinar |
| Main Round | Technical | 05/09/2024 | Webinar |
| Main Round | Environmental | 05/14/2024 | Webinar |
| Main Round | Program Requirements | 05/16/2024 | Webinar |
| Main Round | Q&A | 05/24/2024 | Webinar |
| Main Round | Q&A | 06/07/2024 | Webinar |
| Main Round | Q&A | 06/14/2024 | Webinar |

The Stakeholder Engagement and Technical Assistance framework comprises three integral phases: The Challenge Process, Prequalification, and Main Round.

Each phase builds upon the preceding one, equipping the applicant with the necessary information to successfully navigate through all three processes.

*All dates listed are tentative, official dates will be posted on ConnectMT website once confirmed

# Resources

Anticipated list of resources to be developed

## Resources for the public

- Challenge Process
  - Submission Guidance
  - Overview and Deep Dive Presentations
  - Fact Sheets and One Pagers
- Prequalification Application
  - Submission Guidance
  - Overview and Deep Dive Presentations
  - Checklists, Fact Sheets, and One Pagers
- Main Round Application
  - Submission Guidance
  - Overview, Deep Dive, Financial, Technical, Programmatic, and System Presentations
  - Checklists, Fact Sheets, and One Pagers

## MBO Resources

- Challenge Portal
- Application Intake Portal
- Review Guidance and Training
- Monitoring and Reporting Guidance

# Breaking Down the Map Challenge Process

## What is it?

- The BEAD NOFO requires Eligible Entities (e.g., MT), to run a challenge process to refine the national broadband map's service availability before conducting a subgrantee process.
- Through the state challenge process, a unit of **local government**, **nonprofit organization**, or **broadband service provider** may challenge whether a particular location or community anchor institution is eligible for BEAD funds (i.e., unserved or underserved).

## Why is it important?

The challenge process will facilitate:

- Identifying more accurately which locations in MT are currently unserved or underserved
- Identifying which CAIs currently do not have access to Gigabit service
- Achieving the goals of the state of MT to increase connectivity and bridge the digital divide
- Achieving the goals of the BEAD program in reaching all unserved (and potentially underserved) locations, in addition to CAIs (if funding allows)

# Overview of Challenge Process

As of 22 November 2023

## Key requirements for Eligible Entities

| | |
|---|---|
| **Basis for challenges** | **Use Broadband Serviceable Locations from most recent National Broadband Map** to identify un- and underserved locations (including on tribal lands)[1] |
| | **Any location already subject to an enforceable commitment to deploy qualifying broadband** is not eligible for BEAD funding |
| | May **modify location designations** (pending approval) to reflect data not present in National Broadband Map. However, **may not (a) add or remove locations or (b) change the definitions** of un- & underserved |
| **Eligible challengers** | Only **nonprofit organizations, local and tribal governments, and broadband service providers** can submit challenges |
| **Evidentiary review** | **Outline rigorous evidentiary review process** to make determinations on challenges |
| **Transparency** | **Publicly post challenge process** once approved by NTIA & before implementing **Publicly post final location classifications (once approved by NTIA) ≥60 days before allocating grant funds** for network deployment |

## Implications

May want to ensure all BSLs are included in the National Broadband Map via the FCC process before implementing state-run challenge process

Per the NTIA guidance, consumers may not participate in the state-run challenge process

