

Department of Commerce, Community, and  
Economic Development



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*of* **ALASKA**  
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Broadband Equity, Access, & Deployment  
Initial Proposal - Volume 2



## Summary

Broadband is no longer a luxury, but an essential utility, like water, sewer, or electricity. For Alaskans, increased broadband access will open new opportunities for households, businesses, and communities to sustain traditional ways of life while also participating in the global economy. As broadband access is deployed throughout the state, the need for bandwidth and the reliance on dependable connectivity will only grow.

As the last state in the nation where honeybuckets are still a feature in some of our communities, the State of Alaska is committed to ensuring that it does not again lag the nation in the deployment of an essential utility. Through the advocacy of Alaska's Congressional delegation, the State, and a strong partnership with the National Telecommunications and Information Administration (NTIA), Alaska is poised to overcome the digital divide and build a broadband network that not only meets the expectations of today but can grow to meet future expectations and advancements in technology and usage. Over the past 20 years the standard for acceptable bandwidth has gone from dial-up 9.6 kilobits per second to 100 Megabits per second. The State's plan aligns with NTIA's prioritization of fiber, recognizing that capacity for growth and expansion is critical to ensuring the broadband network build today remains relevant and able to meet the future capacity and speed expectations 20 years down the line.

To achieve "Internet for ALL", the State of Alaska, Department of Commerce Community and Economic Development, Alaska Broadband Office is pleased to present the following NTIA, Broadband Equity, Access, and Deployment (BEAD) program, Initial Proposal Volume 2 from the Notice of Funding Opportunity (NOFO).

The State of Alaska's plan is designed to follow the 20 requirements of NTIA's Initial Proposal Volume 2. Each of the 20 requirements are presented in italics, followed by the State's draft response. Members of the public are encouraged to submit public comment to the plan in general or to the State's draft response to any of the responses therein.

Alaska's response to Initial Proposal Volume 2 aligns with the State's five-year action plan as well as the State's proposed grant program, which is still in development. It is informed by the research, outreach, and listening sessions that the ABO has participated in since being established in CY2021.

The ABO is grateful to all the different entities that have contributed to this effort. The participation of Alaska Native Regional Corporations, Tribal governments and leaders, Alaska Native Village Corporations, municipal governments, State Departments, telecommunications providers, non-profit organizations, and individual Alaskans was essential to developing a robust and responsive Initial Proposal.

Thank you,

The Alaska Broadband Office

## **2.1 Objectives**

### **02.01.01 Objectives**

*Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation.*

#### **State of Alaska Response:**

The Alaska Broadband Office's overarching goal is universal broadband deployment in a manner that provides affordable access to Alaskans in all regions and communities throughout the state, from Adak to Yakutat. Providing access both via in home access and through anchor institutions will be essential in achieving digital equity, especially in those communities that are currently unserved.

#### **Goal:**

Provide sufficient capacity to the unserved and underserved locations with corresponding Digital Equity training such that the current unserved and underserved individuals and communities can fully participate in the global society and economy.

Success will be measured in each community in four ways:

1. Ability of individuals and families in the communities to participate in the global society and economy.
2. Availability of affordable broadband service.
3. Ensuring an economically self-sustaining broadband infrastructure network.
4. For Priority Projects, requiring a scalable broadband infrastructure network capable of 1 Gigabits per second (Gbps) download bandwidth and 1Gbps upload bandwidth.

#### **Objectives:**

- Develop a Digital Equity Plan to address digital equity deficiencies.
- Collaborate and coordinate with Tribal and local entities, the telecommunications industry, community anchor institutions, and the public at large to design the most strategic network to reach all unserved and underserved communities through the deployment of the BEAD subgrant program.
- Distribute BEAD funding through a competitive subgrant program for deploying broadband infrastructure to unserved and underserved communities.
- Coordinate with industry, organized labor, universities and trade programs, workforce alliances, Native Entities, local governments, economic development organizations, the Alaska Department of Labor and Workforce Development, the Governor's Office of Infrastructure Coordination, and other State agencies to develop a plan ensuring an available and qualified workforce for deployment and maintenance of broadband infrastructure.

## **2.2 Local, Tribal and Regional Broadband Planning Coordination**

### **02.02.01 Local, Tribal and Regional Broadband Planning Processes**

*Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities.*

#### **State of Alaska Response:**

The Department of Commerce, Community and Economic Development (DCCED) hired a Tribal Liaison in the Alaska Broadband Office to ensure the inclusion of Native entities and voices during the planning, development, and building of the broadband infrastructure to all communities and regions throughout Alaska. It is Alaska's intent to ensure that this infrastructure will be available to Alaskans residing in their traditional or rural homes at comparative prices and speeds to urban Alaska.

Alaska is home to 229 federally recognized tribes, 12 Alaska Native Claims Settlement Act (ANCSA) corporations, and over 200 village corporations from across the state. The Tribal Liaison serves as the main point of contact for all Native entities and facilitates and organizes formal and informal communications with the ABO team. The Tribal Liaison works directly with the Director to ensure the technical jargon of the broadband industry is communicated in a clear manner and pushes out information on the many funding opportunities available. The ABO has put significant emphasis on working with Alaska Native entities to ensure understanding of the unserved populations represented by each entity as this is essential in making sure that 100 percent of Alaska's communities are included in the planning and deployment process.

The Alaska Broadband Office is engaged in a robust outreach and engagement program. This outreach and engagement will continue over the BEAD program lifespan. The engagement program will ensure:

- 1) Establishment, documentation, and adherence to clear procedures to ensure transparency.
- 2) Meaningful engagement and outreach to diverse stakeholder groups including:
  - a) unserved and underserved communities, including historically underrepresented and marginalized groups and/or communities
  - b) Community Anchor Institutions
  - c) Native Entities
  - d) Local Governments
  - e) State Agencies.
- 3) Multiple participation mechanisms that include newsletters, newspapers, the ABO website, direct outreach, Tribal outreach, and in person travel to unserved and underserved regions.
  - a) The ABO has held three weekly engagement opportunities with three separate focuses:
    - i) Native entity concerns
    - ii) Infrastructure development concerns
    - iii) Access and affordability concerns

These efforts are complimentary to but separate from the Digital Equity Listening Sessions that have been held as part of the DE plan development process.

b) Consultations:

The Tribal Liaison has been and remains responsible for leading the Tribal consultation process. The Tribal Liaison has also traveled to many statewide events both Native and Non-Native to give presentations on the ABO process as well as making presentations available online.

In the first round of tribal consultations, the ABO sent out packets that included the Dear Tribal Leader Letter (DTLL), Tribal Consultation Agenda, PowerPoint Presentation on the ABO status as well as the Capital Cost Model, Reverse Margin Operations and Maintenance Model for ongoing sustainability. These packets were distributed to over 438 organizations inviting participation in the tribal consultations. The ABO sent out additional email reminders ahead of each upcoming event as they were spread out over a two-month span to allow for maximum participation. In the first round of Tribal Consultations, the ABO held four tribal consultations: one in-person and three online (one region hosted the tribal consultation and ensured that every community in the region could participate via Zoom). The focus of the initial tribal consultation series was to inform Native entities about the ABO's work and opportunities to engage and collaborate, and to solicit from the Native entities' information about the broadband efforts they were leading, partnerships or contracts already in place, and planning efforts already underway.

The ABO plans to hold three more tribal consultation series around the State Broadband Mapping Challenge Process, Technical Assistance on Grant Applications, and Cybersecurity – how to keep users safe. Each series will be presented in four sessions to maximize participation. The ABO has budgeted to host one out of the four sessions for each topic in person in different regions of the State. Combining online and in person participation is the most effective way for the ABO to increase participation and dissemination of information throughout Alaska. The ABO will send, via email and/or hard copy mail, packets of the information that includes the DTLL, agenda, updated PowerPoint Presentation for each session, and any other pertinent information to inform the Native entities of the subject matter that will be presented and to request participation and input. There will also be follow up emails sent to remind the Native entities of the upcoming events with hopes for maximum participation.

The schedule for the consultations is as follows:

1. Completed:
  - a. May 25, 2023 – As part of the Indigenous Connectivity Summit
  - b. June 2, 2023 - online
  - c. June 22, 2023 – Hosted by Bering Straits Region and Kawerak
  - d. June 29, 2023 - online
2. Alaska's State Challenge of Broadband Serviceable Locations (BSL) and Community Anchor Institutions (CAI). This Tribal Consultation will be based on how best to make challenges to the Federal Communications Commission's (FCC) Broadband Map as adopted by the National Telecommunication and Information Administration (NTIA). These will be completed by January 31, 2024.

