



Initial Proposal Volume II

Project Name: Broadband Equity, Access, and Deployment

April 24, 2024

Project Abstract/Update

The Wyoming Broadband Office (WBO), part of the Wyoming Business Council (WBC), is eligible to participate in the National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and Deployment (BEAD) Program, which can primarily be used to fund broadband infrastructure projects. To receive funding from the BEAD program, WBO is required to complete an Initial Proposal, which will include a comprehensive plan for implementing the program. The second part of the Initial Proposal, Volume II, outlines how WBO will distribute its \$348 million BEAD allocation to achieve the broadband deployment goals outlined in its Five-Year Action Plan and reiterated below. WBO posted its Initial Proposal, Volume II for public comment on October 18, 2023. The public comment period remained open until November 17, 2023. This version has been updated to reflect the input received from a variety of stakeholders during the public comment period as well as initial feedback from the NTIA.



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2.1 Objectives (Requirement 1)

2.1.1 Long-term Objectives

NTIA guidance: 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. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

This section is nearly identical to Section 2.2 (Goals and Objectives) in Wyoming's Five-Year Action Plan and Section 2.3 (Strategy and Objectives) of Wyoming's Digital Access Plan

WBO has identified a holistic set of goals across six dimensions of broadband deployment and digital access to achieve its mission: broadband availability, broadband affordability and adoption, device availability and affordability, digital skills, privacy and cybersecurity, and online accessibility and inclusivity. This holistic set of goals includes all required components of both the BEAD and Digital Access Programs. Together, these goals enable the realization of Wyoming's integrated vision for broadband and digital connectivity, drawing on a range of capital streams including the BEAD and Digital Equity programs. Specifically, the BEAD goals related to Broadband Deployment and Economic Growth and Job Creation are covered under Section 2.1.1.1 Broadband Availability, the BEAD goal related to Broadband Access is covered under Section 2.1.1.1 Broadband Availability and Section 2.1.1.3 Device Availability and Affordability, the BEAD goals related to Broadband Adoption and Broadband Affordability are covered under Section 2.1.1.2 Broadband Affordability and Adoption, and the BEAD goal related to Digital Equity is covered under Section 2.1.1.4 Digital Skills. WBO also recognizes that accomplishing this holistic set of goals will further contribute to economic growth and job creation for the State of Wyoming.

For each dimension, WBO has identified a potential objective or strategy, potential KPI(s), the current baseline, future goals, and a data collection approach. Future goals include both near-term goals that are within two years of beginning BEAD and Digital Access implementation and long-term goals that are within five years of beginning implementation.

2.1.1.1 Broadband Availability

Connecting to and effectively using affordable, reliable, and future-proof broadband is important to reaching many of Wyoming's current goals, particularly around economic and workforce development, education, and health. Using broadband, however, first requires having it, and today too many Wyomingites do not. Consequently, WBO's most urgent focus is increasing broadband availability and achieving its goal to provide all Wyoming citizens and businesses – including all Covered Populations – access to reliable, high-speed internet at their homes, in their communities, and at their businesses (Exhibit 1).



In addition to BEAD funds, the Wyoming State Library recently launched its Wyoming Library Multi-Purpose Community Facility Program, which is funded by a \$12.6 million grant from the U.S. Treasury’s Capital Projects Fund. The grant program is targeted towards all public libraries or public community colleges/universities in Wyoming that provide public access to the internet. Individual libraries may submit proposals for projects that will best serve the needs of their communities, but projects must be centered around library improvements that enable community members to pursue or participate in work activities, education activities, or health monitoring.

Exhibit 1: Objectives related to broadband availability

Goal 1: Provide all Wyoming citizens and businesses with access to reliable high-speed internet at home and in their communities					
Objective/Strategy	Potential KPI	Baseline	Near-Term¹	Long-Term²	Data Collection
Provide all Wyoming citizens and businesses with access to reliable high-speed internet at home and in their communities	% (and #) of unserved locations	15% (39,215) unserved, includes all currently unserved locations (i.e., those with and without federal funding commitments to serve)	12% (~20% decrease in unserved locations)	0%	BEAD subgrantee reporting
	% (and #) of underserved locations	8% (20,403) underserved, includes all currently underserved locations (i.e., those with and without federal funding commitments to upgrade)	6.4% (~20% decrease in underserved locations)	0%	BEAD subgrantee reporting
Enable workforce training for broadband deployment roles	% (and #) of subgrantees reporting labor as a barrier to timely construction of BEAD-funded projects	0% (0) because BEAD has not started	<10%	0%	BEAD subgrantee reporting
	# of workers re-skilled/up skilled; # of training programs	To be identified with Department of Workforce Services through Initial Proposal planning			Department of Workforce Services

2.1.1.2 Broadband Affordability and Adoption

Increasing broadband adoption across the state is critical to the state’s future. WBO is also keenly aware that its share of the State Digital Equity Capacity Grant Program is likely to be modest. As a

¹ WBO has defined near-term goals in this plan as two years.

