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R.23-02-016 ALJ/TJG/nd3

From: NTIA Grant Applications <grantapp@ntia.gov>

Sent: Tuesday, February 6, 2024 10:43 AM

To: Ellis, Maria <Maria.Ellis@cpuc.ca.gov>

Cc: chall@ntia.gov; rmadison@ntia.gov; swalters@ntia.gov; mmaclatchie@ntia.gov

Subject: [EXTERNAL] Updates Required: NTIA BEAD Grant Program, Applicant ID: GRN-000278 - Volume 1

Dear Eligible Entity,

Your submission to NTIA's Broadband Equity Access and Deployment (BEAD) Program (Applicant ID:GRN-000278, Federal Award ID:05-20-B278) is currently in the review process. While undergoing review, NTIA identified one or more issues where information or documentation is missing or incomplete regarding your Volume 1. To complete review, the information below the body of this e-mail needs to be addressed.

Your application in the NTIA Grants Portal will be re-opened to allow you to address the requested item(s) below. Please address the item(s) below and resubmit in the Portal by 2/16/2024 at 11:59 PM PDT.

Please note only materials submitted through the NTIA Grants Portal will be considered for review. Any material included or attached through e-mail or in response to this communication will not be considered. Additionally, do not update or alter parts of the submission where additional input or clarification have not been requested. These changes will not be considered for review.

If extenuating circumstances will prevent you from submitting the required materials by the deadline above, please reply to this e-mail or send an e-mail to grantapp@ntia.gov requesting an extension of the deadline. In the e-mail, please explain those extenuating circumstances.

Your prompt response will support us in conducting a full review of your submission in line with the BEAD Grant Program timeline. Pursuant to Section IV.B.5.d of the Notice of Funding Opportunity, an Eligible Entity's failure to remedy deficiencies in a timely manner may result in a delayed timeline, pushing back the approval of the submission.

If further guidance or discussion of the issues identified below is needed, please respond to this e-mail with any questions.

Thank you in advance for your timely completion of these updates.

Sincerely,

The Broadband Equity Access and Deployment (BEAD) Program Team
National Telecommunications and Information Administration

To complete the review, the following information needs to be addressed:

Category	Deficiency	Additional Information
03 Community Anchor Institutions	Provide a reasonable basis on which the Eligible Entity determined that a CAI category not specifically outlined facilitates greater use of broadband service by vulnerable populations.	1.3.1.d The Eligible Entity now lists head-starts, family services, and community action agencies among the type of community support organizations included in their modified definition of a CAI. The narrative list now better reflects the attachment. They have also described the type of services performed at such locations and the vulnerable population(s) reached. The definition of a "cultural center" is still unclear, along with the specific facilities this definition corresponds to within the attachment. See corresponding curing language in 1.3.2.
03 Community Anchor Institutions	Submit a CSV file that identifies each eligible CAI location under the jurisdiction of the Eligible Entity that requires broadband service, using the data format provided by NTIA in Appendix A of the BEAD Challenge Process Policy Notice.	1.3.2 Attachment: The attachment has addressed the required mandatory fields such as address, broadband need, and explanation for those categories that are new. The majority of these requests have been resolved. The Eligible Entity still needs to describe in its narrative which of the new locations it considers to be a cultural center, and which services are being provided there. Between the narrative and the attachment, this definition is still unclear. The attachment requires completion of Broadband Availability (Column O) for a handful of newly proposed CAI's under the category Community Support Organizations (Column A, Category C). If Broadband Availability is unknown for the potential reasons now described in the narrative, please fill these cells with N/A.
04 Challenge Process Model Adoption and	Describe any modifications to the National Broadband Map's list of eligible locations	1.4.2a The Eligible Entity has revised these pre-challenge modifications and re-categorized them upon re-