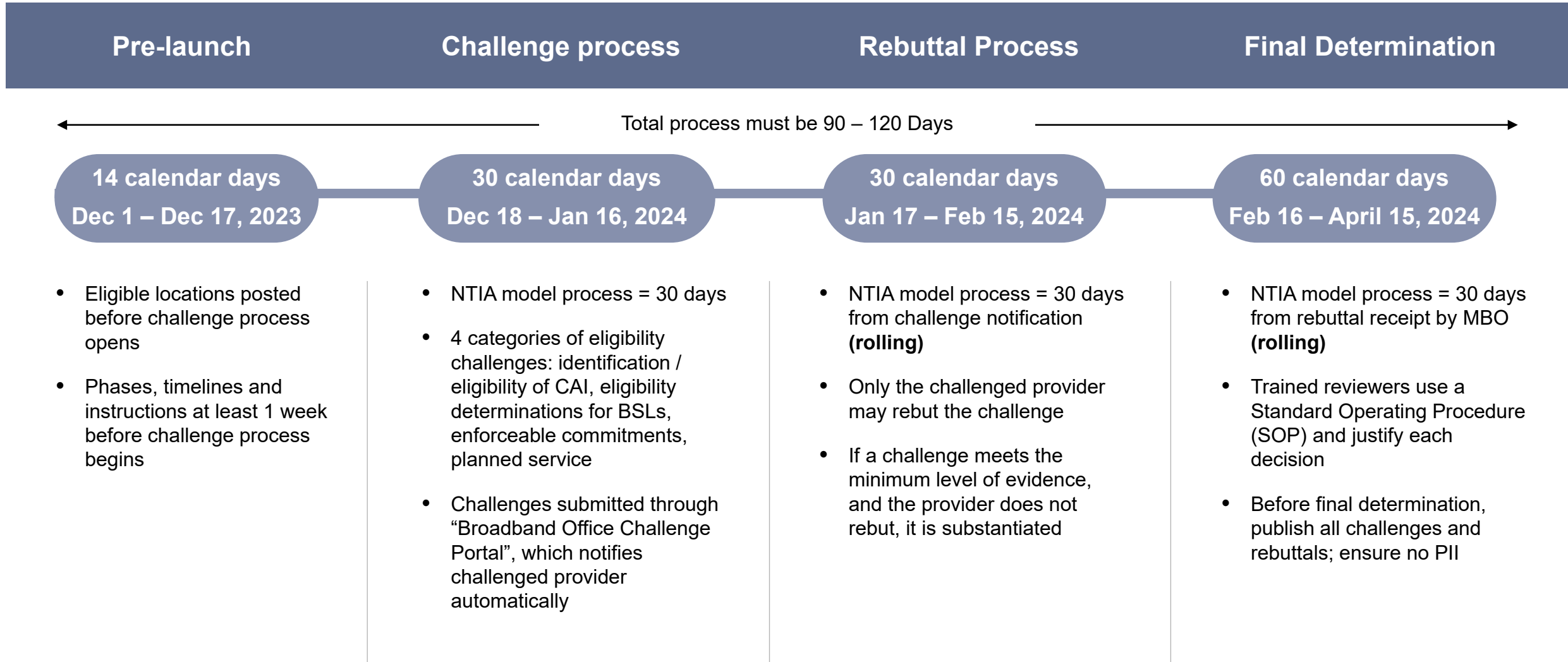Will follow acceptable evidence to avoid rejection

May want to accelerate challenge process implementation to ensure expeditious funding disbursement

# The challenge process will tentatively last 120 days[1]

As of 22 November 2023

| Pre-launch | Challenge process | Rebuttal Process | Final Determination |
|---|---|---|---|

Total process must be 90 – 120 Days

| 14 calendar days Dec 1 – Dec 17, 2023 | 30 calendar days Dec 18 – Jan 16, 2024 | 30 calendar days Jan 17 – Feb 15, 2024 | 60 calendar days Feb 16 – April 15, 2024 |
|---|---|---|---|

- Eligible locations posted before challenge process opens

- Phases, timelines and instructions at least 1 week before challenge process begins

- NTIA model process = 30 days

- 4 categories of eligibility challenges: identification / eligibility of CAI, eligibility determinations for BSLs, enforceable commitments, planned service

- Challenges submitted through "Broadband Office Challenge Portal", which notifies challenged provider automatically

- NTIA model process = 30 days from challenge notification **(rolling)**

- Only the challenged provider may rebut the challenge

- If a challenge meets the minimum level of evidence, and the provider does not rebut, it is substantiated

- NTIA model process = 30 days from rebuttal receipt by MBO **(rolling)**

- Trained reviewers use a Standard Operating Procedure (SOP) and justify each decision

- Before final determination, publish all challenges and rebuttals; ensure no PII

# Map Challenge Portal

Ready.net

# Technical Assistance Schedule for Challenge Process

| Proposed Technical Assistance | | | |
|---|---|---|---|
| **Component** | **Topic** | **Anticipated Date** | **Mode** |
| Challenge Process | Overview | 12/20/2023 | Webinar |
| Challenge Process | Deep Dive | 01/03/2024 | Webinar |
| Challenge Process | Q&A Session | 01/10/2024 | Webinar |
| Challenge Process | Rebuttal | 01/24/2024 | Webinar |

## Resources
- Challenge Process One Pager
- Challenge Process FAQs
- Recorded Webinar Materials

*All dates listed are tentative, official dates will be posted on ConnectMT website once confirmed

# Breaking Down the Prequalification Round

## What is it?

- Applicants are required to submit materials for prequalification, ensuring compliance with the BEAD minimum **eligibility** requirements.
- This step precedes the subgrantee process, serving the purpose of evaluating providers' eligibility for BEAD funding.
- Conducting prequalification before the application window opens is designed to streamline and expedite the subgrantee process, thereby alleviating the burden on potential applicants during the application period.