² WBO has defined long-term goals in this plan as five years.

result, Wyoming will accelerate broadband adoption through strategies related to both its BEAD implementation (e.g., Affordable Connectivity Program [ACP] participation by subgrantees, subgrantee marketing plans) and Digital Access Plan implementation (e.g., raising awareness of ACP among Covered Populations, increasing the number of state programs that promote ACP), with a focus on reducing disparities in adoption by Covered Populations (Exhibit 2). In addition, the Community Services Network of Wyoming (CSNOW) and the Council of Community Services (CCS) have received a total of \$475,000 in grants from the Federal Communications Commission (FCC) to increase ACP enrollment. WBO expects that these initiatives will have a substantial impact on ACP enrollment and broadband adoption among Covered Populations.

Exhibit 2: Objectives related to broadband affordability and adoption

Goal 2: Increase the number of Wyoming citizens who subscribe to broadband, including low-cost programs					
Objective/ Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
Require all BEAD subgrantees to participate in ACP	% of BEAD subgrantees participating in ACP	0% because BEAD has not started	100% of subgrantees participate in ACP	100% of subgrantees participate in ACP	BEAD subgrantee reporting
Require all BEAD subgrantees to offer a low-cost plan	% of BEAD subgrantees offering low-cost plans	0% because BEAD has not started	100% of subgrantees offer a low-cost plan	100% of subgrantees offer a low-cost plan	BEAD subgrantee reporting
Increase adoption of new services through broad awareness of BEAD subgrantees' new infrastructure buildouts and low-cost plans	% of locations newly served or upgraded areas through BEAD that received marketing / outreach about new service and low-cost plans	0% because BEAD has not started	100% of newly served / upgraded BEAD locations receive outreach from subgrantee	100% of newly served / upgraded BEAD locations receive outreach from subgrantee	BEAD subgrantee reporting
Grow number of relevant state programs that promote ACP or other low-cost program enrollment (e.g., SNAP)	% of state programs that promote ACP or other low-cost program enrollment through existing channels which serve large portions of ACP-eligible citizens	To be identified through planning process	75% state program participation	100% State program participation	Data reporting
Boost enrollment of ACP among eligible households	% of households eligible for ACP that subscribe	24% ACP enrollment	Increase ACP enrollment to highest rate in the Rocky Mountain region	Maintain ACP enrollment at highest rate in the Rocky Mountain region	ACP enrollment data



2.1.1.3 Device Availability and Affordability

While 94% of households earning more than \$75,000/year own a computer, only 83% of households earning between \$20,000 and \$75,000 do. For households earning less than \$20,000, the computer ownership rate is 66%. Supporting short- and longer-term device loans through Community Anchor Institutions (CAIs) such as schools, libraries, affordable housing communities, health care providers, etc. can help bridge the gap for citizens who do not own computers (Exhibit 3).

Exhibit 3: Objectives related to device availability and affordability

Goal 3: Increase the number of Wyoming citizens with the opportunity to use one or more computing devices					
Objective/ Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
Expand access to device loans (i.e., laptop, tablet, hotspot)	# of loanable devices from libraries or colleges	Zero laptops / tablets available ~120 loanable hotspots available at libraries	2,000 devices and/or hotspots available (requested through separate funding source)	Add devices as needed to maintain 75% utilization	Utilization numbers and waitlist data from State Library and Colleges
	Utilization rate of devices at libraries or colleges	To be identified through baseline assessment	100% utilization - hotspots are continuously checked-out and have a waitlist	75% utilization	

2.1.1.4 Digital Skills

Increased digital skills (i.e., digital literacy) for all Wyomingites ensures that citizens can effectively use the internet – once broadband is available and they have adopted it – to support their economic, educational, health and related goals. WBO’s goals focus on education and jobs for students and adults, as well as health access for all citizens (Exhibit 4).