- a. One Hybrid of in person and online consultation
  - b. Three online consultations
- 3. Technical Assistance on Grant Applications. The ABO anticipates four additional consultations to be held in the spring/early summer of 2024.
  - a. One Hybrid of in person and online consultation
  - b. Three online consultations
- 4. Cybersecurity – how to keep users safe. The Alaska Broadband Office is looking to solicit feedback and provide tools to the Native entities for improving cybersecurity best practices for keeping the youth and elders safe from online scamming and human trafficking. This set of sessions will be held in late fall/early winter of 2024.
  - a. One Hybrid of in person and online consultation
  - b. Three online consultations.

The Tribal Liaison is responsible for keeping an Excel spreadsheet on the Beneficiaries Engagement Process with the different Native entities that the ABO has been in contact with through the DTLL, phone calls, meetings as well as updating the spreadsheet of when the ABO has engaged in communication directly. This list is categorized by unserved, underserved, served, projects, and by region. This is a living document that will be maintained throughout the planning, granting, and building phases of broadband deployment in Alaska.

## **2.3 Local Coordination**

### **02.03.01 Local Coordination Tracker and Description**

*Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfill the coordination associated with its Final Proposal.*

The ABO has partnered and continues to partner with the Rasmuson Foundation (Digital Equity Administering Entity) and its subgrantees to address broadband issues concurrently by participating in statewide digital equity listening sessions.

#### **State of Alaska Response:**

The ABO coordinated and continues to coordinate with all the interested parties for both the Broadband Equity, Access, and Deployment (BEAD) program and Digital Equity (DE) Plan efforts. The ABO has set up weekly and bi-weekly meetings with the interested parties. The ABO socializes and solicits immediate feedback on various sections of both the BEAD and DE programs.

#### **02.03.01.01 Local Coordination Tracker Tool**

*As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.*

#### **State of Alaska Response:**

See attached: **State of Alaska -- Initial Proposal Volume 2 -- Engagement Tracker (R2 11-17-23).xlsx.**

### **02.03.02 Tribal Consultation**

*Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note "Not applicable."*

#### **State of Alaska Response:**

The ABO has drafted a Tribal Consultation Policy, largely based on the Tribal Consultation Policy for Alaska Department of Health and Social Services. The ABO additionally incorporated all the definitions from the different NTIA and USDA broadband funding sources for the Native entities.

#### **02.03.02.01 Tribal Consultation Evidence**

As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

#### **State of Alaska Response:**

See attached. **State of Alaska – Initial Proposal Volume 2 – Tribal Consultation Evidence (R1 11-17-23).PDF - DRAFT – 30-Day Public Comment Period**

Pending



## **2.4 Deployment Projects Subgrantee Selection Process & Scoring Approach**

### **2.4 Deployment Projects Subgrantee Selection Process**

#### **02.04.01 Subgrantee Selection Process Integrity**

*Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.*

#### **State of Alaska Response:**

Application review will consist of two stages, Minimum Qualification (MQ) and Scoring (scoring in 02.04.02). Each Minimum Qualification is a comply/noncompliant metric. Qualifications #1-#4, below, will be reviewed by the Director, Deputy Director, and Tribal Liaison of the Alaska Broadband Office (ABO Scoring Committee). Qualifications #5-#12, below, will be reviewed by grant administrators within DCCED, Division of Community & Regional Affairs. Any application with a noncompliant metric on one or more MQ will be rejected.

#### Minimum Qualification requirements

- Qualification #1: Project Sustainability
- Qualification #2: Organizational and Managerial Capability
- Qualification #3: Financial Capability
- Qualification #4: Technical Capability
- Qualification #5: Cyber Security Risk Management
- Qualification #6: Supply Chain Risk Management
- Qualification #7: Weather/Climate Threat Assessment and Mitigation Plan
- Qualification #8: Natural Hazard Mitigation Plan
- Qualification #9: Civil Rights and Nondiscrimination Compliance
- Qualification #10: Compliance with Laws
- Qualification #11: Local and Tribal Coordination
- Qualification #12: Other Public Funding Disclosure

### **2.4 Deployment Projects Scoring Criteria**

#### **02.04.02 Scoring Rubric and Prioritization**

*Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.*

#### **State of Alaska Response:**

#### Scoring Items:

A. Efficient Use of BEAD Funding. The ABO Scoring Committee will score how applicants maximize the use of BEAD funding. This includes the cost per location, connecting each community within the project path, and any matching funds for both High-Cost Areas (HCA) and non-High-Cost Areas (non-HCA). The total score percentage for this category is 40 percent. Applications will be scored based on the following criteria:

1. Cost Per Location: Applications will be scored based on the cost per location. The more efficient use of

funding will receive a higher score in this category:

- a. 20 percent in HCA;
- b. 7.5 percent in non-HCA.

Scoring for section 14.A.1. will be: The lowest cost per location passed will receive 100% of the available points, the highest cost per location passed will receive 0% of the available points and all other applicants will receive a ratio of available points off the lowest cost per location passed.

- 2. If the applicant connects every BSL within a community and every community along a path that applicant will receive 100% of the available points in the category. If not, the applicants will receive no points in this category:
  - a. 20 percent in HCA;
  - b. 7.5 percent in non-HCA.

Scoring for section 14.A.2. will be: If the applicant connects every BSL within a community, and every community along a path that applicant will receive 100% of the available points in the category. If not, the applicants will receive no points in this category.

- 3. Matching Funds: For deployment projects in HCAs, a non-federal match is not required. In areas not considered high cost, a minimum 25 percent non-federal match will be required from the applicant:
  - a. Zero percent in HCA (a 1% bonus will be attributed to each 1% of match);
  - b. 25 percent in non-HCA.

Scoring for section 14.A.3. will be: If the applicant agrees to the designated match, the applicant will receive 100% of the points within this category. If not, the applicant will receive no points in this category. In addition, applicants can receive a 1%-point bonus for every 1% match above the requirement in this category.

- B. Affordability and Plans. Applications will be scored based on the project's plan for symmetrical 1 gig service, unlimited data, Low-Cost Option Plan, Middle-Class Affordability Plan, and wholesale service offering. The total score percentage for this category is 30 percent. Applications will be scored based on the following criteria:

- 1. Plan for Symmetrical 1 Gig Service, Unlimited Data: Applicants who plan for a 1 Gig symmetrical, unlimited service will receive a higher score in this category:
  - A. **Priority Projects: Plan for Symmetrical 1 Gig Service, Unlimited Data:** Applicants who plan for a 1 Gig symmetrical, unlimited service will receive a higher score in this category:  
10 Percent (HCA and non-HCA).

Or

- B. **Other Projects: Plan for 100Mbps/20Mbps:** Unlimited Data: Applicants who plan for a 100Mbps/20Mbps, unlimited service will receive a higher score in this category:  
10 percent (HCA and non-HCA).

2. Low-Cost Option Plan and Middle-Class Affordability Plans: Each applicant must submit plans for a Low-Cost Option plan and a Middle-Class Affordability plan meeting the standards of service as set forth herein.
  - a. 10 percent (HCA and non-HCA).
3. Wholesale Service Offering: Applicants must commit to the provision of open access wholesale offerings for the life of the subsidized network on fair, equal, and neutral terms for all potential retail providers. The wholesale offering can be at rates no greater than 120 percent of the wholesale rate in urban Alaska areas.
  - a. 10 percent (HCA and non-HCA).

Scoring for sections 14.B.1.; 14.B.2. and 14.B.3. will be: If the applicant can show that they will have a 1Gbps/1Gbps, a Low-Cost Option and a Middle-Class Affordability Option at the time of turn-up of the Network Assets, respectively, the applicant will receive 100% of the points in for each category where there is an option identified.

- C. Fair Labor Practices and Highly Skilled Workforce. The ABO will give preferential weight to projects based on the strength of the applicant’s fair labor practices and use of a highly skilled workforce (including contractors and subcontractors). First, applicants must demonstrate a record of compliance with federal labor and employment laws. Second, applicants must demonstrate plans for ensuring compliance with federal labor and employment laws for the proposed deployment. Third, applicants must outline a plan for providing an appropriately skilled and credentialed workforce. The total score percentage for this category is 15 percent. Applications will be scored based on the following criteria:

1. Establishment of workforce development programs.
  - a. 7.5 percent.

Applications will be scored based on the following criteria:

- i. Highly Skilled Workforce Plan. Applications will be scored based on their plan for ensuring the project workforce will be appropriately skilled and credentialed (including contractors and subcontractors). Factors that will be considered include: 1) the ways in which the applicant will ensure the use of an appropriately skilled workforce (e.g., registered apprenticeships); 2) the steps the applicant will take to ensure an appropriately credentialed workforce (e.g., licensure, occupational training); 3) identify whether the workforce is unionized; 4) identify status of workforce (e.g., directly employed or contracted); and 5) identification of proposed contractors and subcontractors.

