

DEEP Broadband BEAD Initial Proposal Volume 1 Public Comments

Public Comment Period: October 16, 2023 – November 17, 2023

The comments below have been summarized by topic and organized by theme for clarity.

Number	Comment	Response
1	Strongly encourage DEEP to update the IP to incorporate non-deployment activities focused on bridging the digital divide, including strategies to address affordability and access.	Initial Proposal Volume 2, Low-Cost Broadband Service Option (Requirement 16) discusses information on the low-cost broadband service option(s) that must be offered by subgrantees as selected by DEEP. For further information, please visit Initial Proposal Volume 2 section 2.13 which discusses middle-class affordability plan(s).
2	Can DEEP allocate funds for broadband adoption projects, including projects that provide free or reduced cost broadband in public housing residences?	DEEP must follow the NTIA’s program guidance when allocating funds, which mandates that the state first fund projects that will serve unserved locations and underserved locations, followed by Community Anchor Institutions. If there are remaining funds once all unserved and underserved locations have been provided qualifying service, eligible non-deployment activities may be funded as described in Volume 2 of the Initial Proposal.
3	Strongly encourages DEEP to allocate resources for non-deployment activities to support the installation and operation of broadband infrastructure (whether Wi-Fi or wired) to deliver reduced-cost broadband service within affordable housing communities that are not otherwise eligible as unserved/underserved.	Please refer to the response for #2.
4	DEEP should prioritize fiber as expressed by the NTIA. Every resident in Connecticut deserves fiber.	DEEP must follow the NTIA’s program guidance which considers projects utilizing end-to-end fiber ‘Priority Broadband Projects’.
5	Supports defining Community Anchor Institutions to include public housing organizations.	DEEP appreciates this comment affirming the Community Anchor Institution definition.
6	Sec. 3 – Community Anchor Institutions (Requirement 6) – Consider clarifying the definition of a “public safety entity” to be one which has full-time employees reporting to that location.	Community Anchor Institutions (CAI) were identified utilizing the statutory definition as defined in 47 USC 1702 (a)(2)(E).

7	Sec. 3 – Community Anchor Institutions (Requirement 6) – Consider removing “public housing organizations” as a covered Community Anchor Institution (CAI), as those locations are residences and are more suitable for Multi-Dwelling Unit (MDU) business services and contracts.	Please review response #6.
8	Sec. 3 – Community Anchor Institutions (Requirement 6) – A description of “community support organizations” should include language that qualifying community support organizations/CAIs are those which are bona fide non-profit organizations or government agencies.	Please review response #6.
9	Strongly encourages DEEP to ensure that its final IP provides for significant investments in affordable connectivity within HUD-assisted affordable housing communities on the basis of their status as Community Anchor Institutions (CAIs).	Please refer to the response for #6. Please note that designation as a Community Anchor Institution does not imply a commitment of funding from the BEAD Program. As part of the BEAD program, Initial Proposal Volume 2 includes information on Middle Class Affordability Plans (Requirement 20).
10	Supports the Community Anchor Institution definition and recommends classifying Affordable Housing as a CAI. This would expand DEEP’s current definition of public housing organizations to include any public housing agency, HUD-assisted housing organization, Tribal housing organization and/or low-income community housing.	Under DEEP’s CAI definition, public housing organizations include public housing agencies, HUD-assisted housing organizations, and Tribal housing organization. The data used to support this definition includes those listed as Public Housing Authorities by HUD and verified with the Connecticut Department of Housing (CT DOH).
11	Include ‘cultural arts institutions’, museums, theatres, art galleries, churches, concert halls, and opera houses under Community Support Organizations.	Community Anchor Institutions (CAI) were identified utilizing the statutory definition as defined in 47 USC 1702 (a)(2)(E). To further expand the CIA definition, DEEP used the following criteria to include or exclude community organizations not specifically listed in in 47 USC 1702(a)(2)(E): Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. <i>Cultural arts institutions would only be eligible to the extent they facilitate the</i>