Exhibit 4: Objectives related to digital skills

Goal 4: Increase the number of Wyoming citizens who are equipped to use the internet and internet-enabled devices to support their economic, educational, health and related goals					
Objective/Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
Grow the number of Wyomingites who possess the digital skills to support an exceptional education, economy, and workforce	# of workers re-skilled/up skilled	0, because the Digital Access Program has not started	# of people across Covered Populations that complete certifications at learning locations	# of certifications completed across Covered Populations at learning locations	Digital Access subgrantee reporting
	# of K-12 students participating in basic and advanced skills training				



Goal 4: Increase the number of Wyoming citizens who are equipped to use the internet and internet-enabled devices to support their economic, educational, health and related goals

Objective/Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
			Specific increases to be defined during State Digital Equity Capacity Grant subgrantee application process		
Increase the number of Wyomingites who are trained to use telehealth services to access medical care	# of patients who are trained to use telehealth services	0, because the Digital Access Program has not started	Increase in telehealth training; specific activities and scope to be refined pending public comment and further evaluation		Digital Access subgrantee reporting

2.1.1.5 Privacy and Cybersecurity

Trust is a key component in driving adoption and use of the internet. To support citizen trust as they use broadband, WBO will monitor subgrantee cybersecurity risk through their adoption of the National Institute of Standards and Technology (NIST) cybersecurity framework. WBO’s efforts will be complemented by the creation of the State and Local Cybersecurity Grant Program, which provides federal funds to State, local, and Tribal governments to address cybersecurity risks and threats to digital infrastructure. Wyoming was recently notified that it will receive \$11 million as part of the program, which was funded by the Infrastructure and Jobs Act.³ WBO’s discussions with stakeholders across the state indicate that privacy and security are already included in basic digital skills classes, and it is WBO’s expectation that this continues (Exhibit 5).

Exhibit 5: Objectives related to online privacy and cybersecurity

Goal 5: Create a safe environment (e.g., privacy and cybersecurity) for citizens to engage with broadband-enabled devices

Objective/ Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
Require subgrantees to adopt the NIST cybersecurity framework	% of subgrantees that have adopted NIST’s cybersecurity framework	0%, because BEAD has not started	100%	100%	BEAD subgrantee reporting

³

2.1.1.6 Online Accessibility and Inclusivity

Online accessibility and inclusivity will enable Wyoming citizens and businesses to interact with government more easily. Accessible online services make government services more intuitive and user-friendly for all citizens and provide special consideration for Wyomingites with lower literacy levels, disabilities, or those who primarily communicate in another language (e.g., Spanish). Importantly, accessibility also means meeting people where they are in terms of technology and skills and driving change through the lens of citizen experience. This may include ensuring that government services work as well for someone on the newest laptop or the oldest cell phone, that language is clear and easy to understand, and that the steps to complete a task or activity have been built through ongoing discussion and feedback from stakeholders. WBO plans to first partner with the Department of Enterprise Technology Services to support the assessment of current state services and prioritize areas for enhancement, with a particular focus on those that most impact Covered Populations (Exhibit 6).

Exhibit 6: Objectives related to online accessibility and inclusivity

Goal 6: Promote a range of internet-enabled government service offerings which meet citizen needs					
Objective/ Strategy	Potential KPI	Baseline	Near-Term	Long-Term	Data Collection
Expand the number of state government services delivered online, with emphasis on those which primarily serve Covered Populations	% (and #) of state government services which are online and mobile-friendly	To be determined from initial assessment	Conduct current state assessment in collaboration with ETS Prioritize services for enhancement	Implement enhancement in collaboration with ETS	Data from relevant state departments
Incorporate accessibility for those who possess auditory, visual, or other impairments	% (and #) of state government services which are accessible				
Offer state services online in Spanish and / or other languages	% (and #) of state online services offered in Spanish and / or other languages				

2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1 Local, Tribal, and Regional Coordination

NTIA guidance: 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. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

While formal broadband plans do not currently exist at the local, Tribal, or regional level in Wyoming, since its founding in 2018, WBO has been active in engaging with municipal and Tribal leaders on broadband planning efforts to deploy broadband infrastructure in their communities.