2. Applicants with experience deploying broadband in Alaska using Alaska-based employees.
  - a. 7.5 percent.

Applications will be scored based on the following criteria:

- i. Demonstrated Record and Plans. Applicants must demonstrate three years of history for themselves and any other entity that will participate in the project, including contractors and subcontractors, compliance with federal labor and employment laws on broadband deployment projects. New entrant applicants, without historical records, may submit historical data for the project team that has been assembled, including contractors and subcontractors. All applicants

shall show past compliance and disclose all violations and outcomes for that three-year period certified by an authorized official within the applicant’s organization. Other considerations include the applicant and its contractors and sub-contractors disclosed violation of laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or other applicable labor and employment laws. Finally, this category will be scored on how the applicant will ensure compliance for itself, contractors and subcontractors with labor and employment practices for the proposed deployment project including: 1) applicable wage scales and wage and overtime payment practices for each class of employee expected to be involved directly in the physical construction of the broadband network; and 2) how the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

- D. Speed to Deployment. Applicants who commit to project completion in four years.
  - a. 5 percent.
  
- E. Non-Traditional Providers. Applicants that are Non-Traditional Providers such as Local Governments (including municipalities or political subdivisions, electric cooperatives, non-profits, or Tribal Governments) and utilities will receive an additional 5%.
  - a. 5 percent.
  
- F. Use of State of Alaska/Department of Natural Resources/Office of Project Management and Permitting Resources. Applicants who agree to use the Office of Project Management and Permitting (OPMP) within the State of Alaska (SOA) Department of Natural Resources (DNR) to assist in efficient permitting and project management will receive an additional 5%.
  - a. 5 percent.

**02.04.02.01 Scoring Rubric and Prioritization**

*As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.*

State of Alaska Response:

Scoring Matrix:

Grant Scoring Criteria Matrix			
	Primary Criteria	85%	
		High-Cost Area	Non-High-Cost Area
14.A.	Efficient Use of BEAD Funding		
14.A.1.	Cost Per Location	20%	7.5%

14.A.2.	Connecting Every BSL Within a Community and Every Community Along the Path	20%	7.5%
14.A.3.	Match (Non-Federal)	0%	25%
14.A.3.a.	Bonus Points Available for Match over and above the required (1% for every 1% above)		
	Total for Efficient Use of BEAD Funding	40%	40%
14.B.	Affordability and Plans		
14.B.1. (A)	Plan for Symmetrical 1 Gig Service, Unlimited Data for Fiber Preference and Priority Projects	10%	10%
	or		
14.B.1. (B)	Plan for 100/20Mbps, Unlimited Data for Other (non-fiber) Projects		
14.B.2.	Low-Cost Option and Middle-Class Affordability Plans	10%	10%
14.B.3.	Wholesale Service Offering	10%	10%
	Total Affordability and Plans	30%	30%
14.C.	Fair Labor Practices		
14.C.1.	Highly Skilled Workforce	7.5%	7.5%
14.C.2.	Alaska Experience	7.5%	7.5%
	Total Fair Labor Practices	15%	15%
	Secondary Criteria	15%	
14.D.	Speed to Deployment	5%	5%
14.E.	Non-Traditional Provider	5%	5%
14.F.	Use of SOA/DNR/OPMP Resources.	5%	5%

	Total 100%
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**02.04.03 Prioritization of Projects**

*Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.*

State of Alaska Response:

The ABO will focus on serving the Unserved locations first. Where there are BSLs within a community/project that are both unserved and underserved, applicants may submit multi-tiered applications proposing to provide service to unserved and underserved locations; or unserved, underserved, and community anchor institution locations. Multi-tiered applications should be submitted with underserved locations and community anchor institutions as additive alternates to the main project providing service to unserved locations. The project will be evaluated on the merits of service to unserved locations. If 100 percent coverage of unserved locations in Alaska is achieved in application submittals and funds remain, awards for underserved locations will be considered, followed by awards for community anchor institutions. Projects will initially be awarded partial funding for unserved locations only. Additional partial awards may be granted for underserved, and community anchor institution portions of projects, depending on remaining program funds.

**02.04.04 Prioritization of CAIs**

*If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."*

State of Alaska Response:

The broadband office will use the following prioritization for Community Anchor Institutions (CAIs):

1. Healthcare Facilities
2. Educational Institutions/Libraries
3. Public Safety Entities
4. State, Tribal, or Local Government Locations
5. Public Housing Organizations
6. Community Support Organizations

**02.04.05 Subgrantee EHP and BABA Requirements**

*The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.*

State of Alaska Response:

Through the Office of Project Management and Permitting (OPMP) within the State of Alaska (SOA),

Department of Natural Resources (DNR) is working with NTIA NEPA for federal lands and through the SOA, Department of Environmental Conservation existing regulations. Additionally, the OPMP will facilitate the work of the Alaska Office of History and Archaeology on ensuring historical preservation. The Office of History and Archaeology (OHA) serves as Alaska's State Historic Preservation Office (SHPO) pursuant to the National Historic Preservation Act of 1966. OHA administers programs authorized by both the National Historic Preservation Act of 1966 and the Alaska Historic Preservation Act of 1971.

For the BEAD Program the ABO will follow, and require all subgrantees to follow the Proposed Limited, General Applicability, Nonavailability Waiver from the US DOC:

Given the importance of BABA and its potential to impact the BEAD Program and other NTIA administered grant programs,<sup>8</sup> NTIA and DOC initiated an assessment of the domestic supply chain for relevant manufactured products, construction materials, and iron or steel products during the lead-up to the publication of the BEAD NOFO on May 13, 2022, and continuing to the present. During the course of this assessment, several items necessitated by the BEAD Program were identified as not produced in the United States in sufficiently and reasonably available quantities, or a satisfactory quality, to meet expected demand. In light of these findings, DOC is proposing a limited, general applicability, nonavailability waiver that would provide recipients and subrecipients of Federal financial assistance under NTIA's BEAD Program a limited exemption from application of the Buy America Preference. DOC proposes to find in its final waiver that certain items discussed below are not produced in the United States in sufficient and reasonably available quantities or a satisfactory quality that can fully comply with all requirements of the Buy America Preference under BABA. Consistent with OMB M-22-11, DOC proposes below to make this waiver time-limited; targeted to specified items, products, materials, and categories; and conditional on certain conditions for manufacturing processes.

- A. Findings of Industry Assessment: In order to obtain a clear view of the broadband supply chain, DOC staff have held hundreds of meetings with large and small equipment manufacturers, Internet service providers (ISPs), telecom companies, and many of the associations that represent these entities, among others. DOC's initial industry assessment made clear that some construction materials and manufactured products required for broadband infrastructure deployments, as detailed further below, are presently not available in the quantity or quality needed for the BEAD Program to achieve the timeframes established by the IJA.

#### 1. Construction Materials

- a. Optical Fiber and Fiber Optic Cable: Optical fiber and fiber optic cable are likely to see the highest levels of expenditures compared to any other category of equipment used in BEAD fiber broadband deployments. While there is broad agreement across industry stakeholders that domestic production of optical fiber and fiber optic cable exists today, there is concern that there will not be sufficient supply, especially for small- to medium-sized ISPs, during peak demand for construction materials during the rollout of the BEAD Program. DOC therefore proposes, as discussed in section IV.B.1.a below, to waive the Buy America Preference for non-optic-glass inputs (e.g., an overclad cylinder) which are used as an input to the preform manufacturing process of optical fiber, a

construction material that will be used in BEAD Program projects.

- b. Other Construction Materials: NTIA's research indicates that there is no need for a waiver of the Buy American Preference for other construction materials.

## 2. Manufactured Products:

- a. Electronics: Electronics are likely to be the second largest segment of equipment used in BEAD fiber broadband deployments. Such electronics include, but are not limited to, Optical Network Terminals and Optical Network Units (ONTs/ONUs), Optical Line Terminals (OLTs) and remote Optical Line Terminals (rOLTs), OLT line cards, optic pluggables, routers, switches, optical amplifiers, and power systems. These electronics – and comparable electronics used in fixed wireless and other types of broadband network deployments, as well as antenna and antenna arrays – are almost uniformly manufactured in Southeast Asia. As part of its supply chain research, DOC explored with manufacturers the possibility of moving the manufacturing of certain electronics to the United States to facilitate implementation of the Buy America Preference. During DOC's industry assessment, two key factors became apparent:

1. Semiconductors, also referred to as integrated circuits, including systems on a chip, memory, central processing units, and others are key components of essentially all electronics that are used to build broadband networks. Semiconductors represent the majority of the value of the components that make up such products – often in excess of 70 percent. Almost all of these chips are currently manufactured outside the United States. While the historic CHIPS and Science Act, Pub. L. 117-167, 136 Stat. 1366, is expected to spur a major investment in domestic semiconductor manufacturing, the construction timeline and type of semiconductor fabrication plants mean that the impact of that investment is unlikely to be realized during the time period needed for the BEAD Program.<sup>9</sup>
2. There are some classes and categories of electronics that are currently manufactured outside of the United States, but for which there is an economic case for onshoring final assembly. DOC therefore proposes, as discussed in section IV.B.1.b.ii below, to waive the Buy America Preference for all electronics in BEAD Program projects, with the exception of four categories of electronics. For the four categories of electronics listed in section IV.B.1.b, NTIA proposes to waive only the 55 percent cost of components test and to provide specific guidance regarding the manufacturing processes that must occur in the United States for the waiver to be applicable.

