

DEEP Broadband BEAD Initial Proposal Volume 2 Public Comments

Public Comment Period: November 7, 2024 – December 12, 2024

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

Number	Comment	Response
1	Clawback provisions should be included in award agreements.	Clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) will be included in agreements between the DEEP and any subgrantee.
2	All awards should be deemed fixed amount subawards	As permitted in the NTIA’s December 2023 Policy Notice: Tailoring the Application of the Uniform Guidance to the BEAD Program, DEEP will leverage the efficiencies of fixed amount subgrants in broadband infrastructure projects to reduce administrative costs where possible.
3	In-kind commitments made by communities and ISP assets of equipment and fiber lines should be considered as part of an application’s matching commitments and financial stability.	Section III.B.4. of the NOFO states that matching funds may be provided in the form of either cash or in-kind contributions, so long as such contributions are made consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 C.F.R. Part 200.
4	Structure the disbursement and reimbursement procedures for reimbursement on a monthly or quarterly basis.	Reimbursements will be scheduled on a monthly or quarterly basis.
5	Consider integrating the CT State Building Trades Training Institute training program into future broadband workforce initiatives.	<p>Founded by the CT State Building Trades Council in 2022, The CT Building Trades Training Institute is a construction readiness program that will prepare CT residents interested in applying for and/or entering into a registered union apprenticeship; especially those from, “historically marginalized populations such as females, returning citizens, veterans, communities of color, and opportunity youth.”</p> <p>DEEP appreciates the recommendation and looks forward to cultivating partnerships with training providers in the state to support quality jobs that emphasize equitable hiring practices, fair compensation, safe</p>

		working environments, and the tools and training needed for sustained success.
6	Treat any information submitted by a broadband provider that contains confidential commercial information or data as exempt - from disclosure under state open records laws and other applicable statutes or provisions.	As a state agency, DEEP is subject to the state's Freedom of Information Act, Conn. Gen. Stat. §1-210. Applicants will be offered the opportunity to indicate that certain documents are submitted in confidence and DEEP will endeavor to keep said information confidential to the extent permitted by law.
7	Make clear that grants awarded for projects are conditioned upon grantees permitting competitors reasonable, fair, and non-discriminatory access to their owned and managed utility poles and conduit.	DEEP, in its review of applications, will consider an applicant's compliance with, among other things, state and federal requirements for non-discriminatory access to poles, conduits, or rights-of-way and coordination of telecommunications-related trenching activities.
8	Adopt additional network resiliency considerations as part of the Minimal BEAD Program Outlay scoring.	Certain suggested scoring criteria were not incorporated due to the need to prioritize mandatory inclusions, per the BEAD NOFO. The allocation of the remaining secondary scoring points was done with careful consideration to maintain the integrity and impact of each criterion. Therefore, to preserve the robustness and focus of the evaluation, we decided against incorporating these additional, albeit valuable, suggestions.
9	Include a "Critical Resiliency Need (CRN)" scoring criterion which would include emergency resiliency with wireless infrastructure.	Please refer to #8.
10	Add scoring criteria for superior network management practices like superior technical support, enforceable SLAs, and optimized Wi-Fi spectrum design.	Please refer to #8
11	Mandate or give preference to solutions that lead to property owner ownership of internal wiring within an MDU.	Please refer to #8.
12	Recognize applicants who leverage existing middle-mile providers to nurture a competitive environment.	Please refer to #8.