2.2.1.1 Local and Regional Broadband Planning Processes

As discussed in Section 2.10.1, in 2021, WBO developed a pamphlet entitled “Better Broadband: An Empowered Community in 7 Steps.” The pamphlet and checklist were designed to support local officials looking to improve broadband access in their communities. WBO used the pamphlet as a resource during its engagements with local officials. As part of its BEAD planning process, WBO has prioritized seeking input from local governments. As mentioned in Section 2.3.1.4, on April 25, WBO hosted a virtual listening session specifically for local governments. In addition, as noted in Section 2.3.1.5, local and county officials regularly attended the listening session closest to their jurisdiction.

WBO has also regularly engaged with the statewide organizations that represent local and county officials. As noted in Section 2.3.1.6, WBO has hosted individual meetings with both the Wyoming Association of Municipalities (WAM) and the Wyoming County Commissioners Association (WCCA). After the release of its Digital Access Plan and Initial Proposal Volume I drafts, WBO personally reached out to the leadership of WAM, WCCA, and the Wyoming Association of County Officers to encourage them to share each draft plan with their membership.

2.2.1.2 Tribal Broadband Planning Processes

As detailed extensively in Section 2.3.2, WBO has gone through great lengths to support Wyoming’s two federally designated Tribes, the Northern Arapaho and Eastern Shoshone, with broadband planning and give them an opportunity to provide input on the State’s broadband planning process. In addition to the formal Tribal consultation, WBO has served as an informal resource for Wind River Internet (a Northern Arapaho Tribal Industries company that provides broadband service in and around the Wind River Reservation) over the past several years. WBO is in regular contact with Wind River Internet’s executive team and has participated in broadband-focused events on the Reservation, including a local coordination workshop hosted in Gillette on September 27, 2022, and a technical assistance visit for Wind River Internet’s U.S. Department of Agriculture grant on May 11, 2023. WBO has also conducted personalized outreach to Wind River Internet in conjunction with its Connect Wyoming grant program.



2.3 Local Coordination (Requirement 4)

2.3.1 Stakeholders, Collaborators, and Constituencies

NTIA guidance: 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 fulfil the coordination associated with its Final Proposal.

2.3.1.1 Local Coordination Tracker Tool

NTIA guidance: 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.

WBO has detailed coordination conducted with Tribal Governments, local community organizations, unions and worker organizations, and other groups using [NTIA's Local Coordination Tracker Tool](#). Exhibit 8, Exhibit 12, Exhibit 13, Exhibit 14, and Exhibit 15 are outputs derived from the Local Coordination Tracker Tool.

2.3.1.2 Introduction

The Wyoming Broadband Office (WBO) recognizes that successful stakeholder engagement creates a crucial input to understanding the unique internet accessibility challenges of Wyoming's population. To develop a sustainable, holistic stakeholder strategy, WBO integrated stakeholder engagement for development of both the Five-Year Action Plan, Digital Access Plan, and Initial Proposal. WBO also collaborated with state and local leaders, increasing the likelihood of reaching all stakeholder groups and fostering open dialogue.

WBO designed its engagement strategy to reach a broad audience, holding 26 large events (in-person and virtual), fielding six organizational surveys, and offering focused 1-1 sessions to collect more in-depth stakeholder input. Given Wyoming's large rural population – approximately 60% – WBO leveraged a variety of engagement formats such as virtual sessions, in-person sessions, surveys, and phone calls to reach as many groups as possible. See Section 2.3.1.3 for more detail around each engagement format.

WBO also wanted to develop a sustainable path for future stakeholder engagement. To accomplish that, WBO built on the trust the Wyoming Business Council (WBC) has created with communities across the state. WBO partnered with WBC's six Regional Directors, all of whom have deep ties with communities in their regions.



The Regional Directors recommended WBO localize marketing and outreach efforts for all sessions. In addition, Regional Directors recommended WBO host in-person listening sessions across all six WBC regions at convenient and familiar locations such as colleges and community centers. WBO ensured each in-person location met accessibility needs and were proximate to underserved and unserved citizens. *For more information on WBO's strategy for virtual and in-person listening sessions across the six regions, please see Sections 2.3.1.4 and 2.3.1.5.*

WBO believes that investing in an ongoing, comprehensive stakeholder engagement process that incorporates feedback into both the BEAD and Digital Access Plan will help create an approach that best reflects the unique needs of Wyoming citizens. To date, the stakeholder engagement process has enabled WBO to:

- Disseminate information and frameworks to all stakeholder entity groups (public, private, community based, and Covered Populations) to support decision-making;
- Initiate and maintain an open dialogue with stakeholders by structuring engagement touchpoints (including listening sessions);
- Identify and learn about obstacles and barriers for all Wyomingites (and Covered Populations in particular) to inform approaches to deployment and digital access; and
- Establish channels for future engagement and collaboration.