- b. Enclosures: Enclosures are a manufactured product used at a location where a network function (e.g., active electronics, fiber split or splice) is housed, and include pedestals, terminals, and fiber distribution frames. NTIA's research indicates that, while there is domestic production capacity for enclosures, domestic producers frequently rely on inputs that are not currently produced in sufficient quantities in the United States and are unlikely to be so in the near to mid-term. DOC



therefore proposes, as discussed in section IV.B.1.b.ii below, a limited waiver of the 55% cost of components requirement for enclosures used in BEAD Program projects in order to ensure that there are sufficient and reasonably available quantities of enclosures manufactured in the United States and to provide specific guidance regarding the manufacturing processes that must occur in the United States for the waiver to be applicable.

c. **Other Network Equipment:** Other network equipment that is not electronics (e.g., splitter modules, and ancillaries like vaults, conduit, lashing wire, mounting brackets, attenuators, and patch panels) makes up a small percentage of network expenditures. NTIA’s research indicates that there is some domestic production capacity for other network equipment, and that expenditures on this category of equipment as a percentage of total network spend is low. To the extent that there are classes or categories of other network equipment used in broadband network deployments that are not domestically available, NTIA expects that the Department’s public interest waiver of the Buy America Preference for de minimis infrastructure project purchases will be sufficient for most projects.<sup>10</sup>

d. **Iron or Steel Products:** The highest value products used in broadband network infrastructure projects made primarily from iron or steel are the radio towers used in terrestrial fixed wireless deployments. NTIA’s research indicates that there is no need for a waiver of the Buy American Preference for iron or steel products.

B. **Proposed Waiver:** In light of the foregoing, DOC proposes to adopt a limited, general applicability, nonavailability waiver of the Buy America Preference for the BEAD Program.

1. **Scope of Waiver**

a. **Construction Materials:** DOC proposes to waive the Buy America Preference for non-optic-glass inputs (e.g., an overclad cylinder) to preforms used to manufacture optical fiber and fiber optic cable in BEAD Program projects. For the purposes of the waiver, we propose that all optic glass used in the manufacturing of optical fiber and fiber optic cable must meet the following standard for glass: “All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.” For the purposes of this waiver, we also propose that all fiber optic cable and optical fiber must otherwise meet the following standards for those materials:

- **Fiber optic cable (including drop cable):** All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- **Optical fiber:** All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

b. **Manufactured Products**

i. **Electronics:** DOC proposes to waive the Buy America Preference for all electronics in BEAD

Program projects, with the exception of the four categories of electronics identified in this section. For these four categories of electronics, NTIA proposes to waive the 55 percent cost of components test and to provide specific guidance regarding manufacturing processes that must occur in the United States for these categories to be BABA compliant.

- Optical Line Terminals and Remote Optical Line Terminals

Optical Line Terminals (OLTs) and Remote Optical Line Terminals (rOLTs) are optical network electronic components in ISP network hubs used to send and receive signals. NTIA proposes that OLTs and rOLTs covered by this waiver include, but not be limited to, OLTs and rOLTs that support EPON, GPON, XGS-PON, 25GS-PON, Point-to-Point Ethernet, and G.fast technologies, as well as future PON technologies. In order for an OLT or rOLT to be considered “produced in the United States,” the following manufacturing processes, at a minimum, must be conducted entirely within in the United States:

- Printed circuit board (PCB) assembly is required for any PCB in the OLT that contains line card (subscriber-facing) functionality;
- Software integration (including firmware integration, installation of licensed software, and customer specific configuration);
- Chassis assembly;
- Testing and quality assurance; and
- Packaging and shipping.

- OLT Line Cards - OLT line cards are a type of fiber-optic card that can be installed in OLTs and rOLTs to provide network interface ports. In order for OLT line cards, whether sold independently or installed in an OLT or rOLT, to be considered “produced in the United States,” the following manufacturing processes, at a minimum, must be conducted entirely within the United States:

- Printed circuit board (PCB) assembly;
- Line card assembly;
- Software integration (including firmware integration, installation of licensed software, and customer specific configuration);
- Chassis assembly;
- Testing and quality assurance; and
- Packaging and shipping.

- Optic Pluggables- Optic pluggables are optical transceivers that can be installed in (“plugged into”) OLTs, rOLTs, and equipment that has the characteristics of OLTs (e.g., switches, routers, virtual OLTs). In order for optic pluggables, whether sold independently or installed in an OLT or rOLT or equipment that has the characteristics of OLTs or rOLTs, to be considered “produced in the United States,” the following manufacturing processes, at a minimum, must be conducted entirely within the United States:

- Optical sub-assembly installation;
- Enclosure assembly;
- Software integration (including firmware integration, installation of licensed software, and

customer specific configuration);

- Testing and quality assurance; and
- Packaging and shipping.

• Optical Network Terminals and Optical Network Units -Optical Network Terminals and Optical Network Units (ONTs/ONUs) are optical network electronic components installed at the customer endpoint of a network and are used to send and receive signals. In order for an ONT/ONU to be considered “produced in the United States,” the following manufacturing processes, at a minimum, must be conducted entirely within in the United States:

- Printed Circuit board (PCB) assembly;
- Software integration (including firmware integration, installation of licensed software, and customer specific configuration);
- Chassis assembly;
- Testing and quality assurance; and
- Packaging and shipping.

ii. Enclosures: Enclosures are manufactured products used at a location where a network function (e.g., active electronics, fiber split or splice) is housed, and include pedestals, terminals, and fiber distribution frames. NTIA proposes to waive the 55 percent cost of components test for enclosures and to provide specific guidance regarding the manufacturing processes that must occur in the United States for enclosures to be BABA compliant:

In order for an enclosure to be considered “produced in the United States,” the following manufacturing processes, at a minimum, must be conducted entirely within the United States:

- Manufacturing of the metal or plastic parts (e.g., by machining or injection molding); and
- Assembly of the parts of the final manufactured product.

## 2. Additional Proposed Requirements

a. DOC de minimis Waiver: In order to ensure that optical fiber, fiber optic cable, and the five categories of manufactured products discussed in section IV.B.1.b above are produced in the United States, NTIA proposes that the DOC de minimis waiver, published on May 17th, 2023, would not apply to those products.<sup>11</sup>

b. Buy America Self Certification: Manufacturers that have expressed a willingness to onshore manufacturing of key electronics are concerned that they will be undercut by companies falsely claiming BABA compliance. In order to address such concerns, NTIA proposes to publish and maintain on the NTIA website a list of manufacturers and that manufacturer’s individual products that an officer of the company has certified, subject to fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. 1001, are compliant with the Buy America Preference.<sup>12</sup> Such certifications would be required annually.

c. Reporting Requirements: BEAD Program recipients are responsible for compliance with BABA reporting requirements under this waiver. In addition, consistent with the approach taken in the Middle Mile Grant Program BABA Waiver, DOC proposes to have BEAD Program recipients to whom the proposed waiver would apply report on their purchases of items from foreign sources.<sup>13</sup> Recipients reporting foreign-sourced items will help with future DOC grant programs and awards that

also use those items and support market research. DOC will use this information to better understand the market and availability of U.S. products in this supply chain to inform its implementation of the BEAD Program as well as its other broadband infrastructure deployment programs. DOC will publish additional BABA reporting and compliance requirements in separate guidance.

<sup>11</sup> See id.

## **2.4 Last-Mile Broadband Deployment Project Areas**

### **02.04.06 Project Area Definition**

*Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.*

#### **State of Alaska Response:**

The project areas will fall into two distinct categories. The first are the Broadband Serviceable Locations (BSL) within the Department of Commerce, Community and Economic Development (DCCED), Division of Community and Regional Affairs' community map boundaries and/or within municipal and borough boundaries. Additionally, where the communities fall on a natural connector (along a river, winter trail, road, or highway) the ABO has the expectation that the natural connector will be used to combine community builds.

The second are all the locations that fall outside of the community map boundaries and/or within municipal and borough boundaries.

### **02.04.07 Coverage for Locations with No Proposals**

*If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.*

#### **State of Alaska Response:**

The State of Alaska will work through satellite providers to provide service to provide coverage for locations with no proposals.

### **02.04.08 Deployment Project Tribal Consent**

*Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.*

#### **State of Alaska Response:**

To the extent the State of Alaska's Final Proposal includes plans to deploy broadband to Unserved Service Projects or Underserved Service Projects on Tribal lands, the State of Alaska must submit a Resolution of

Consent from each Tribal Government, from the Tribal Council or other governing body, upon whose Tribal lands the infrastructure will be deployed.

