

ALERT

NTIA Issues Request for Comment on Broadband Programs Authorized by the Infrastructure Investment and Jobs Act Worth Over \$46 Billion

January 10, 2022

On January 7, 2022, the National Telecommunications and Information Administration (NTIA) issued a Request for Comment (RFC) on the implementation of three broadband programs authorized by the Infrastructure Investment and Jobs Act (IIJA): the Broadband Equity, Access and Deployment (BEAD) program, the Middle Mile Broadband Infrastructure Program, and the Digital Equity Planning Grant Program. NTIA will seek subsequent comment on the State Digital Equity Capacity Grant Program and Digital Equity Competitive Grant Program and will engage in Tribal consultation on a nation-to-nation basis with respect to the Tribal Broadband Connectivity Program. Responses to the RFC are due February 4, 2022.

The IIJA, also known as the Bipartisan Infrastructure Law (BIL), authorized \$65 billion to close the digital divide and ensure that all Americans have access to reliable, affordable, high-speed broadband. Of that \$65 billion, NTIA is responsible for the distribution of \$48 billion through several programs. The largest by far is the BEAD, which is a \$42.5 billion grant program to the states designed to address unserved and underserved areas as well as anchor institutions. The Middle Mile program authorizes \$1 billion for the improvement of middle mile infrastructure. And, the Digital Equity Planning Grant Program is one of three grant programs which in total provide \$2.75 billion in funding to promote digital inclusion. Under the IIJA, NTIA must issue a Notice of Funding Opportunity (NOFO) within 180 days of enactment. The RFC will help NTIA frame its NOFO and

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Practice Areas

Telecom, Media & Technology

ultimately how an unprecedented level of broadband funding is distributed.

The RFC seeks broad comment on “any matter” commenters believe is important to NTIA’s broadband program efforts, from how it should support states, territories, and sub-grantees, to the best ways to ensure that the “Future of America is Made in America.” The section of the RFC devoted to the BEAD focuses on how broadband networks will be sustainable and scalable, how to ensure universal, reliable, affordable, high-speed broadband, how to establish strong partnerships between state, local, and tribal governments, and how to address affordability. It also seeks comment on how workforce and supply chain availability will affect deployment and costs. The Digital Equity Act portion of the RFC focuses on what programs will be the most effective digital equity and adoption interventions states could adopt and how those outcomes should be measured. The section of the RFC devoted to the Middle Mile Program asks both broad policy questions and detailed technical questions such as the placement and access to splice points and grantee interconnection commitments.

Although largely high level at this point, the RFC will undoubtedly draw comments from across the industry as NTIA begins the process of distributing a historic level of funding in the telecommunications space.

Should you have any questions on NTIA’s RFC, please contact one of the authors listed on this alert.