This process has successfully established a common pathway across regions in the state for collaborating with myriad stakeholder groups to support the development of the BEAD Five-Year Action Plan, BEAD Initial Proposal, and the Digital Access Plan.

2.3.1.3 Engagement Plan and Process

WBO plays a critical role within Wyoming to increase prosperity for Wyoming communities, businesses, and citizens. WBO has worked closely with the Governor's Office, legislators, broadband providers, WBC's Broadband Advisory Council, and community stakeholder groups to ensure funding it pursues fits state needs and priorities.

To support the development of the BEAD Five-Year Action Plan, BEAD Initial Proposal and Digital Access Plan, WBO implemented several types of stakeholder engagement touchpoints:

- Statewide virtual listening sessions (11)
- Regional in-person listening sessions (15)
- 1:1 Engagements with state agencies and other stakeholders (32)



- Surveys to community leaders, organizational stakeholders, and representatives of organizations that serve Covered Populations (6)

These touchpoints served not only to collect input that informed the BEAD Five-Year Action Plan, BEAD Initial Proposal and Digital Access Plan, but also to disseminate information about these programs to relevant stakeholders across the state. During each engagement, WBO first shared the background and context for these funding programs, information on the current state of broadband and digital access in Wyoming, existing efforts related to these programs, and how each unique stakeholder group can engage in these programs.

WBO launched and executed a marketing strategy for all the listening sessions and surveys, using an email marketing tool to send emails to individual stakeholders and ensure emails were successfully delivered to key stakeholders. See the following subsections on statewide virtual listening sessions (Section 2.3.1.4), regional in-person listening sessions (Section 2.3.1.5), and surveys to key stakeholders and Covered Populations (Section 2.3.1.7) for more detail around WBO's marketing efforts.

WBO's stakeholder engagement team has extensive experience gathering input and feedback from broadband providers, citizens, private and nonprofit organizations, and rural and tribal authorities. The engagement team tailored the stakeholder engagement process to reach key stakeholder groups for input on the potential future-state of broadband in Wyoming. WBO's stakeholder engagement team sought personalized responses from stakeholders by presenting a range of data elements, including current state of broadband availability, service speeds, ACP uptake, and subscriptions to fiber, cable, or DSL internet.

2.3.1.4 Statewide Virtual Listening Sessions

WBO's strategy for virtual listening sessions was to take a broad approach for outreach by partnering with state leaders and hosting statewide sessions. WBO successfully marketed, organized, and led one virtual meeting on February 28th (2023) and held seven virtual meetings during the week of April 24th (2023) for state agencies, local and regional governments, CAIs, service providers, organizations representing Covered Populations, workforce development organizations, and business and economic development organizations. WBO held an additional virtual session on June 13th (2023) for those who could not attend one of the in-person regional listening sessions. After the release of its Initial Proposal Vol. I for public comment, WBO hosted a webinar to update stakeholders on the BEAD planning process and encourage comments during its public comment process. WBO also hosted several webinars for broadband providers to collect input into its Initial Proposal. Marketing materials for the April events included information about all seven listening sessions, so stakeholders could decide whether to attend all events or those most convenient for their schedules (*Exhibit 7*).



Exhibit 7: Wyoming Broadband Office’s online marketing of statewide virtual listening sessions in April 2023⁴



Exhibit 8 provides a detailed summary of each of the eleven statewide virtual listening sessions. Across the eleven statewide virtual listening sessions, WBO successfully conducted outreach to a total of 935 stakeholders, and WBO successfully hosted a total of 184 stakeholders.

