



BEAD Program: Initial Proposal Volume 1 Input Session

Department of Housing and
Community Development

June 12, 2023



VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT
Partners for Better Communities



Broadband Equity, Access, and Deployment Program (BEAD) 101



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■ BEAD Program: Delivering Universal Broadband Access to Virginians

Since 2017, Virginia has allocated over \$935 million in state and federal funding to extend broadband infrastructure to over 388,000 locations in 80 cities and counties across the Commonwealth through the Virginia Telecommunication Initiative (VATI).

The Infrastructure Investments and Jobs Act included \$42.5 billion for state broadband deployment programs under the BEAD Program (Broadband Equity, Access, and Deployment). Specific planning requirements are attached to these funds. Funds will be distributed through a formula allocation.

These funds, along with continued investment by the Governor and General Assembly in VATI, position Virginia to be the first large state nationally to obligate funds to provide broadband access to all unserved locations. If funds remain beyond this effort, priorities under broadband affordability and adoption can be explored.

■ What is the Broadband Equity Access and Deployment (BEAD) Program?

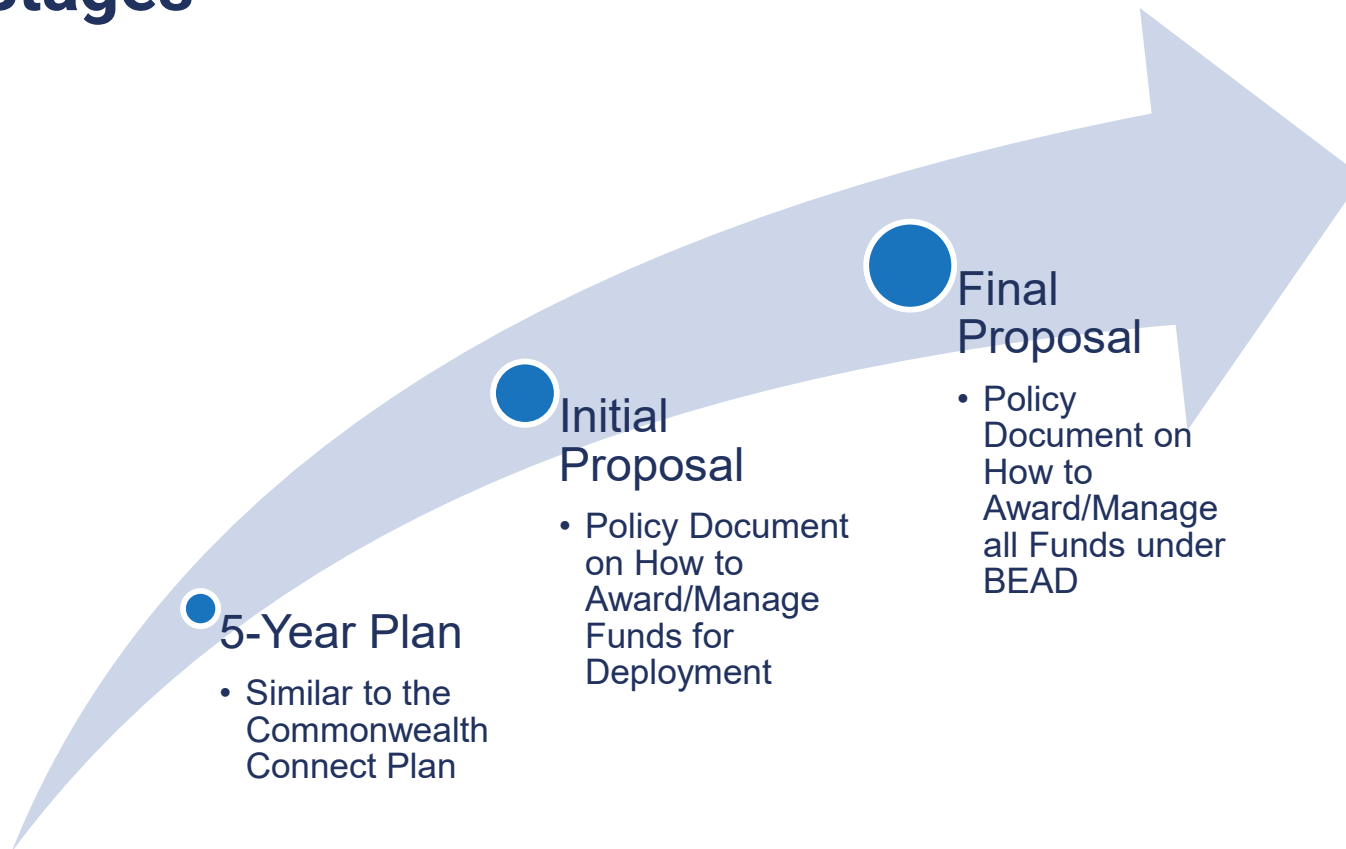
- **Background:** The Infrastructure and Investment Act allocated \$42.45 billion in broadband program funding for planning, infrastructure deployment, and broadband adoption (non-deployment) programs. Funds will be distributed through a formula allocation.
- **Purpose:** Provide funding to U.S. states and territories to end the disparity in access to broadband infrastructure and begin to address affordability and adoption programs.
- **What it means for Virginia:** Opportunity to continue Commonwealth investments in broadband expansion (VATI) with federal dollars (Virginia's BEAD allocation), and to explore affordability and adoption programs.