		<i>greater use of broadband service by vulnerable populations.</i> DEEP recognizes the intersectionality of organizations and therefore, encourage organizations to assess their alignment with the listed categories.
12	Evaluate community needs prior to classifying a Community Anchor Institution (“CAI”) as BEAD-eligible to ensure that funding is used to its fullest potential in support of key BEAD objectives.	Please review response #6. Furthermore, DEEP included additional organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals, further aligning with BEAD’s objectives to further reach venerable populations specified in the BEAD NOFO.
13	Sec. 4 – Permissible Challengers (Requirement 7) – The scope to file challenges as “permissible challengers” should be limited to locations of clients served by a nonprofit.	Following guidance from the NTIA, permissible challengers include nonprofit organizations, units of local and tribal governments, and broadband service providers.
14	Sec. 4 – Speed Test Requirements (Requirement 7) – Speed tests conducted by and submitted by a subscriber should only be accepted if conducted using industry-accepted platforms and with equipment recommended by or provided by the subscriber’s internet provider.	DEEP adopts the NTIA Model Challenge Process which allows the submission of speed tests under certain conditions. DEEP will not require individuals to submit information on the devices utilized while taking the speed test.
15	The timelines for the program seem inadequate.	Programmatic milestones are primarily determined by the BEAD Program guidance from the NTIA. DEEP believes the timeline set forth in the Initial Proposal will provide both an efficient and effective process.
16	DEEP should reserve the right to require the challenging provider to enter a binding commitment with DEEP to complete construction by June 30, 2024.	DEEP does not have the authority to enter into a contract for a commitment with a service provider on behalf of a private third party.
17	Encourages Connecticut to consider giving providers greater clarity on the meaning of “necessary permits” for planned service challenges.	The burden will be on the challenger to demonstrate that it has performed its due diligence to apply for or obtain the permits that are relevant to its specific project.
18	Supports the current draft Volume I of the BEAD initial proposal, including plans to adopt the NTIA’s BEAD Model Challenge Process, the Optional Module for DSL Modification, and the Optional Module for Speed Test Modification.	DEEP appreciates this comment affirming the plans to adopt the NTIA’s BEAD Model Challenge Process, the Optional Module for DSL Modification, and the Optional Module for Speed Test Modification.

19	Recommendations to remove the proposed optional area, planned service challenges, and Multiple Dwelling Unit (MDU) challenges from the challenge process.	DEEP has received support for the inclusion of the Optional Area and Multi-Dwelling Unit challenges. As such, DEEP reserves the right to include these optional challenges.
20	Requesting Connecticut use the most current version of the National Broadband Map at the start of the challenge process.	DEEP will use the most current version of the National Broadband Map.
21	Recommends that DEEP maximize transparency and accountability in the challenge process, providing notice and training to challengers on how to challenge the current broadband map and increase the 30-day challenge submission timeline when an extension is requested.	DEEP is committed to a transparent, evidence-based, fair, and expeditious challenge process as noted in section 1.4.6.
22	Recommends additional measures to secure transparency and accountability in the challenge process and to ensure that relevant units of local government and nonprofit organizations are fully prepared and have sufficient time to participate in the challenge process.	DEEP is committed to a fair and transparent challenge process. As such, a transparency plan has been created. Please refer to the transparency plan on page 21 of the Initial Proposal Volume 1 for more information. DEEP also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Internet Service Providers will be notified of challenges via the Office of Policy and Management.
23	Ensure that the challenge process is “transparent, evidence-based, fair, and expeditious,” by providing 45 days each for challenge submissions and rebuttals.	Please review response #22. To best meet program deadlines, challengers will have 30 calendar days each for challenge submissions and rebuttals.
24	The challenge process seems to be difficult, and more information would be beneficial to clarify the process.	DEEP has adopted the National Telecommunications and Information Administration (NTIA) Model Challenge Process and will provide additional guidance for eligible challengers (broadband service providers, nonprofits, and units of local and tribal governments) throughout the steps of the challenge process.
25	Supports the NTIA model challenge timeline but recognizes states may be able to implement a faster process that is transparent, thorough, and unbiased.	DEEP appreciates this comment affirming the challenge process timeline.

26	Exclude the proposed optional speed tests from the challenge process.	DEEP has chosen to adopt the NTIA Model Challenge Process which includes the submission of speed tests.
27	Make targeted changes to the evidentiary requirements that will ensure DEEP can implement an administratively efficient, accurate, and reliable challenge process.	DEEP is adopting the NTIA Model Challenge Process and is committed to a transparent, evidence-based, fair, and expeditious challenge process.
28	Require local governments/nonprofits to conduct a pre-screening process to remove frivolous or incomplete challenges submitted by individuals.	PER NTIA guidelines, DEEP has set forth a Challenge Process in which eligible challengers must submit complete, evidence-based challenges. These will be made available for providers to rebut, followed by DEEP's impartial adjudication. DEEP will be providing additional guidance to eligible challengers to assist them in submitting quality challenges.
29	Recommends that Connecticut adopt in its Standard Operating Procedure a "preponderance of the evidence" standard, and the challenger should have the burden of proof.	The Standard Operating Procedure will require challenge reviewers to document their justification for each determination. When a challenge is submitted, appropriate evidence must be submitted. This information is outlined in the table starting on page 15.
30	Encourages DEEP work with ISP community to determine how best to utilize speed test data.	DEEP will utilize speed test data in accordance with the process outlined in Volume 1 of the Initial Proposal, which is based on the NTIA's model Challenge Process to ensure that the speed test data has been gathered in a scientifically rigorous and reliable manner, including the allowable speed test modalities (e.g., permissible software or web pages; any restrictions on the time-of-day speed tests can be gathered) and the required number of speed tests and their geographic distribution that constitute sufficient evidence for a challenge or rebuttal.
31	DSL is inadequate broadband technology.	DEEP appreciates this comment affirming the position taken on DSL.
32	Appreciate the clarity that addresses served only by DSL will be deemed underserved. In the final proposal, please provide more	DEEP may include further information on the transition issues raised by the phasing out of copper-line technology in the BEAD Final Proposal.