Exhibit 8: Summary of statewide virtual listening sessions

Date of Event	Total Attendance	Focus Area(s)	Attendees by Stakeholder Entity Type
02/28/2023	34	<ul style="list-style-type: none"> ● I/JA/DE/BEAD programs ● Inputs ● Timelines 	Public Entities <ul style="list-style-type: none"> ● Healthcare Professionals
04/24/2023	11	<ul style="list-style-type: none"> ● State Agencies 	Public Entities <ul style="list-style-type: none"> ● Academic Community ● House of Representatives (staff member) ● State Departments (infrastructure) Private Sector <ul style="list-style-type: none"> ● Community Development Groups Community Based Organizations <ul style="list-style-type: none"> ● Representing People with Disabilities ● Rural Community
04/25/2023	14	<ul style="list-style-type: none"> ● Local and Regional Government 	Public Entities <ul style="list-style-type: none"> ● Local Government ● Elected Officials ● Public Housing Authorities

⁴ WBC hosts in-person broadband meetings across Wyoming June 5 to 9. (2023, May 22). Wyoming Business Council. <https://wyomingbusiness.org/news/wbc-hosts-in-person-broadband-meetings-across-wyoming-june-5-to-9/>

Date of Event	Total Attendance	Focus Area(s)	Attendees by Stakeholder Entity Type
			<ul style="list-style-type: none"> State departments (infrastructure) Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups Community Based Organizations <ul style="list-style-type: none"> Representing People with Disabilities Rural Community
04/26/2023	8	<ul style="list-style-type: none"> Community Anchor Institutions 	Public Entities <ul style="list-style-type: none"> Academic Community Libraries Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups
04/26/2023	24	<ul style="list-style-type: none"> Broadband Service Providers 	Private Sector <ul style="list-style-type: none"> Broadband Providers Community Based Organizations <ul style="list-style-type: none"> Community Development Groups
04/27/2023	4	<ul style="list-style-type: none"> Digital Access 	Private Sector <ul style="list-style-type: none"> Broadband Providers Community Based Organizations <ul style="list-style-type: none"> Representing People with Disabilities
04/27/2023	3	<ul style="list-style-type: none"> Workforce development 	Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups
04/28/2023	12	<ul style="list-style-type: none"> Business and economy 	Public Entities <ul style="list-style-type: none"> Local Government Private Sector <ul style="list-style-type: none"> Broadband Providers Chambers of Commerce Economic Development Groups
6/13/2023	17	<ul style="list-style-type: none"> Listening session 	Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups Community Based Organizations



Date of Event	Total Attendance	Focus Area(s)	Attendees by Stakeholder Entity Type
			<ul style="list-style-type: none"> Representing Aging Populations Representing Rural Populations Public Entities <ul style="list-style-type: none"> Local and State Government
8/31/2023	53	<ul style="list-style-type: none"> BEAD and Digital Access planning process update 	Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups Community Based Organizations <ul style="list-style-type: none"> Representing Aging Populations Representing Low-Income Populations Public Entities <ul style="list-style-type: none"> Local and State Government Federal Legislative Offices Public Educational Institutions
10/26/2023	25	<ul style="list-style-type: none"> BEAD and Digital Access planning process update 	Private Sector <ul style="list-style-type: none"> Broadband Providers Economic Development Groups Community Based Organizations <ul style="list-style-type: none"> Labor Unions Public Entities <ul style="list-style-type: none"> Local and State Government
11/30/2023	32	<ul style="list-style-type: none"> BEAD Initial Proposal Volume II Update & Input 	Private Sector <ul style="list-style-type: none"> Broadband Providers

2.3.1.5 Regional In-Person Listening Sessions

WBO took a regional approach to in-person listening sessions by partnering with WBC Regional Directors and local leaders. WBO successfully advertised, organized, and led 15 in-person regional listening sessions during the week of June 5, 2023.

WBO hosted an initial planning session with Regional Directors across the state to determine the marketing and location strategies for all in-person listening sessions. For the location strategy, WBO and the Regional Directors decided to host 15 in-person listening sessions at sites located centrally within communities and at Community College facilities. Central locations provided the benefit of convenience



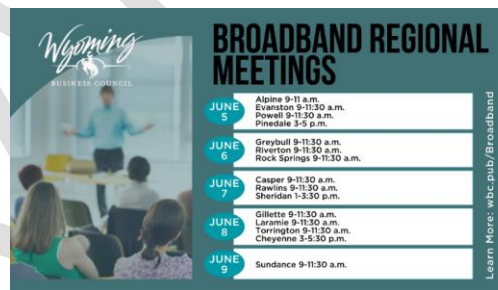
and familiarity for stakeholders. Community College facilities offered a variety of benefits, including ample space; video and projection capabilities for presentations; and physical components to support accessibility needs, familiarity, and positive association. To conduct the in-person sessions, WBO organized the engagement team into three groups, each with ownership over a geographic segment to ensure coverage of all of Wyoming’s regions. In those locations where a community college was not present or available, Regional Directors and WBO chose to host sessions at publicly used and accessible facilities.