13	Prioritizing certain types of entities (e.g., non-profits and co-ops) should be strictly forbidden	Applicant eligibility is determined by their managerial, financial, and technical capabilities as outlined in the Initial Proposal.
14	Award full scoring credit to applicants that commit to providing broadband service in BEAD Program-funded project areas at rates in those areas that are either: (i) consistent with the broadband pricing they make available in unsubsidized areas within the state; or (ii) at or below the residential rates provided in the FCC's URS reasonable comparability benchmark for each tier of service offered.	Applications will be scored based on applicants' commitments to offer service to BEAD-funded locations that will not exceed the cost of the same service in any other location in Connecticut in which the applicant offers service. Full points will be awarded to applications that make this commitment in clear and unambiguous terms, without caveats that compromise the commitment. Applications that do not make a clear commitment will receive zero points.
15	Once an ISP has been pre-qualified, those materials should not need to be re-submitted in the application.	Materials submitted in the prequalification phase will not need to be re-submitted in the application phase.
16	Remove the requirement that applicants provide a legal opinion by an attorney licensed in Connecticut "that the organization is aware of the federal and state laws applicable to BEAD funded broadband deployment projects and that the organization possesses the qualifications and resources to perform BEAD-related commitments in compliance with all applicable federal and state laws."	DEEP is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications regarding compliance with applicable laws as outlined in the BEAD NOFO. Requiring applicants to provide a legal opinion will assist DEEP in ensuring that a prospective subgrantee is capable of carrying out activities funded by a subgrant in a competent manner in compliance with all applicable federal, state, and local laws, and promote the effective and efficient completion of high-quality broadband infrastructure projects. To reduce the burden on applicants, DEEP plans to revise Volume 2 of the Initial Proposal to remove the limitation that the attorney must be "licensed in Connecticut".
17	Allow applicants to define their own project areas.	The remaining unserved and underserved locations in the state are typically more challenging to connect due to factors such as a low density of homes, the distance of homes from the right of way, and a lack of space on utility poles. A similar pattern of exclusion may continue if the state does not ensure all locations are covered by project areas, resulting in remaining unserved locations and a complex deduplication process. To avoid this outcome, DEEP has determined that the approach outlined in the Initial Proposal will ensure that all eligible locations are served while retaining the flexibility to negotiate with providers and address unique challenges that require creative solutions.

18	In areas that contain both MDU BSLs and non-MDU BSLs, allow for partnerships of subgrantees, as long as the applicant(s) make reference to the other project(s) and ISP(s) working to serve remaining locations in such a way that a comprehensive plan is formulated to solve broadband for the municipality(s) in which they applied.	Applications may include partnerships so long as they fulfill the requirements set forth in the Initial Proposal.
19	Explore possibilities of integrating CAIs into its bidding evaluation process.	Applications to DEEP's programs are reviewed by an evaluation panel consisting of both technical and legal staff. This diverse panel ensures a comprehensive assessment from multiple perspectives, maintaining a balanced and thorough review process.
20	Adopt a front-end negotiation process that allows applicants to propose the removal of "high-cost outliers" from proposed project areas	High-cost outliers might include some of the most underserved or remote areas which are often the very places that need broadband access the most, but DEEP recognizes that the BEAD funds allocated by the NTIA to Connecticut may be insufficient to fund fiber to every single unserved and underserved location in Connecticut. Following receipt and review of the applications, DEEP will engage with applicants in negotiations designed to reach final agreement. These negotiations may include circumstances related to the Extremely High-Cost Location Threshold (EHCPLT). DEEP will develop the EHCPLT using the pricing and associated data provided by applicants through the application process.
21	Ensure that the Alternative Percentage Process will not leave out the hardest to reach locations.	While the Alternative Percentage Process is intended to promote fiber deployment and facilitate flexible solutions in areas that may otherwise receive few or no applications, DEEP's priority remains deploying broadband service to all unserved and underserved locations in the state as intended by the BEAD Program.
22	Remove the condition that ISPs disclose "where the participant is planning to submit an application for funding, has an application pending" as those proposals may be transient and/or proprietary.	DEEP uses this information in the identification and resolution of potential overlap of support. The goals in identifying and eliminating overlap are to ensure that sufficient and appropriate levels of effort are committed to the project, that there is no duplication of funding, and only funds necessary to the conduct of the approved project are included in the award.

