

**U.S. Department of Commerce
National Telecommunications and Information Administration
Broadband Equity, Access, and Deployment (BEAD) Program:
Alternative Broadband Technology Policy Notice (v 1.0)**

**COMMENTS OF KEVIN SIEVERT ON THE
PROPOSED BEAD ALTERNATIVE BROADBAND TECHNOLOGY GUIDANCE**

Kevin Sievert submits these comments in response to the National Telecommunications and Information Administration’s (“NTIA’s”) proposed guidance for the Broadband Equity, Access, and Deployment (“BEAD”) Program “to inform the allocation of BEAD Program funds to projects utilizing an alternative technology that does not meet the BEAD Program’s definition of Reliable Broadband Service, but otherwise satisfies the program’s technical requirements.” There are multiple issues I see with the recommended guidance and the timing of the guidance I would like to raise.

Policy on Broadband Equity, Access, and Deployment (BEAD) Program

Section 1: Funding and Feasibility

The Broadband Equity, Access, and Deployment (BEAD) program, while ambitious in its goal to provide Internet for All, was not funded to a level sufficient to achieve this objective. Contributing factors include potential future defaults by Federal Grant Recipients, inaccuracies in the Federal Communications Commission (FCC) Broadband Data Collection (BDC) information, misallocation and distribution of BEAD funding in June 2023 based on flawed FCC maps, and the overarching issue of insufficient funding, exacerbated by inflationary pressures over the past three years.

Kevin Sievert Comments
Proposed BEAD Alternative Broadband Technology Guidance
Sept. 10, 2024

Section 2: Technology Considerations

Unlicensed fixed wireless and Low Earth Orbit (LEO) technologies are to be considered as last-resort solutions and should be addressed through a separate program distinct from BEAD. These technologies were excluded from initial consideration due to concerns regarding reliability and affordability. They are viable solutions only when no other options meet the criteria for affordable, reliable, high-speed broadband networks as defined by the BEAD Notice of Funding Opportunity (NOFO).

Section 3: State Flexibility and Implementation

States must be granted the flexibility to complete their BEAD Final Proposals using the best available technology to reach as many locations as possible. It is acknowledged that some locations may remain without a viable solution. For instance, Texas, among other states, may fall into this category. While the goal of Internet for All is commendable, it is not currently feasible. The BEAD program represents a significant advancement in broadband deployment in U.S. history, though it will not be the final effort required to achieve nationwide coverage.

Section 4: Future Opportunities

Future opportunities to achieve universal internet access will arise, particularly with the development of a renewed or redefined Affordable Connectivity Program (ACP), the expansion of the Universal Service Fund (USF) to include broadband, or other federal funding initiatives.

Section 5: Technology Hierarchy and Funding Allocation

It is imperative that states avoid reallocating funds to lower-tier technologies in an attempt to cover all locations, especially when there are opportunities to deploy more reliable, higher-speed, and future-proof technologies. The obligation to identify a BEAD-capable service for every location is unattainable and would hinder the development of the best possible BEAD implementation within the constraints of available funding.

Section 6: Network Capability and Reporting

The overstatement of network capabilities by some service providers, based on self-reported FCC availability data, is a known issue. Even if states utilize alternative broadband technologies to cover certain locations, it is likely that these networks will fail to meet BEAD requirements or serve all locations within a given area due to limited capacity.

Section 7: Evidentiary Requirements and Program Delays

The evidentiary requirements and processes proposed in certain cases are overly complex, convoluted, and time-consuming for states to manage effectively. This will further delay an already protracted program. The proposed cases represent a dilution of BEAD funding and would be detrimental if states implemented them merely to claim compliance with the Internet for All objective. Some states received sufficient BEAD funding to build out their broadband networks, while others did not. Diluting deployment plans to meet unreasonable expectations is unjustifiable.

Section 8: Program Guidance and Implementation

The draft notice from the National Telecommunications and Information Administration (NTIA) appears to change program rules mid-implementation. The NTIA's guidance has been slow and late, complicating the process for state broadband offices and industry stakeholders. Reopening pre-qualification portals to accommodate alternative technology service providers would further delay the program and assumes excess funding availability, which is not the case for many states.

Section 9: Performance Monitoring and Compliance

The draft guidance lacks clarity on performance monitoring requirements for Reliable Broadband Service. Additionally, there is no mention of compliance with the Build America, Buy America (BABA) Act for alternative technology vendors.

Section 10: Technology Utilization and Program Efficiency

The use of various technologies, including LEO and fixed wireless, is inevitable in delivering broadband to all Broadband Service Locations (BSLs). However, prioritizing these technologies at the expense of wireline and licensed fixed wireless technologies would result in an inefficient and substandard program.

CONCLUSION

I appreciate the opportunity to submit these comments on the Proposed Guidance. I look forward to continuing to work with NTIA to ensure the success of the BEAD Program.

Respectfully Submitted,

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