For marketing efforts, WBO coordinated with state agencies, Regional Directors, and public-entity associations to cast a wider net on outreach. Regional Directors amplified marketing efforts by sending email notices out directly to their networks. In addition, when attending conferences of county or municipal associations, Regional Directors distributed hard copies of the marketing materials (Exhibit 9). WBO marketed the events on WBO’s website and weekly newsletter (Exhibit 10).

Exhibit 9: Wyoming Broadband Office’s flyer marketing of regional in-person listening sessions



Exhibit 10: Wyoming Broadband Office’s online marketing of regional in-person listening sessions⁵



In addition, WBO engaged state agencies and anchor institutions to ensure sessions were widely marketed. For example, the Wyoming State Library marketed the in-person listening sessions on Twitter to its approximately 1,700 followers (Exhibit 11).

⁵ WBC hosts in-person broadband meetings across Wyoming June 5 to 9. (2023, May 22). Wyoming Business Council. <https://wyomingbusiness.org/news/wbc-hosts-in-person-broadband-meetings-across-wyoming-june-5-to-9/>

Exhibit 11: Wyoming State Library Twitter marketing of WBO's regional in-person listening sessions⁶



WBO also partnered with the Wyoming Association of Municipalities (WAM), Wyoming County Commissioners Association (WCCA), and Wyoming Association of County Officers (WACO) to market the in-person listening sessions digitally and through flyers. WBO communicated directly with leaders of each association to gather feedback and collaborate on the preferred approach for marketing and attendance. Working with WAM, WCCA, and WACO enabled WBO to further personalize its outreach approach and successfully reach employees across municipalities and counties.

To increase effectiveness of marketing efforts to reach key target stakeholder groups, WBO contacted community college, library, senior center, and veteran networks and requested they post flyers and include marketing materials in digital newsletters.

Exhibit 12 provides a detailed summary of each of the 15 regional in-person listening sessions. Across these sessions, WBO successfully engaged a total of 117 attendees across 96 organizations. Entities representing rural populations attended every meeting, and there were also groups that worked with low-income, disabled, aging and veteran populations, as well as incarcerated citizens, those with language barriers or lower literacy, and members of racial or ethnic minorities. Organizations that served housing insecure individuals, youth, and farmers and ranchers also attended listening sessions. Each session covered a broad range of topics, including existing assets for broadband deployment and digital access, existing and potential partners, and obstacles and barriers for implementation.

As noted under the statewide virtual listening sessions, WBO also hosted a virtual session for those who were unable to attend any of the in-person regional listening sessions.

⁶ Wyoming State Library Twitter message marketing the in-person listening sessions.
<https://twitter.com/WyoLibraries/status/1662187639531814936?ctx=HHwWslC2xb-2o5EuAAAA>

Exhibit 12: Summary of In-Person Regional Listening Sessions

Date	Location	Attendance	Attendees by Stakeholder Entity Type
June 5, 2023	Alpine	3	Public Entities <ul style="list-style-type: none"> • Teton County Library • Wyoming House of Representatives
	Evanston	10	Public Entities <ul style="list-style-type: none"> • Evanston City Council • Uinta County • Lincoln County Private Sector <ul style="list-style-type: none"> • Union Wireless • Wazi Technical Solutions • All West Communications Community Based Organizations <ul style="list-style-type: none"> • Wyoming Business Council Board
	Powell	5	Public Entities <ul style="list-style-type: none"> • Dossie Overfield Park County Commission Private Sector <ul style="list-style-type: none"> • Nemont Telephone • TCT • Range Communications
	Pinedale	9	Public Entities <ul style="list-style-type: none"> • State House of Representatives • Sublette County • Sweetwater County • Town of Pinedale
June 6, 2023	Greybull	3	Public Entities <ul style="list-style-type: none"> • South Big Horn Conservation District Private Sector <ul style="list-style-type: none"> • TCT Community Based Organizations <ul style="list-style-type: none"> • Big Horn County Citizens for Economic Development
	Riverton	15	Public Entities <ul style="list-style-type: none"> • Central Wyoming College and Wyoming PBS • City of Lander • City of Riverton • Fremont County Private Sector <ul style="list-style-type: none"> • Range Communications • Teton Therapy • Wind River Internet Community Based Organizations <ul style="list-style-type: none"> • Idea Inc. (Improve and Develop Economic Activity)
	Rock Springs	13	Public Entities <ul style="list-style-type: none"> • City of Green River • Sweetwater County Library System • Sweetwater County School District #2 • Wyoming Legislature District 17 • Western Wyoming Community College Private Sector