23	Applicants with an established history of deploying broadband networks and providing broadband service on a larger scale should not be subject to the requirement that an independent professional engineer review all necessary elements of the proposed project, including descriptions and documentation of the network design, build-out timelines, business case, and budgets.	Per the BEAD NOFO, “Prospective subgrantees must 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.” To reduce the burden on applicants while maintaining the assurance of technical capability, DEEP plans to revise Volume 2 of the Initial Proposal to remove the limitation that the professional engineer be “independent”.
24	Rather than a certification from an “independent professional engineer,” established applicants (as defined above) within Connecticut should be permitted to use a Society of Cable Telecommunications Engineers-certified in-house engineer who designs and oversees the implementation network designs in the regular course of business to make required certifications.	Please refer to #23.
25	The maximum allocation of points to Fair Labor Practices should be increased from 15 points to 25 points.	The maximum allocation of points to Fair Labor Practices has been increased from 15 points to 20 points.
26	Remove 5 points from Fair Labor Practices and add them to Minimal BEAD Outlay for a total of 50 points.	DEEP has elected to not remove points from Fair Labor Practices as this criterion helps ensure that projects are carried out in accordance with the law, assists the State in ensuring that a prospective awardee is capable of carrying out activities funded by a grant in a competent manner in compliance with all applicable federal, state, and local laws, and promotes the effective and efficient completion of high-quality broadband infrastructure projects by ensuring a reliable supply of skilled workers and minimizing disruptive and costly delays.
27	Prioritize subgrantees who mainly rely on locally hired, directly employed, and union-represented labor.	Up to 20 points will be awarded based on the applicant’s commitment to Fair Labor Practices. As part of their Workforce Plan, applicants must provide information on whether the workforce is union-represented, whether it is based locally and directly hired by the employer. The applicants’ representations in the Workforce Plan section of their application will become binding commitments upon award of a subgrant,

		and the subgrantees will be subject to regular reviews to ensure compliance. These Workforce Plans and any associated labor commitments will be publicly disclosed on DEEP's website for transparency.
28	There should never be a determination made excluding prevailing wage protections from BEAD Program projects.	Subgrantee agreements, in alignment with the binding legal commitments as stated in section 8.2 of the Initial Proposal Vol. 2, will require subgrantees to include prevailing wage requirements in each contract for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of broadband infrastructure, and each subcontract thereunder.
29	Mandate that any violations of prevailing wage by the applicant or its contractors and subcontractors be treated as a breach of the grant contract, and subject to claw back provisions.	Please refer to #28.
30	Incorporate Fair Labor Practices information in the prequalification stage.	Materials regarding Fair Labor Standards will be evaluated for prequalification purposes and will be included in scoring consideration, per the scoring rubric.
31	Project Labor Agreements (PLA) executed by subgrantees with one or more labor organizations should be found to have satisfied the requirement that they certify the technical capabilities of their subcontractors.	A certification by an applicant that it will perform the project work pursuant to a project labor agreement shall be sufficient to satisfy a determination that the applicant will be using an appropriately skilled workforce.
32	In certifying that they permit workers to create worker-led health and safety committees, applicants should include that requirement in all contracts and subcontract.	Successful applicants will be contractually obligated to require any contractors or subcontractors on BEAD deployment projects to allow for the creation of worker-led health and safety committees.
33	Incorporate settlements into an applicant's disclosure of any federal or state wage-related violations.	Only publicly available settlement agreements in which an applicant admits to wrongdoing may be considered.
34	For fair labor practices, certifications regarding past compliance should apply to any construction project, not limited to broadband deployment projects.	Certifications regarding past compliance are not limited to broadband deployment projects.

35	Bar ISPs and their contractors with a history of noncompliance with labor, OSHA, employment, civil rights, and utility safety laws from the BEAD program.	Materials regarding Fair Labor Standards will be evaluated for prequalification purposes and will be included in scoring consideration, per the scoring rubric.
36	In workforce reports, include the percentage of construction workers covered by a Project Labor Agreement or union contract, the percentage of construction workers who are local or Connecticut-based, and the number of workers onsite who were sourced through a workforce development program, such as a vocational school or registered apprenticeship program, by type of program.	Subgrantees shall be required to provide regular workforce reports with information including, but not limited to, how the awardee is recruiting and hiring a local and Connecticut-based workforce whenever possible and the number of workers onsite who were sourced through a workforce development program, such as a vocational school or registered apprenticeship program, by type of program.
37	Include an applicant's workforce plan as a material condition of the grant.	An awardee's workforce plan will be required as a material condition of the grant.
38	Make public an applicant's workforce plan, and subsequent reports, through an online portal or project website, and provide to stakeholders a vehicle to report any violations of workforce commitments.	Workforce Plans will be publicly disclosed on DEEP's website for transparency.
39	Conduct comprehensive monitoring to ensure subgrantee compliance with program guidelines, including periodic and random site visits with inspection of pole attachments and handholds.	DEEP will monitor and verify compliance through fieldwork and requirements of documentation such as as-built maps and test data.
40	As part of compliance, require subgrantees to submit "as-built" technical documentation, identify any differences between network design and final build, and validate performance characteristics.	Please refer to #39.
41	The Initial Proposal should reflect NTIA's recently issued Letter of Credit waiver and allow for alternatives to requiring a Letter of Credit.	The Initial Proposal has been updated to reflect the NTIA's Letter of Credit waiver.
42	A Letter of Credit should only be required when there are legitimate concerns about an applicant's ability to meet a series of financial health criteria.	DEEP must follow the NTIA's guidance regarding the Letter of Credit and any waivers, which requires that prospective subgrantees submit a letter from a bank that meets eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2). The NTIA, as the agency responsible for administering the BEAD program, has also provided notice of a conditional programmatic waiver of the letter of credit requirements set