■ Planning Efforts and Stakeholder Engagement To Date

- The Office of Broadband has conducted 4 Listening Sessions with key stakeholder groups:
 - Local Governments
 - Tribal Governments
 - Internet Service Providers
 - Non-Profits and Community Organizations
- Feedback will inform development of the 5-Year Plan and Initial Proposal
- Virginia continues to work with the National Telecommunications and Information Association to ensure timely and streamlined review of BEAD Planning Documents

BEAD Stages



❏ BEAD Mandated Priorities onto States and Territories in Order

Based on Funding Availability

1st – Reach Unserved Areas, lacking 25/3 internet speeds

2nd - Reach Underserved Areas, lacking 100/20 internet speeds

3rd – Programs that supplement deployment (workforce development)

4th – Connecting Community Anchors and support Broadband Adoption

Programs

5th – Other Non-Deployment Uses

These activities can be conducted in tandem, provided anticipated funding can cover all priorities.

Office of Broadband BEAD Guiding Principles

- Obligate funds and deliver projects to the remaining unfunded unserved locations in the Commonwealth that can be reached through a cost-effective solution
- Implement as many VATI elements into BEAD as possible
- Maintain momentum by accelerating submission of mandated BEAD 5-Year plan and the Initial Proposal
- Conduct robust stakeholder input to develop broadband affordability and adoption programs for Final proposal

Broadband Equity, Access, and Deployment Program (BEAD)

Initial Proposal Volume 1



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Volume 1 Contents

4 Sections - Requirements 3, 5, 6 & 7 in the BEAD NOFO

1. Inventory of existing broadband funding at work in Virginia
2. Identify all unserved and underserved locations
 - Unserved, by BEAD definition, is lacking access to 25/3
 - Underserved, by BEAD definition, is lacking access to 100/20
3. Identify Community Anchor Institutions (CAIs)
 - BEAD Funding can be used to deploy Gigabit Symmetrical access to CAIs
4. The BEAD Challenge Process
 - Follows the draft template outlined by NTIA



Volume 1 Contents – NOFO Language

3. Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.

5. Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.

6. Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

7. Include a detailed plan to conduct a challenge process as described in Section IV.B.6.



Volume 2: What's Coming Next

Awaiting NTIA guidance on specifics, but generally:

- Long Term Objectives
- Local Engagement Strategies
- Initiatives to Aide Deployment Efforts
- Strong Labor Requirements & Assess Climate Threats
- Programmatic Components
 - Process & Dates
 - Cost per location at which non-fiber solutions are considered
 - Evaluation criteria of proposals
 - Level of geography mandated for proposals

Comprehensive list in BEAD NOFO, Pages 30-32

Why Two Volumes?

- Recommended by NTIA, the BEAD administrators
- Enables Accelerated Review of Proposals by NTIA
 - Guidance has only been issued for Volume 1
 - Awaiting Guidance/Template on Volume 2
 - Directs focus to the first parts of the process that can be reviewed/conducted prior to approval of Volume 2 Components
- Accelerates Implementation of BEAD
 - Once approved, the challenge process will start while Volume 2 is under consideration of NTIA



Volume 1 Contents

Section 1: Inventory of Existing Funding

Section 1 Key Points

- A comprehensive list of all state and federal funding at work in the Commonwealth, including the dollar amount, if available.
- Includes both deployment and non-deployment programs
- Deployment programs identified in Volume 1 include:

Virginia Telecommunication Initiative	Line Extension Customer Assistance Program	Affordable Connect America Model (ACAM)
Connect America Fund	Rural Digital Opportunity Fund	ReConnect & Other U.S. Dept. of Agriculture Programs
Tobacco Commission Funding	CARES Act Broadband Programs	



Volume 1 Contents

Section 2: Identify Unserved/Underserved Locations

Section 3: Identify & Define Community Anchor Institutions

Section 2 Key Points

- After consideration of public comments and approval of Volume 1 by NTIA at the start of the challenge process, DHCD will publish a list of unserved and underserved locations on the Virginia Open Data Portal.
- This list is proposed in the draft Volume 1 to be solely based on the FCC National Broadband Map.