	detail on the transition issues raised by the phasing out of copper-line technology.	
33	Supports the adoption of the optional DSL modification module.	DEEP appreciates this comment affirming the inclusion of the optional DSL modification module.
34	Recommends DEEP change the availability status of areas listed on the National Broadband Map as served through licensed fixed wireless and MDUs from “served” to “underserved.”	The state cannot directly modify the availability status of areas listed on the FCC’s National Broadband Map.
35	Strongly encourage the state to adopt cost-effective solutions like Apartment Wi-Fi, a managed Wi-Fi solution, to address the connectivity challenges of households living in multi-dwelling units (MDUs).	Per NTIA guidance, DEEP must prioritize fiber when possible. In locations where an alternate technology is determined to be appropriate, DEEP will assess solutions such as wireless technologies per the scoring criteria in Volume 2 of the Initial Proposal.
36	Strongly recommends DEEP modify its MDU Challenge Module so that it conforms with the following, updated guidance from NTIA.	DEEP has incorporated updated guidance language from the NTIA.
37	Proposes that DEEP creates an affordability challenge for instances where all available broadband subscription options remain unreasonably costly, making the service inaccessible in practice. Recommends DEEP publish the actual dollar amount of what it considers to be an unreasonable subscription cost in its final draft and offer technical assistance to any localities or nonprofit organizations seeking to develop challenges.	The goal of the Challenge Process is to determine if a particular location or Community Anchor Institution is eligible for BEAD funds, including whether a particular location is unserved or underserved. The process focuses on connectivity of broadband serviceable locations, not the cost of service at specific locations. As part of the BEAD program, Initial Proposal Volume 2 includes information on Middle Class Affordability Plans (Requirement 20).
38	DEEP should publicly disclose and post online in an easily accessible format all submitted challenges and rebuttals before the final challenge determination has been made.	DEEP will post all submitted challenges and rebuttals before final challenge determinations are made. For a full list of information that will be posted, please review DEEP’s transparency plan on page 20.
39	DEEP should closely scrutinize all requests for redactions due to proprietary information so that important public information remains within the public record.	DEEP is committed to transparency. DEEP will review requests for redactions and grant them where legally required.
40	Appreciate DEEP’s efforts to solve the ongoing issue of broadband affordability in the state and the willingness to leverage innovative approaches to do so.	DEEP appreciates this comment affirming the state’s efforts to promote broadband affordability.

41	Encourage municipally-owned broadband to ensure that the most informed decisions are made for each community.	DEEP aligns to NTIA program guidance in encouraging the participation of non-traditional providers such as municipalities, cooperatives, non-profits, Tribal Governments, and utilities. DEEP encourages non-traditional providers to make informed decisions for the communities they serve by considering projects that adhere to the requirements and priorities outlined in Volume 2 of the Initial Proposal. DEEP will also provide technical assistance to applicants, as appropriate, to facilitate strategic and thoughtfully designed proposals.
42	Concerned over the lack of research on wireless radiation effects on the environment and possible radiofrequency effects on humans.	DEEP aligns its approach with the most current scientific understanding of 5G technologies and adheres to the radio frequency standards that have been put in place by the Federal Communications Commission (FCC)
43	Make abbreviated versions of the document with easy-to-understand graphics and formatting available in print copies so the document is more accessible.	DEEP appreciates this feedback and will take this into consideration when releasing future program materials.
44	Please consider adding language to the documents that is inclusive of adult education.	Adult Education is included in Requirement 6 under section 7 a (Community Support Organizations, Adult Education Providers).
45	Recommend a “carrier of last resort” requirement that every residence be served by wired high-speed broadband before its copper-wire infrastructure is permitted to be cut off.	The Department of Energy and Environmental Protection’s Office of Telecommunications and Broadband does not have the regulatory authority to establish a carrier of last resort requirement for all residences in the state.
45	Applauds the continued efforts of DEEP to engage with stakeholders.	DEEP appreciates this comment affirming outreach efforts.
47	Designate locations served only by terrestrial licensed fixed wireless as “underserved”.	DEEP is classifying locations without access to internet speeds at or above 100 Mbps/20 Mbps as underserved per program guidance. Following NTIA guidance, reliable broadband service includes terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.