		forth in section IV.D.2.a.ii of the BEAD Program Notice of Funding Opportunity.
43	Confirm that reimbursement will be for periods of no more than six months each to ensure that subgrantees are able to avail themselves of the “Subgrantee Option for Alternative Initial LOC or Performance Bond Percentage.”	Please refer to #4.
44	DEEP should request a further waiver from the NTIA Letter of Credit requirements to allow for two additional means by which prospective subgrantees can flexibly and appropriately demonstrate financial capability and secure performance: (1) prospective subgrantee provides a parent guarantee, and (2) subgrantee demonstrates that it has over \$100 million in telecommunications or electric plant in production in the State.	Please refer to #42.
45	DEEP received comments in favor and in opposition to the Economic Development Impact scoring criterion.	<p>The State of Connecticut believes that its economy and communities are best served through robust broadband infrastructure and competition. Broadband investment as a means of economic development represents one of the policy priorities of Connecticut. DEEP thus seeks to ensure that affordable, future-proof, robust broadband is available to all Connecticut residents, that all benefit from broadband, and that a robust competitive market is able to grow throughout Connecticut.</p> <p>For these reasons, DEEP proposes to award up to 14 points to Priority Broadband applications and up to 10 points to Other Last-Mile Broadband Deployment Projects that demonstrate that the proposed project will, at no extra cost to the State of Connecticut, provide broadband service to additional locations that are not eligible locations for purposes of the BEAD program.</p>
46	DEEP should streamline local permitting processes.	DEEP will provide technical assistance where possible and as appropriate to facilitate more predictable, equitable, cost effective, and efficient local permitting processes.

47	Clarify how the Extremely High Cost Per Location Threshold will be set.	DEEP's approach to identifying and utilizing the Extremely High Cost Per Location Threshold can be found in section 5.10 of the Initial Proposal.
48	The Extremely High Cost Per Location Threshold should be set after first round of applications if at all.	Per the Initial Proposal, the Extremely High Cost Per Location Threshold, if determined to be necessary, will be set after the first round of applications is received.
49	There are some concerns about including a set price in the Low-Cost Service Plan Option.	The Infrastructure Investment and Jobs Act requires recipients of BEAD Program funds to make available a low-cost service plan option for low-income households served by a grant-funded network.
50	DEEP should use the Consumer Price Index (CPI) instead of the Producer Price Index (PPI).	The Initial Proposal has been updated to utilize CPI instead of PPI.
51	Make it clear that providers are only required to allow customers to apply the Lifeline benefit to the cost of the low-cost plan if the provider is an ETC that participates in Lifeline.	The Low-Cost Service Plan Option has been updated to more clearly reflect federal guidance on the threshold for subscriber eligibility.
52	The Low-Cost Service Plan Option criteria should include "no additional non-recurring costs or fees to the consumer."	The Low-Cost Service Plan Option is exclusive of taxes and fees, but inclusive of all other charges billed to the customer, with application of an annual inflation factor based on the Consumer Price Index for the State of Connecticut.
53	Ensure that the Low-Cost Service Plan Option can allow providers already offering low-income plans to continue to do so.	Broadband Service Providers offering affordable plans that meet the requirements of the Initial Proposal's Low-Cost Service Plan Option will be considered compliant.
54	Increase the affordability component by both increasing its weight and rewarding applicants with the least costly plans.	For Priority Broadband Projects, applicants who commit to offering 1 Gbps/1 Gbps service to the customers in BEAD project areas at the same rates they offer in their existing markets within the State of Connecticut will receive full points. For Other Last-Mile Broadband Deployment Projects, applications will be scored based on applicants' commitments to offer 100 Mbps/20 Mbps to BEAD-funded locations that will not exceed the cost of the same service in any other location in Connecticut or surrounding states in which the applicant offers service. Full points will be awarded to applications that make this commitment in clear and unambiguous terms, without caveats that compromise the commitment.