Section 3 Key Points

- DHCD proposes to adopt the VATI definition of Community Anchor Institutions for the purposes of BEAD
- Per the BEAD NOFO, these locations will be eligible for broadband deployment under BEAD if the location does not have access to gigabit symmetrical service

Proposed CAI Definition: Schools, libraries, medical and health care providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low income, unemployed, and the aged.



Volume 1 Contents

Section 4: The Challenge Process

Section 4 Note

- This process is derived from the draft model challenge process published by NTIA for public comment
- As of the release of this document, NTIA remains under the review period of these comments and will publish a Final BEAD Model Challenge Process with consideration of this public comment. Comments received on this Draft BEAD Model Challenge Process will be considered in relevance to the Final BEAD Model Challenge Process when released by NTIA for incorporation into this document.

Section 4 Key Points

- This is a substantially different process than the VATI Challenge Process for State General Funds
- 'Starting Point' is the new FCC National Broadband Map list of unserved/underserved locations
- Timeline and phases are the model published by NTIA in their draft challenge process guidance



Volume 1 Contents

Section 4: The Challenge Process

Major Differences from the Traditional VATI Challenge Process

- The BEAD Challenge Process is one-time and occurs at the start, before applications are designed by internet service providers
- Challenges can be in either 'direction' to claim areas are unserved or are/will be served
- Challenges submitted at the location level
 - Bulk submissions will be accommodated
- Challenge portal is being established to accommodate this process
- Submitted challenges and rebuttals will be posted before final determinations are made (Personally identifiable information not included)



Volume 1 Contents

Section 4: The Challenge Process

Starting Point: FCC's National Broadband Map V2, Refined by State Challenges

Over 1.9 Million Challenges Submitted *Challenges to service assertions, not locations*

Over 400,000 Challenges Sustained

79,971 additional Unserved Locations on V2 of the Nat. Broadband Map

381,812 total Unserved Locations (Lacking access to 25/3 speeds)

61,365 additional Underserved Locations (Between 25/3 and 100/20 access)

These numbers do not consider state and federally funded areas, which generally will not be overbuilt with BEAD funding.



Volume 1 Contents

Section 4: The Challenge Process

Timeline and Model

- **Publication of Eligible Locations**
 - DHCD publishes list of unserved/underserved locations and community anchor institutions to the Open Data Portal.
- **Challenge Phase**
 - Over the 30 calendar days after these locations are published, local and tribal governments, internet service providers, and nonprofit organizations may challenge the map to claim locations are served or unserved under multiple criteria.
- **Rebuttal Phase**
 - Internet service providers will be notified of challenges on a rolling basis and have 15 business days from the notification of a challenge to provide rebuttal information.
- **Final Determination Phase**
 - Within 30 calendar days after receiving a rebuttal, the broadband office will make a final challenge determination.



Volume 1 Contents

Section 4: The Challenge Process

Eligible Challenge Criteria

Challenge evidence and permissible rebuttal criteria are also established in Volume 1

Criteria to Challenge a Location as Unserved or Underserved

- The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
- The actual speed of the fastest available service tier falls below the unserved or underserved thresholds.
- The round-trip latency of the broadband service exceeds 100 ms
- The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.
- The technology indicated for this location is incorrect
- The location is residential, but the service offered is marketed or available only to businesses.
- This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)



Volume 1 Contents

Section 4: The Challenge Process

Eligible Challenge Criteria

Challenge evidence and permissible rebuttal criteria are also established in Volume 1

Criteria to Challenge a Location as Served

- The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.
- The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.

Challenges Regarding Community Anchor Institutions (CAI)

- The location should be classified as a CAI.
- The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.

Discussion & Questions

Comments to Volume 1 of the BEAD Initial Proposal should be submitted via email to broadband@dhcd.virginia.gov by 11:59PM June 21, 2023 for review and consideration.



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