## **2.4 Extremely High Cost Per Location Threshold**

### **02.04.09 Extremely High Cost Per Location Threshold Identification**

*Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include operational costs for the lifespan of the network.*

#### **State of Alaska Response:**

All the BSLs that fall outside of the community map boundaries and/or within municipal and borough boundaries are considered Extremely High Cost Per Location locations. Additionally, all locations that are above the average cost per location passed may be considered depending on the breadth of broadband infrastructure that can be built with Alaska's allocation.

### **02.04.10 Extremely High Cost Per Location Threshold Process**

*Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:*

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.*
- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy that exceeds the threshold.*
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.*

#### **State of Alaska Response:**

The State of Alaska is committed to Internet for All. To accomplish this with the allocation of \$1,017,139,672.42, the state will develop mathematical models that operate on a sliding scale to maximize the fiber and still connect 100% of the unserved locations at 100/20.

## **2.4 Deployment Subgrantee Qualifications**

### **02.04.11 Deployment Subgrantee Qualifications: Financial Capability**

*Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72 – 73 of the BEAD NOFO. If the Eligible*

*Entity opts to provide application materials related to the BEAD subgrantee selection process; the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

*a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.*

State of Alaska Response:

Section III.A.4. (MQ Item #3) of Alaska’s Grant Program requires applicants to show specific evidence of financial capability to undertake the construction and deployment of infrastructure and operate and maintain the infrastructure over its complete lifespan. The application requirements include descriptions of how:

1. they are financially qualified to meet the obligations associated with their proposed project;
2. they will have available funds for all project costs that exceed the amount of the grant;
3. they will comply with all BEAD Program requirements, and identified service milestones;
  - a. Stage 1: Permitting
  - b. Stage 2: Staging and Materials Acquisition
  - c. Stage 3: Workforce Readiness
  - d. Stage 4: Construction & Deployment
  - e. Stage 5: Project Close-Out & Operational Readiness Transition
4. they have, and will continue to have, sufficient financial resources to cover eligible costs for the project in between authorized grant disbursements.

*b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).*

State of Alaska Response:

Required Attachment No. 3 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit a letter from a bank committing to issue an irrevocable standby letter of credit as part of the application package. The commitment letter must be submitted using a template provided by the Alaska Broadband Office.

Section IV.C. of Alaska’s Grant Program requires subgrantees to submit an Irrevocable Standby Letter of Credit issued by a bank using a template provided by the Alaska Broadband Office. The template, prepared by the Department of Law within the State of Alaska, will ensure the letter of credit is substantially similar to the letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF). The letter of credit must be submitted prior to issuance of any subgrant

agreement.

- c. *Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.*

State of Alaska Response:

Required Attachment No. 4 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit audited financial statements as follows:

As part of the application each prospective subgrantee shall submit financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the audit includes findings, the prospective subgrantee shall provide a written summary with the audit, signed by the prospective subgrantee’s chief financial officer, describing the implementation of all mitigation actions addressing the findings. If a potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, the potential subgrantee shall submit: 1) unaudited financial statements from the prior year; 2) certification (on a form provided by the ABO) that it will provide financial statements audited by an independent certified public accountant by a deadline agreed upon by the ABO; and 3) a letter of engagement from a certified public accountant confirming the audit will be complete by the date certified by the potential subgrantee. No subgrant agreement shall be approved by the ABO until it determines the documents submitted demonstrate the prospective grantee’s financial capability with respect to the proposed project.

- d. *Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.*

State of Alaska Response:

Required Attachments Nos. 5 and 6 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit a Pro Forma, and Revenue and Expense Analysis as follows:

Evidence is required showing the applicant can sustainably operate the funded network and provide the committed service over the lifetime of the asset. Evidence shall be provided through a pro forma showing revenue covering expenses and capital maintenance/upgrades, demonstration of commitment by company with long-term operating history and financial stability, or other comparable methods.

A revenue and expense analysis, including transportation costs, must be provided to demonstrate that the funded project can be sustainably operated for the expected lifetime of the Asset.

**02.04.11.01 Deployment Subgrantee Qualifications: Financial Capability**

*Submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.*

State of Alaska Response:

See attached: **State of Alaska – Initial Proposal Volume 2 – Draft Grant Program (R6e 11-17-23).PDF**

#### **02.04.12 Deployment Subgrantee Qualifications: Managerial Capability**

*Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

*a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.*

#### State of Alaska Response:

Required Attachments Nos. 8 and 9 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit two organization charts (corporate and internal hierarchy) and resumes for all key personnel.

*b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.*

#### State of Alaska Response:

Section III.A.3. (MQ Item #2) of Alaska’s Grant Program requires applicants to show specific evidence of organizational and managerial capability as follows:

Applicants must demonstrate proof of organizational and managerial capability with respect to the proposed project and its ongoing operational integrity. Each prospective subgrantee must provide a narrative describing the prospective subgrantee’s readiness to manage:

1. the proposed broadband deployment project; and
2. broadband network operations and maintenance post project completion.
  - a. List all key project personnel and include their name, organization, position title, project role, brief bio, and percentage of full-time-equivalent (FTE) to be dedicated to the project.
  - b. Describe the experience and qualifications of key project personnel for undertaking this project, its experience undertaking projects of similar size and scope, and relevant organizational policies.
  - c. Include a list of project partners including their name, a brief description of each organization, and their role with the project.
  - d. This section should also include a narrative describing any recent or upcoming organizational changes including mergers and acquisitions with any corporate parent, subsidiary, and affiliate relationships as demonstrated in the first Organizational Chart provided as per the Required Attachment section of this document.
  - e. This section should also outline compliance with Occupational Health Requirements.
  - f. Plan for Establishment of a Worker-led Safety Committee.
  - g. Identify if the project will use any Non-Traditional Providers such as Local Governments (including municipalities or political subdivisions, electric cooperatives, non-profits, or Tribal Governments) and utilities. Identify if the SOA/DNR/OPMP will be used to assist in efficient permitting and project management.



The ABO will not approve any grant for deployment or network facility upgrades until the prospective subgrantee has demonstrated organizational and managerial capability with respect to the proposed project and its ongoing operational integrity. The ABO reserves the option to require prospective subgrantees to agree to special grant conditions relating to maintaining the validity of representation a prospective subgrantee has made regarding its organizational structure and key personnel.

#### **02.04.13 Deployment Subgrantee Qualifications: Technical Capability**

*Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that it is capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce.*

#### State of Alaska Response:

Section III.A.5. (MQ Item #4) of Alaska’s Grant Program requires applicants to show specific evidence of technical capability as follows:

Each prospective subgrantee seeking funding to deploy or upgrade a broadband network must certify that it is technically qualified to complete and operate the project and that it can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credential workforce (see Section 3.3. of this Grant Opportunity).

Required Attachment No. 10 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit a Technical Capacity Certification Form.

- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.*

#### State of Alaska Response:

Required Attachment No. 11 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit Technical Documents as follows:

Each applicant must submit the following documents, all certified by a professional engineer licensed in the State of Alaska, as part of the application: (a) network design, (2) diagram, (3) project costs, (4) build-out timeline, (5) milestones for project implementation, and (6) a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the project.

#### **02.04.14 Deployment Subgrantee Qualifications: Compliance with Laws**

*Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws.*

#### State of Alaska Response:

Section III.A.7.B. of Alaska’s Grant Program (MQ Item #10) requires applicants to demonstrate compliance as follows:

Each applicant must demonstrate that it can carry out funded activities in a competent manner in compliance with all applicable Federal, State, and local laws. Applicants shall submit a narrative demonstrating the ability to comply with laws. This should include details about the applicant’s experience in this area, ongoing monitoring process throughout the life of the project, and identification of staff or consulting assistance that will be responsible for compliance monitoring of Federal, State, and local laws.

- b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.*

#### State of Alaska Response:

Section III.A.3. of Alaska’s Grant Program (MQ Item #2) requires applicants to submit a Plan for the Establishment of a Worker-led Safety Committee.

#### **02.04.15 Deployment Subgrantee Qualifications: Operational Capability**

*Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.*
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.*
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the*

*Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.*

- d. *Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.*
- e. *In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.*

State of Alaska Response:

Applicants must show specific evidence of operational capability. This will be demonstrated through the certifying of the following as part of the narrative:

1. Applicants with Two or More Years-of Experience in Alaska
  - a. An applicant that has provided a voice, broadband, and/or electric transmission or distribution service in Alaska for at least the two consecutive years prior to the date of its application submission or that is a wholly owned subsidiary of such an entity, must certify the following:
  - b. If a provider of voice, broadband, and/or electric transmission or distribution, certify to these facts and specify the number of years the applicant or its parent company has been operating.
  - c. If a provider of voice and/or broadband service, certify it has timely filed Commission Form 477s and the Broadband DATA Act submissions, if applicable, as required during this time-period; that it will continue reporting as required; and that it has otherwise complied with the Federal Communication Commission's rules and regulations.
  - d. An applicant should explain any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Federal Communications Commission's rules or regulations.
  - e. If the applicant has operated an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time-period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution. Acceptable submissions for this purpose will be the Rural Utilities Service (RUS) Form 7, Financial and Operating Report Electric Distribution; the RUS Form 12, Financial and Operating Report Electric Power Supply; the National Rural Utilities Cooperative Finance Corporation (CFC) Form 7, Financial and Statistical Report; the CFC Form 12, Operating Report; or the CoBank Form 7; or the functional replacement of one of these reports. *See Rural Digital Opportunity Fund Order, 35 FCC Rcd at 719, n. 202.*
2. Applicants New to Broadband
  - a. An applicant that is a new entrant to the broadband market, must provide a narrative description to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

The ABO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the documents submitted to it demonstrate the prospective subgrantee's operational

capability with respect to the proposed project.