		Applications that do not make a clear commitment will receive zero points.
55	Prioritize end-to-end fiber deployment projects as they utilize the most “future-proof” technology.	With respect to the deployment of last-mile broadband infrastructure, the BEAD Program prioritizes projects designed to provide fiber connectivity directly to the end user. Per the BEAD NOFO, a project that will rely entirely on fiber-optic technology to each end-user premises will ensure that the network built by the project can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services. Therefore, these projects, known as Priority Broadband Projects, will be considered the default winner if that proposal does not exceed the Extremely High Cost Per Location Threshold
56	Encourage non-fiber technologies in order to reduce project costs.	Please refer to #55.
57	Use BEAD Program funds for Apartment Wi-Fi in Multi Dwelling Units.	A proposed project for Apartment Wi-Fi in MDUs may be eligible for funding to the extent that it meets the criteria set forth in the Initial Proposal.
58	The BEAD Program should be technology neutral.	Please refer to #55.
59	Create a separate section on the role of wireless in the BEAD Initial Proposal and clarify how non-fiber applications like mobile 5G can participate.	Section 5 of the Initial Proposal discusses the requirements, scoring, and prioritization of projects proposing alternative solutions to end-to-end fiber.
60	Adopt Open Access as a Secondary Criterion for selecting among Priority Broadband Projects	Please refer to #8
61	Set aside BEAD funds for non-deployment activities up front.	Per the federal BEAD Program requirements, non-deployment activities will only be eligible for consideration if funds remain after DEEP is able to demonstrate a plan to deploy service to all unserved locations, underserved locations.

62	Use non-deployment funds to improve wireless coverage in low-income areas.	If the state has additional funds after provisionally issuing the broadband deployment grants for unserved locations, underserved locations, and Community Anchor Institutions, it plans to support digital equity, inclusion, and adoption initiatives, including and especially in low-income areas.
63	Make the following non-deployment activities eligible for BEAD funding: (1) Provide housing authority units with access to free or reduced cost in-home, fixed broadband, by partnering with experienced providers, (2) Create a state adoption program to provide financial assistance for low-income consumers like the ACP, and (3) fiber deployment to locations that already have reliable broadband service but lack fiber.	refer to #62
64	Use a standardized approach to ensuring BEAD cyber and SCRM requirements are met.	Per the BEAD NOFO, prior to allocating any funds to a subgrantee, DEEP must require a prospective subgrantee to attest to the four requirements relating to cybersecurity outlined in the Initial Proposal. DEEP will allow applicants to determine their approach to meeting the requirements.
65	Require all BEAD grant applicants to select all non-waived products from the NTIA list of vendor compliant Buy America products.	All funds made available through the BEAD Program for broadband infrastructure must comply with the Build America, Buy America Act, as well as any additional guidance from the NTIA, current or forthcoming.
66	Further engagement with municipal officials is needed. Recommendations included the implementation of a “Broadband Ready City” Checklist.	DEEP will continue to engage State, Tribal, regional, and municipal officials throughout the BEAD Program to increase efficiency. In addition to the existing quarterly roundtables, email communications, and planned in-person events, DEEP will provide resources including webinars, written materials, and technical assistance to stakeholders at each major milestone as appropriate.
67	Require applicants to identify marketing resources and a basic marketing plan provided upon award.	In alignment with the BEAD NOFO, DEEP will require awardees to carry out public awareness campaigns in their service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers. Awareness campaigns must include information about low-cost service plans and any federal subsidies for low-income households. Further, awareness campaigns must be conducted in an equitable and nondiscriminatory

		<p>manner. Amongst other requirements, awardees must utilize a variety of communications media (e.g., online, print, radio) and provide information in languages other than English when warranted based on the demographics of the community.</p>
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