## Prequalification Approval is Required to Apply

- Conducting a seamless prequalification round allows for a seamless main round.
- The proposed engagement and technical assistance schedule during the prequalification round will make sure that applicants receive information that will ensure successful and high quality applications.
- This process is designed to keep the applicants well informed of the program progress and outcomes.
- Main round applications will be accepted only from applicants approved during the prequalification round.

# What applicants will submit in the Prequalification Round

Official guidance will be published prior to accepting applications

| BEAD Element | BEAD Eligibility Requirements | Submission Requirement |
|---|---|---|
| 2.4.5 | EHP and BABA compliance | Certification of compliance |
| 2.4.11 | Subgrantee minimum qualifications: Financial capability | Unqualified audited financials, certification to receive federal funds, plan for LOC |
| 2.4.11.1 | Application materials related to the BEAD subgrantee selection process | SAM.gov registration, state registration, list of current federal funding |
| 2.4.12 | Subgrantee minimum qualifications: Managerial capability | Key staff resumes and organizational chart |
| 2.4.13 | Subgrantee minimum qualifications: Technical capability | Past performance |
| 2.4.14 | Subgrantee minimum qualifications: Compliance with applicable laws | Certification, legal opinion, |
| 2.4.15 | Subgrantee minimum qualifications: Operational capability | Narrative describing previous experience with similar projects |
| 2.4.16 | Subgrantee minimum qualifications: Ownership information | SAM.gov registration, state registration, ownership information |

# Technical Assistance Schedule for Prequalification

| Proposed Technical Assistance | | | |
|---|---|---|---|
| **Component** | **Topic** | **Anticipated Date** | **Mode** |
| Prequalification | Overview | 01/17/2024 | Webinar |
| Prequalification | Deep Dive | 02/08/2024 | In-Person |
| Prequalification | Deep Dive | 02/14/2024 | Webinar |
| Prequalification | Q&A Session | 02/23/2024 | Webinar |
| Prequalification | Q&A Session | 03/01/2024 | Webinar |
| Prequalification | Q&A Session | 03/08/2024 | Webinar |
| Prequalification | Q&A Session | 03/15/2024 | Webinar |

**Resources:**
- Prequalification One Paper
- Prequalification Requirement Checklist
- Prequalification FAQs
- Recorded Webinar Materials

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# Main Round focuses on project specific materials

## What to expect

- The main round requires the submission of **project specific documentation** along with updating relevant prequalification materials

- Components include: Scoring criteria, financial documents such as pro forma, programmatic and technical documentation, service area maps, and other documentation

- Once an applicant successfully prequalifies, they **must attend** a bidder's conference

- Comprehensive preapplication materials and technical assistance

- Fair evaluation approach to enable a transparent, objective, and unbiased assessment of their submissions.

## How to prepare

- Begin community outreach and project planning early

- Remember any proposals on tribal land will need documented permission from tribal entities

- Consider partnerships with local economic development boards or other service providers to develop cost effective solutions

- Review requirements outlined in Initial Proposal Volume 2 to begin planning application development

# Technical Assistance Schedule for the Main Round

| Proposed Technical Assistance | | | |
|---|---|---|---|
| **Component** | **Topic** | **Anticipated Date** | **Mode** |
| Main Round | Overview | 04/03/2024 | Webinar |
| Main Round | Bidder's Conference | 04/17/24 - 04/18/24 | In-Person |
| Main Round | Application System Demo | 05/02/2024 | Webinar |
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| Main Round | Q&A | 06/14/2024 | Webinar |

Resources:
- Main Round Overview
- Financial Requirements
- Technical Requirements
- Programmatic Requirements
- Q&A Sessions

*All dates listed are tentative, official dates will be posted on ConnectMT website once confirmed

# What's Next

Challenge Process- Mid December

Prequalification- Mid February

Main Round application materials ready 2 weeks after IPV2 approval or early march (whichever is later)