<p>Modifications to Reflect Data Not Present</p>	<p>to reflect data not present in the National Broadband Map, if applicable.</p>	<p>submission. This section now includes the following modifications: DSL Modification 1, DSL Modification 2, Low-Speed Fixed Wireless Modification, Cellular Fixed Wireless Modification, and Speed Test Modification. This review factor will be left open to accommodate the requested changes in 1.4.2b.</p>
<p>04 Challenge Process Model Adoption and Modifications to Reflect Data Not Present</p>	<p>Include a reasonable justification for each modification that each proposed modification better reflects the locations eligible for BEAD funding, if applicable.</p>	<p>1.4.2b The modifications proposed by the Eligible Entity require additional information and/or revision. - DSL Modification 1: This justification is sufficient and allowed. No revisions are required. - DSL Modification 2: NTIA's DSL pre-challenge modification template allows the Eligible Entity to change a location from served to underserved only. Recategorization of this type does not provide enough evidence, though it may be possible to achieve the desired results through speed tests or other methods during the Challenge Process itself. - Speed Test Modification: Please include the following sentence to accurately reflect the availability of rebuttal as described in the model language. "As described below, such speed tests can be rebutted by the provider during the rebuttal period." - Low Speed Fixed Wireless Modification: See below - Cellular Fixed Wireless Modification: See below Specific to the Cellular Fixed Wireless Access (CFWA) modification, NTIA has developed language that would allow an Eligible Entity to treat locations served exclusively by CFWA as "underserved" prior to the Challenge Process. It is discussed here and model language follows below. The</p>

		<p>BEAD NOFO requires each Eligible Entity to develop and describe in its Initial Proposal a transparent, evidence-based, fair, and expeditious challenge process under which a unit of local government, nonprofit organization, or broadband service provider can challenge a determination made by the Eligible Entity in the Initial Proposal as to whether a particular location or community anchor institution within the jurisdiction of the Eligible Entity is eligible for grant funds. In your Initial Proposal, you have indicated a desire to make a pre-challenge process modification that would re-classify as underserved broadband serviceable locations that are currently considered served in the National Broadband Map (NBM) only due to availability of cellular fixed wireless access (CFWA or cellular FWA). NTIA will allow Eligible Entities to make this type of pre-challenge modification conditioned upon the requirement that the Eligible Entity also affords providers an opportunity to rebut or challenge the modification. To successfully rebut such a modification, the Eligible Entity must determine that the provider has demonstrated : (1) it is providing 100/20 Mbps service at the locations in question, and (2) it has sufficient network capacity to provide service to at least 80% of claimed locations. The following response is a model response describing the proposed pre-challenge modification, the rebuttal requirement, and the standard by which you will adjudicate rebuttals. You can copy and paste</p>
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		<p>this module into the appropriate text box within your Initial Proposal to indicate your intent to proceed with a pre-challenge modification along the lines described above. Pre-Challenge Modification Module (IP) The broadband office will treat as “underserved” locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) due solely to the availability of Cellular Fixed Wireless Access (CFWA) as “underserved.” The broadband office has determined that this modification, and the corresponding rebuttal opportunity, will assist the office in determining the availability of networks with sufficient capacity to meet the expected consumer demand for qualifying broadband in the relevant area. The broadband office has determined that [insert number from version of NBM used for IP] BSLs are affected by this modification. The affected CFWA provider will have an opportunity to rebut this modification. To successfully rebut this modification, the cellular fixed wireless provider must demonstrate that it: o is providing 100/20 Mbps or better service at the relevant locations; and o has sufficient network capacity to simultaneously serve (i.e., as concurrently active subscribers) at least 80% of claimed locations in the relevant coverage areas. As one option for making such a showing, a provider may describe how many fixed locations it serves from each cell tower and the amount</p>
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		of per-user averaged bandwidth it uses for capacity planning.
06 Challenge Process Design	Outline an approach that ensures sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges.	1.4.6.p During the initial round of curing, the Eligible Entity clarified that a CAI may rebut any CAI classification challenges; however, under the heading "Rebuttal Phase," the following one-sentence omission remains after the initial round of curing: "All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges."
08 Volume I Public Comment	Describe the comments received during the Volume I public comment period and how the Eligible Entity incorporated feedback in its submitted version of the Initial Proposal.	1.5.1c The Eligible Entity indicates each response to individual public comments is available in a Local Coordination Tracker, located as an attachment to Initial Proposal Volume II, Appendix A. Please include this information directly in the submission of Volume I by copying the information into the textbox in the grants portal submission, or by providing a brief synopsis in a few sentences.

(END OF ATTACHMENT C)