#### **02.04.16 Deployment Subgrantee Qualifications: Ownership**

*Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. *Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).*

#### **State of Alaska Response:**

Required Attachment No. 13 of Section III in Alaska’s Grant Program requires prospective subgrantees to submit an Ownership Certification Form (consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)) as follows:

Each application to participate in competitive bidding (*i.e.*, short-form application (*see* 47 CFR 1.2105)), or for a license, authorization, assignment, or transfer of control shall fully disclose the following:

- a. List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;
- b. List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage held;
- c. List, in the case of a limited partnership, the name, address, and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
- d. List, in the case of a general partnership, the name, address, and citizenship of each partner, and the share or interest participation in the partnership;
- e. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;
- f. List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
- g. List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

#### **02.04.17 Deployment Subgrantee Qualifications: Public Funding**

*Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.*
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of:
  - (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules),*
  - (b) the geographic area to be covered,*
  - (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage),*
  - (d) the amount of public funding to be used,*
  - (e) the cost of service to the consumer, and*
  - (f) the matching commitment, if any, provided by the subgrantee or its affiliates.**

State of Alaska Response:

Section III.A.7.A of Alaska’s Grant Program requires the disclosure of other public funding as follows:

Applicants are required to disclose for itself, for its affiliates, or any eligible entity partner under the Tribal Broadband Connectivity Program (TBCP), any application the subgrantee, its affiliates, or eligible entity partner under the TBCP have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under: the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281); the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4); the Infrastructure, Investment and Jobs Act of 2021 (Public Law 117-58; 135 Stat. 429); any federal Universal Service Fund high-cost program (e.g., Alaska Plan, CAF, RDOF), or any State or local universal service or broadband deployment funding program.

Prospective subgrantees shall disclose for each broadband deployment project:

- a. the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules),
- b. the geographic area to be covered,
- c. the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage),
- d. the amount of public funding to be used,
- e. the cost of service to the consumer, and
- f. the matching commitment, if any, provided by the subgrantee, its affiliates, or any eligible

entity partner under the TBCP.

## **2.5 Non-Deployment Subgrantee Selection**

### **02.05.01 Non-Deployment Subgrantee Selection Process Integrity**

*Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process, by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.*

#### **State of Alaska Response:**

While the ABO has the caveat that non-deployment projects will be funded with remaining funds, the ABO has calculated that after the unserved, underserved, and Community Anchor Institutions that there will be no remaining funds. In the unusual case that there are remaining funds, the ABO will apply all remaining funds to the Digital Equity Capacity Grants.

### **02.05.02 Non-Deployment Initiative Preferences**

*Describe the Eligible Entity's plan for the following:*

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program fund;*
- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction;*
- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities;*
- d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.*

#### **State of Alaska Response:**

The ABO will prioritize based on the need of the eight covered populations as described in the Digital Equity Act and as described in the Digital Equity Capacity Grant NOFO.

### **02.05.03 Ensure Coverage Prior to Non-Deployment Projects**

*Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.*

#### **State of Alaska Response:**

The focus of the State of Alaska's Grant Program is to deploy broadband service to unserved locations (those without any broadband service at all or with broadband service offering speeds below 25 Mbps downstream/3 Mbps upstream) and underserved locations (those without service or offering speeds below 100 Mbps downstream/20 Mbps upstream). The ABO will prioritize awards first for projects to unserved locations, followed second by projects to underserved locations. Funds remaining after the award of projects serving 100 percent of unserved and underserved locations will be available for projects providing symmetrical 1 Gigabit per second service to Community Anchor Institutions (CAIs). To the extent any remaining funds are available after funding 100% of all unserved, underserved, and CAI locations the ABO will allocate funds to non-deployment activities.

#### **02.05.04 Non-Deployment Subgrantee Qualifications**

*Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.*

State of Alaska Response:

The ABO will utilize the criteria from the Digital Equity Capacity Grant NOFO as well as the general qualifications in the BEAD NOFO.

### **2.6 Eligible Entity Implementation Activities**

#### **02.06.01 Eligible Entity Implementation Activities**

*Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.*

State of Alaska Response:

The Alaska Broadband Office will only be implementing initiatives through subgrants.

### **2.7 Labor Standards and Protection**

#### **02.07.01 Labor Standards and Protection: Subgrantees Compliance with Federal Labor and Employment Laws**

*Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:*

- a. *Prospective subgrantees' record of past compliance with federal labor and employment laws, which:
  - i. *Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;*
  - ii. *Should include a certification from an Officer/Director- level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and*
  - iii. *Should include written confirmation that the prospective subgrantee discloses and instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.**
- b. *Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:
  - i. *How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
    1. *Information on applicable wage scales and wage and overtime payment practices for each***

*class of employees expected to be involved directly in the physical construction of the broadband network; and*

2. *How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.*

State of Alaska Response:

The Alaska Broadband Office is dedicating 15% of the primary scoring criteria to Fair Labor Practices. Half of the scoring will weigh regional and local hire programs, and half will weigh Alaska experience and an Alaska-based workforce.

Section II.14.C. of Alaska's Grant Program requires applicants to submit Demonstrated Record and Plans as follows:

Applicants must demonstrate three years of history for themselves and any other entity that will participate in the project, including contractors and subcontractors, compliance with federal labor and employment laws on broadband deployment projects. New entrant applicants, without historical records, may submit historical data for the project team that has been assembled, including contractors and subcontractors. All applicants shall show past compliance and disclose all violations and outcomes for that three-year period certified by an authorized official within the applicant's organization. Other considerations include the applicant and its contractors and sub-contractors disclosed violation of laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or other applicable labor and employment laws. Finally, this category will be scored on how the applicant will ensure compliance for itself, contractors and subcontractors with labor and employment practices for the proposed deployment project including: 1) applicable wage scales and wage and overtime payment practices for each class of employee expected to be involved directly in the physical construction of the broadband network; and 2) how the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

**02.07.02 Labor Standards and Protection: Additional Measures**

*Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:*

- a. *Using a directly employed workforce, as opposed to a subcontracted workforce;*

State of Alaska Response:

The Alaska Broadband Office will not require the use of a directly employed workforce.

- b. *Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;*

State of Alaska Response:

The Alaska Broadband Office will not require the payment of prevailing wages by non-government entities.



Political subdivisions of the State of Alaska are required by law to pay prevailing wages.

- c. *Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);*

State of Alaska Response:

The Alaska Broadband Office will not require the use of project labor agreements.

- d. *Use of local hire provisions;*

State of Alaska Response:

The Alaska Broadband Office is prohibited by state court opinion from requiring local hire provisions.

- e. *Commitments to union neutrality;*

State of Alaska Response:

The Alaska Broadband Office will not require commitments to union neutrality.

- f. *Use of labor peace agreements;*

State of Alaska Response:

The Alaska Broadband Office will not require the use of labor peace agreements.

- g. *Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);*

State of Alaska Response:

The Alaska Broadband Office is requiring the use of an appropriately skilled workforce and applicant are required to submit detailed information regarding this subject.

- h. *Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and*

State of Alaska Response:

The Alaska Broadband Office is requiring the use of an appropriately credentialed workforce and applicant are required to submit detailed information regarding this subject.

- i. *Taking steps to prevent the misclassification of workers.*

State of Alaska Response:

The Alaska Broadband Office will be encouraging applicants to take steps to prevent the misclassification of

workers.

## **2.8 Workforce Readiness**

### **02.08.01 Prospective Subgrantees' Workforce Plan**

*Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:*

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;*

#### **State of Alaska Response:**

Sections II.14.C. and III.6.F. of Alaska's Grant Program require applicants to submit detailed plans for the use and development of a highly skilled and credentialed workforce. Implementations of these plans will be monitored by the Alaska Broadband Office as part of the milestone monitoring imbedded in the grant agreement for each sub-awardee.

- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;*
- c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and*
- d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.*

#### **State of Alaska Response:**

See the Interim Report on Alaska's Broadband Workforce Development Plan attached as supplemental information.

