
September 10, 2024

The Honorable Alan Davidson
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration (NTIA)
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Administrator Davidson:

The Maine Connectivity Authority (MCA) submits these comments in response to the National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and Deployment (BEAD) Program: Alternative Broadband Technology Policy Notice (Alternative Technology Guidance) posted on August 27, 2024.

NTIA's choice for such a short two-week comment period and unwillingness to discuss extending today's deadline is both frustrating and disappointing. This guidance should have been provided months ago as it could have significant implications on the form and function of the BEAD program and the time allowed simply does not allow for sufficient critical review and response. Maine has always strived to embrace a thoughtful and comprehensive approach to the BEAD Program and its relationship with NTIA, and this rushed approach and apparent lack of interest in truly receiving feedback from stakeholders runs contrary to that process. MCA has additional concerns that NTIA is continuing to shift an even more significant administrative burden to states by developing this guidance and policy notice without sufficiently enabling state independence in the design of the program structure.

A summary of high-level comments can be seen [here](#), followed by responses to NTIA's specific questions.

1. The late release of this guidance and policy notice and the likely impact on the BEAD Subgrantee Selection Process will cause increased administrative burden and delays for MCA, prospective applicants, and, eventually, subgrantees. This will include the effort to update Initial Proposal Volume 2, creating new sets of qualifications, working through an augmented SSP while it is already under development, and necessitating changes to existing MCA Programs. Longer-term impacts will also include the time/costs associated with an increased 10+ year federal interest and the new types of compliance and reporting.
2. To reduce a portion of this burden, NTIA should create pre-approved language that Eligible Entities can add to Initial Proposal Volume 2, which will provide Eligible Entities with maximum flexibility to administer alternative technologies subgrants consistently with all other BEAD subgrants, ensuring a fair, competitive, and transparent process. If NTIA is unwilling to provide this pre-approved language, Eligible Entities should not be required to edit Initial Proposal Volume 2 to account for these late changes but instead can share the approach and outcome with NTIA through the submission of the Final Proposal. This information can also be shared with the general public and specific stakeholders through public information sessions during the Subgrantee Selection Process. There should not be additional requirements to amend approved Initial Proposals requiring additional curing from NTIA.

3. Eligible Entities must be able to determine if enforceable commitments for Alternative Technologies exist on a Project Service Area basis and the associated reimbursement schedule contrary to what is inferred in section 3.
4. Eligible Entities should be able to determine reasonable program timeframes and develop consistent financial, managerial and technical capacity requirements that are applied to all prospective applicants in the same manner.
5. MCA proposes the creation of a post primary deployment phase amidst a fabric reconciliation between the Sub-Grantee Selection Process and approval of the Final Proposal to NTIA should be established. This will allow for State enforceable commitments to be applied and appropriately assign appropriate technology offerings leveraging additional state and federal funding and offsetting general administrative burden.
6. In section 4.2 The Guidance states “the showings submitted by prospective subgrantees seeking to deploy Alternative Technologies may reflect the unique nature of those solutions. Eligible Entities should keep such differences in mind when evaluating the capabilities of subgrantees.”
 - a. NTIA does not provide a clear determination of sufficient certification that can justify sufficient comparison of technologies. While MCA appreciates the common sense intention reflected here - it would be preferable to articulate that Eligible Entities can apply their own decision making criteria when evaluating the capabilities of subgrantees keeping with the stated intention of BEAD NOFO.

Below are responses to NTIA’s specific questions for responses.

Question 1: *Should NTIA allow Eligible Entities to make a supplemental reimbursement payment to recipients of LEO Capacity Subgrants early in the period of performance? Alternatively, should NTIA allow Eligible Entities to compensate a recipient of a LEO Capacity Subgrant for all BSLs in a project area—regardless of subscription rates—in the early years of the period of performance?*

NTIA should empower Eligible Entities to determine the best method of compensation or payment for LEO capacity subgrantees in accordance with existing organizational and BEAD subgrantee monitoring and contracting policies.

Question 2: *Should NTIA allow Eligible Entities to employ a tiered subscription reimbursement structure? For example, in a subscription reimbursement structure based on tiers of 25 BSLs, an Eligible Entity would reimburse a recipient for 25 BSLs if 1-25 of the BSLs in the project area were subscribing, for 50 subscribers if 26-50 of the BSLs in the project area were subscribers, and so on.*

NTIA should empower Eligible Entities to determine the best method of reimbursement in accordance with existing organizational and BEAD subgrantee monitoring and contracting policies.

Question 3: *Is there another proxy or measurement that NTIA should use to ensure that subscribers in LEO Capacity Subgrants project areas receive services that meet the speed and latency requirements established by Congress?*

NTIA should empower Eligible Entities to determine the proxies and measurements in accordance with existing organizational and BEAD subgrantee compliance and reporting methodologies, performance measurement and documentation requirements, and verification and validation processes. These proxies and measurements will be developed in accordance with BEAD Program requirements and with the assistance of technical subject matter experts. Unfortunately, given the very short response time for this RFP, those proposed metrics are not available to share at this time and Eligible Entities should have the ability to develop them in the future.

Regarding section 3.2: Unless, NTIA provides specific performance specifications for network performance as well as best practices for network modeling and propagation - Eligible Entities should be able to determine if enforceable commitments for Alternative Technologies exist on a Project Service Area basis

Question 4: *Are there issues not addressed in this guidance that might dampen participation in the BEAD program by Alternative Technology providers?*

Section 3.2 – The process proposed for alternative technology providers to qualify for Case 2 will cause significant additional administrative burden and program complexity as it effectively creates a de facto alternative technology challenge process amidst the EE Subgrantee Selection Process, and will result in delays for projects of all types as well as subgrantees.

Question 5: *What actions can NTIA take to reduce the administrative burden associated with BEAD grants after an Eligible Entity has closed out all of the subgrants other than LEO Capacity Subgrants?*

Given the lack of guidance on any BEAD project close out procedures (regardless of technology type), MCA cannot respond meaningfully to this question. At a high level, NTIA should empower Eligible Entities to determine the best method of closing out all BEAD projects in accordance with existing organizational and BEAD subgrantee monitoring policies. MCA strongly encourages NTIA to establish a consistent period of performance for ALL BEAD projects and NOT to create an extended period for LEO Capacity Subgrants. MCA also strongly encourages NTIA (and NIST) to provide guidance about project close out.

Question 6: *should NTIA consider alternative LEO reimbursement models where LEO subgrantees may begin providing service and receive corresponding grant funds through LEO Capacity Subgrants before certifying the completion of network build out?*

NTIA should empower Eligible Entities to determine the best method of reimbursement in accordance with existing organizational and BEAD subgrantee monitoring and contracting policies.

Thank you for NTIA's commitment to universal, affordable, reliable high-speed internet truly enabling Internet For All. We remain committed to working together towards a stronger partnership and maximum impact

Respectfully Submitted by:

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