See attached: **State of Alaska – Initial Proposal Volume 2 – Workforce Development Report (R1 11-17-23).PDF**

### **02.08.02 Prospective Subgrantees' Highly Skilled Workforce**

*Describe the specific information that will be required of prospective subgrantees to demonstrate a plan for*

*ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce. These plans should include the following:*

- a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;*
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate, and pre-existing occupational training, certification, and licensure;*
- c. Whether the workforce is unionized;*
- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and*
- e. The entities that the proposed subcontractor plans to contract and subcontract with in carrying out the proposed work.*

*If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:*

- a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;*
- b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and*
  - ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.**

State of Alaska Response:

Section II.14.C. of Alaska's Grant Program requires the submittal (for scoring) of a Highly Skilled Workforce Plan as follows:

Highly Skilled Workforce Plan. Applications will be scored based on their plan for ensuring the project workforce will be appropriately skilled and credentialed (including contractors and subcontractors). Factors that will be considered include: 1) the ways in which the applicant will ensure the use of an appropriately skilled workforce (e.g., registered apprenticeships); 2) the steps the applicant will take to ensure an appropriately credentialed workforce (e.g., licensure, occupational training); 3) identify whether the workforce is unionized; 4) identify status of workforce (e.g., directly employed or contracted); and 5) identification of

proposed contractors and subcontractors.

Section III.6.F. of Alaska's Grant Program requires the following narrative description of the workforce plan:

Applicants should include a description of any existing or planned workforce development programs within the region(s) of a project.

Applicants must have a plan for ensuring the project workforce will be appropriately skilled and credentialed (including contractors and subcontractors). Factors that will be considered include: 1) the ways in which the applicant will ensure the use of an appropriately skilled workforce (e.g., registered apprenticeships); 2) the steps the applicant will take to ensure an appropriately credentialed workforce (e.g., licensure, occupational training); 3) identify whether the workforce is unionized; 4) identify status of workforce (e.g., directly employed or contracted); and 5) identification of proposed contractors and subcontractors.

**Non-Union Workforce Requirements.** If the project workforce, or any applicant's, contractor's, or subcontractor's workforce is not unionized the applicant must provide the following with respect to the non-union workforce:

1. The jobs titles and size of the workforce (in terms of Full-Time-Equivalent positions, including those of contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce; and
2. For each job title required to carry out the proposed work (including contractors and subcontractors) a description of: safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, etc.) including whether there is a robust in-house training program with established requirements tied to certifications, titles, and information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

Applicants must demonstrate three years of history for themselves and any other entity that will participate in the project, including contractors and subcontractors, of compliance with federal labor and employment laws on broadband deployment projects. New entrant applicants, without historical records, may submit historical data for the project team that has been assembled, including contractors and subcontractors. All applicants shall show past compliance and disclose all violations and outcomes for that three-year period certified by an authorized official within the applicant's organization. Other considerations include the applicant and its contractors and sub-contractors disclosed violation of laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or other applicable labor and employment laws. Finally, this category will be scored on how the applicant will ensure compliance for itself, contractors and subcontractors with labor and employment practices for the proposed deployment project including: 1) applicable wage scales and wage and overtime payment practices for each class of employee expected to be involved directly in the physical construction of the broadband network; and 2) how the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

## **2.9 Minority Business Enterprises (MBEs), Women's Business Enterprises (WBEs), and Labor Surplus Firms Inclusion**

### **02.09.01 Minority Business Enterprises (MBEs), Women's Business Enterprises (WBEs), and Labor Surplus Firms Inclusion Strategy**

*Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises, and labor surplus area firms are recruited, used, and retained when possible.*

#### State of Alaska Response:

The Alaska Broadband Office will work with subgrantees during the award period to maximize their use of MBEs/WBEs and LSAFs. The ABO will work closely with the Alaska Department of Labor & Workforce Development to provide information regarding MBEs, WBEs, and LSAFs certification requirements.

### **02.09.02 MBEs, WBEs, and Labor Surplus Firms Inclusion Affirmative Steps**

*Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:*

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;*
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;*
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;*
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and*
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.*

#### State of Alaska Response:

The Alaska Broadband Office will work with subgrantees during the award period to maximize their use of MBEs/WBEs and LSAFs. The ABO will work closely with the Alaska Department of Labor & Workforce Development to provide information regarding MBEs, WBEs, and LSAFs certification requirements.

*\*Please certify:*

Yes

## **2.11 Climate Assessment**

### **02.11.01 Climate Risks Assessment**

*Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure.*

*At a minimum, this response should clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:*

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;*
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;*
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;*
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and*
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.*

#### **State of Alaska Response:**

The ABO will be submitting pertinent reports.

#### **02.11.01.01 Climate Reports**

*As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.*

#### **State of Alaska Response:**

Report List:

1. Fifth National Climate Threat Assessment - Chapter 29 Alaska (2023)

2. State of Alaska Hazard Mitigation Plan (2023)
3. FEMA Resources for Climate Resilience December (2021)
4. Statewide Threat Assessment: Identification of Threats from Erosion, Flooding, and Thawing Permafrost in Remote Alaska Communities (2019)
5. US Forest Service Climate Change Assessment for Alaska (2010)
6. Alaska Sea Grant: Sea Level Rise and Storm Surge
7. Alaska Sea Grant: Alaska Climate Change Adaptation Planning Tool
8. Alaska Sea Grant: Climate Change Adaptation Planning Manual for Coastal Alaskans and Marine Dependent Communities

## **2.12 Low-Cost Broadband Service Option**

### **02.12.01 Low-Cost Broadband Service Option**

*Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity’s jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:*

- a. *All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);*
- b. *The plan’s basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices;*
- c. *Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan’s rate; and*
- d. *Any provisions regarding the subscriber’s ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.*

#### **State of Alaska Response:**

From the Grant Program, the ABO has defined the term “Low Cost Option” as a service plan with the following parameters: 1. Service Level: A minimum service bandwidth of 100 Mbps download bandwidth and 20 Mbps upload bandwidth that is no greater than 120% of the retail rate for a similar service in urban Alaska areas, and 2. meets the FCC rule of 80% of capacity, 80% of the time during the busy hour with a maximum of 100ms latency one way.

### **02.12.02 Affordable Connectivity Program Participation**

*Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.*

*\*Please certify:*

Yes

The Alaska Broadband Office certifies all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

## **2.13 Middle-Class Affordability Plan**

### **02.13.01 Middle-Class Affordability Plan Description**

*Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.*

#### **State of Alaska Response:**

The term "Middle Class Affordability" is defined as a service plan with the following parameters: 1. A minimum service bandwidth of 100 Mbps download and 20 Mbps upload that is at a rate no greater than the rate the is in market in the urban areas that has at least a 70% take rate. If there is no service that has 70% of the take rate, the rate will be no greater than the service that has the highest take rate in the urban markets, and 2. meets the FCC rule of 80% of capacity, 80% of the time during the busy hour with a maximum of 100ms latency one way.

## **2.10 Cost and Barrier Reduction**

### **02.10.01 Cost and Barrier Reduction Steps**

*Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:*

- a. Promoting the use of existing infrastructure;*
- b. Promoting and adopting dig-once policies;*
- c. Streamlining permitting processes;*
- d. Streamlining cost-effective access to poles, conduits, easements; and*
- e. Streamlining rights of way, including the imposition of reasonable access requirements.*

#### **State of Alaska Response:**

The State has already enacted plans to reduce costs and barriers through involving existing providers and interconnecting to existing infrastructure through mapping and permitting tools utilized by the ABO and made available to providers. This will reduce costs, optimize the BEAD funds, and add resilience and redundancy of the existing infrastructure in Alaska.

Additionally, the ABO is working with the Department of Transportation and Public Facilities (DOT&PF) of the State of Alaska to coordinate projects that the DOT&PF has, as well as projects that the ABO is contemplating, to ensure, wherever possible, the projects can be aligned for a dig once policy.

Most importantly, the ABO and the OPMP have worked together to get together all state and federal permitting parties together in an effort to optimize and streamline the permitting processes. To accomplish this the ABO is using a Bureau of Land Management (BLM) GIS map that shows all land ownership within the state of Alaska.



The ABO will use this map in conjunction with the subgrantees to have them identify the fiber paths for all proposed infrastructure builds so that as soon as the applications are submitted to the ABO, all the permitting parties will know the paths and what lands will be crossed. The OPMP has developed a survey of all permitting parties and all permitting types that the sub-grantee can then use to check off which parties will be issuing permits and what those permits will be the OPMP will then facilitate and manage they're permitting process of the various parties and sub grantees.

## **2.14 Use of 20 Percent of Funding**

### **02.14.01 20 Percent of Funds Usage**

*Describe the Eligible Entity's planned use of any funds being requested, which must address the following:*

- a. *If the Eligible Entity does not wish to request for Initial Proposal funds, it must indicate no funding requested and provide the rationale for not requesting funds.*

#### **State of Alaska Response:**

Not applicable. The Alaska Broadband Office is requesting 100% of the remaining BEAD allocation totaling \$1,012,139,672.42.

- b. *If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations.*

#### **State of Alaska Response:**

Not applicable. The Alaska Broadband Office is requesting 100% of the remaining BEAD allocation totaling \$1,012,139,672.42.

- c. *If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.*

#### **State of Alaska Response:**

The Alaska Broadband Office is seeking the full award of \$1,012,139,672.42 in BEAD funding. The ABO will use the funds to achieve "Internet for All" Alaskans by deploying funds through a grant program for infrastructure to serve unserved and underserved locations. The ABO will use the funds for:

- Administrative costs (whether subject to the cap or not) not to exceed 2% of the full allocation totaling \$20,342,793.45.
- Deployment activities through a fair and competitive grant program using the remaining portion of the

allocation totaling \$992,139,672.42.

#### 02.14.02 Initial Proposal Funding Request Amount

Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter '\$0.00.'

\*Response

\$1,012,139,672.42

#### State of Alaska Response:

The Alaska Broadband Office is requesting the full remaining BEAD allocation for the State of Alaska \$1,012,139,672.42

#### 02.14.03 20 Percent of Funds Requirements

Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable."

\*Response

- Yes  
 N/A

### 2.15 Eligible Entity Regulatory Approach

#### 02.15.01 Laws Related to Subgrant Competition

- a. *Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.*

#### State of Alaska Response:

The State of Alaska does not have laws, either predate or postdate, that preclude certain public sector providers from participation in the subgrant competition, or impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

- b. *If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how*

*they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.*

State of Alaska Response:

Not applicable.

**02.15.01.01 Laws Related to Subgrant Competition List**

*As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.*

State of Alaska Response:

Not applicable.

**2.16 Certification of Compliance with BEAD Requirements**

**02.16.01 Requirements Compliance Certification**

*Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.*

*\*Please certify:*

Yes

The Alaska Broadband Office certifies its intent to comply with all applicable requirements of the BEAD program, including reporting requirements.

**02.16.02 Subgrantee Accountability**

*Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:*

- a. *Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);*

State of Alaska Response:

Section IV.C. (Grant Initiation) of Alaska's Grant Program specifies as follows that the distribution of funding to subgrantees will be on a reimbursable basis:

Connect Alaska Program agreements are administered on a cost reimbursable basis. Applicants should be aware that if awarded Connect Alaska Program funds, the grantee will be expected to pay for expenses as they are incurred and submit a billing at the end of each month for reimbursement by DCCED. This requires that the grantee has the cash resources to cover at least 30 to 45 days' cash needs.

- b. *The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*

State of Alaska Response:

The Department of Commerce, Community, & Economic Development (Department), of which the Alaska Broadband Office is a division, has a set of Standard Provisions as Attachment C to all grant agreements. Article 23, as follows, specifically addresses the recovery of grant funds by State.

Article 23. Recovery of Funds

In the event of a default or violation of the terms of this Agreement by the Grantee, the Department may institute actions to recover all, or part of the Grant Funds paid to the Grantee. Repayment by the Grantee of Grant Funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this Agreement, or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

- c. *Timely subgrantee reporting mandates; and*

State of Alaska Response:

The DCCED requires a risk assessment to be completed on every subgrantee receiving funds. Subgrantees who have not previously received grant funds from the State are automatically considered "high-risk" and must report monthly quarterly. The ABO anticipate many of the applicants to be in this category. Second, any award over \$500,000 is also considered "high-risk" by DCCED. The ABO anticipates most awards will be in excess of that threshold. The grant agreements between the Alaska Broadband Office and the sub-awardees will require monthly Financial Progress Reports. The reports will be submitted on a template provided by the Alaska Broadband Office will require milestone progress reporting and corresponding financial reimbursement requests (with appropriate supporting documentation) by the applicant.

- d. *Robust subgrantee monitoring practices.*

State of Alaska Response:

Each sub-awardee will have submitted a set of detailed milestones for five different identified stages of the project. Those milestone stages include:

- Stage 1: Permitting
- Stage 2: Staging and Materials Acquisition
- Stage 3: Workforce Readiness
- Stage 4: Construction & Deployment
- Stage 5: Project Close-Out & Operational Readiness Transition

Each grant agreement will include a monitoring plan unique to the subgrantees identified milestones and

timing, with no less than monthly Financial Progress reporting as outlined above.

### **02.16.03 Subgrantee Civil Rights and Nondiscrimination**

*Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.*

*\*Please certify:*

Yes

The Alaska Broadband Office certifies it will account for and satisfy authorities to civil rights and nondiscrimination in the selection of subgrantees.

### **02.16.04 Subgrantee Cybersecurity and Supply Chain Risk Management Compliance**

*Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:*

*Cybersecurity*

*1) The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either:*

*a. operational, if the prospective subgrantee is providing service prior to the award of the grant; or*

*b. ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;*

*2) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;*

*3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and*

*4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.*

#### State of Alaska Response:

Required Attachment No. 14 of Section III in Alaska's Grant Program requires prospective subgrantees, as part of the application package (MQ Item #5), to submit an attestation regarding Cybersecurity Risk Management (on a template provided by the Alaska Broadband Office) as follows:

Using the template included as an appendix to the grant program the potential subgrantee shall attest that:

- a. Either a cybersecurity risk management plan is in place and operational, or if the prospective subgrantee is already providing service; or
- b. a cybersecurity risk management plan is ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service;
- c. the plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Cybersecurity and the standards set forth in Executive Order 14028;
- d. the plan will be reevaluated and updated periodically, or as necessary;
- e. the plan will be submitted to the ABO prior to any funds being allocated to the subgrantee; and
- f. updated plans will be submitted to the ABO within 30 days of any substantive changes. Applicants must also obtain the above attestations from any network providers who own or operate the network facilities relied upon by a prospective subgrantee.

Post-award requirements, prior to the distribution of any funding, include a submission of a full Cybersecurity Risk Management Plan.

#### *Supply Chain Risk Management*

*1) The prospective subgrantee has a SCRM plan in place that is either:*

*a. operational, if the prospective subgrantee is already providing service at the time of the grant; or*

*b. ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;*

*2) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;*

*3) The plan will be reevaluated and updated on a periodic basis and as events warrant; and*

*4) The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.*

#### State of Alaska Response:

Required Attachment No. 15 of Section III in Alaska's Grant Program requires prospective subgrantees, as part of the application package (MQ Item #9), to submit an attestation regarding Supply Chain Risk Management (on a template provided by the Alaska Broadband Office) as follows:

On the form provided as an appendix to the grant program the potential subgrantee shall attest that:

- a. a supply chain risk management plan is operational, if the prospective subgrantee is already providing service; or
- b. a supply chain risk management plan is ready to be operationalized, if the prospective subgrantee is not yet providing service;
- c. the plan is based on the NIST publication NISTR 8276 and other related NIST guidance;
- d. the plan will be reevaluated and updated periodically, or as necessary;
- e. the plan will be submitted to the ABO prior to any funds being allocated to the subgrantee; and
- f. updated plans will be submitted to the ABO within 30 days of any substantive changes. Applicants must also obtain the above attestations from any network providers who own or operate the network facilities relied upon by a prospective subgrantee.

Post-award requirements, prior to the distribution of any funding, include a submission of a full Supply Chain Risk Management Plan.

\*Please certify:

Yes

The Alaska Broadband Office certifies it will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest those requirements. The Alaska Broadband Office will provide a Cybersecurity and Supply Chain Risk Compliance Attestation Form as part of the Subgrantee application.

**Volume II Waivers**

**Volume II Waivers**

Upload an attachment(s) detailing the waiver request(s) for the requirements related to Volume II. Please draft the waiver request(s) using the Waiver Request Form template.

**State of Alaska Response:**

The State of Alaska will be requesting at least 2 waivers:

- 1. Waiver for 25% Match in Extremely High-Cost Threshold Locations (EHCTLs) within the Non-High-Cost Areas.
- 2. Waiver to allow specific in-kind contributions to count as matching funds (i.e., Branching units)

**2.17 Public Comment**

**02.17.01 Volume II Public Comment**

*Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:*

- a. *The public comment period was no less than 30 days; and*

- b. *Outreach and engagement activities were conducted to encourage feedback during the public comment period.*

The outreach and engagement activities included:

- a. Posting Initial Proposal Volume 2 to the Alaska Broadband Office Website
- b. Dedicating the three weekly regularly scheduled listening sessions to discussions about Initial Proposal Volume 2
- c. Presentation at the Alaska Municipal League Conference
- d. Dedicating regular bi-weekly meeting with the Alaska Telecom Association to Initial Proposal Volume 2
- e. Dedicating the regular bi-weekly meeting with the Alaska Federation of Natives to Initial Proposal Volume 2
- f. Discussion of Initial Proposal Volume 2 at the monthly Denali Commission broadband meeting
- g. Discussion of Initial Proposal Volume 2 at the monthly Broadband Funders and Facilitators meeting

#### **02.17.02 Volume II Supplemental Materials**

*As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.*

State of Alaska Response:

N/A