Date	Location	Attendance	Attendees by Stakeholder Entity Type
			<ul style="list-style-type: none"> ● All West Communications ● Union Telephone Company ● Genesis Alkali ● Silver Star Communications ● Rocky Mountain Power ● Rock Springs Chamber of Commerce Community Based Organizations <ul style="list-style-type: none"> ● Rock Springs Housing Authority ● Equality State Center
June 7, 2023	Casper	6	Public Entities <ul style="list-style-type: none"> ● City of Casper ● City of Green River ● State House of Representatives Private Sector <ul style="list-style-type: none"> ● Union Telephone ● Casper Area Chamber of Commerce Community Based Organizations <ul style="list-style-type: none"> ● The Wyoming Relay Equipment Distribution Program (WYRED)
	Rawlins	8	Public entities <ul style="list-style-type: none"> ● Carbon County ● Carbon County Library System ● Carbon County School District 1 ● Town of Riverside ● Carbon County Higher Education Center Community Based Organizations <ul style="list-style-type: none"> ● Rawlins Downtown Development Authority ● Wyoming Business Council
	Sheridan	8	Private Sector <ul style="list-style-type: none"> ● Range Communications ● Sheridan County Chamber of Commerce ● Sheridan Press ● Visionary Broadband Community Based Organizations <ul style="list-style-type: none"> ● Community Services Network of Wyoming
June 8, 2023	Gillette	4	Public entities <ul style="list-style-type: none"> ● City of Gillette Private Sector <ul style="list-style-type: none"> ● Visionary Broadband Community Based Organizations <ul style="list-style-type: none"> ● Council of Community Services
	Laramie	9	Public entities <ul style="list-style-type: none"> ● Albany County Commission ● City of Laramie ● Department of Workforce Services ● Wyoming State Museum Private Sector <ul style="list-style-type: none"> ● LARIAT ● Lumen
	Torrington	11	Public entities <ul style="list-style-type: none"> ● City of Torrington ● Department of Workforce Services ● Eastern Wyoming College ● Town of Fort Laramie Private Sector



Date	Location	Attendance	Attendees by Stakeholder Entity Type
			<ul style="list-style-type: none"> ● Vistabeam Internet ● Wyoming Newspapers Inc. Community Based Organizations <ul style="list-style-type: none"> ● Goshen County Senior Friendship Center ● WYO Help
	Cheyenne	10	Public entities <ul style="list-style-type: none"> ● Department of Workforce Services ● Laramie County Library ● Laramie County School District 1 ● Platte County Library ● Public Service Commission ● Wyoming Department of Transportation Community Based Organizations <ul style="list-style-type: none"> ● AARP Wyoming
June 9, 2023	Sundance	3	Public entities <ul style="list-style-type: none"> ● Crook County Library ● Crook County Museum & 1875 Art Gallery

2.3.1.6 1:1 Engagements with State Agencies and Other Stakeholders

Interagency cooperation is paramount to ensuring the BEAD Five-Year Action Plan, BEAD Initial Proposal, and Digital Access plans support and further enhance state initiatives and priorities. Several departments participated in listening sessions (e.g., Department of Workforce Services [DWS], Wyoming Department of Transportation [WYDOT]), which provided opportunities for direct discussions with stakeholder attendees. WBO also engaged state agencies directly to understand how their visions align with broadband deployment and skills needs, identify opportunities for partnership in achieving the state's broadband goals and objectives, and explore potential gaps across the state in broadband deployment and digital access that impact service delivery. In addition to state agencies, WBO has also engaged several other stakeholders (e.g., nonprofit organizations, internet service providers) that have reached out and requested meetings. In each case, WBO hosted 1:1 virtual engagement sessions and discussed a broad range of strategic priorities in May and June 2023 (Exhibit 13). WBO will continue to engage with stakeholders in this format throughout the planning process.

Exhibit 13: Summary of 1:1 virtual engagement sessions with state departments and other stakeholders

Stakeholder Title	Date	Topics Discussed/Addressed
State Agency: Enterprise Technology Services	5/24/2023	<ul style="list-style-type: none"> ● Broadband outcomes for Wyoming ● E-commerce + digital government services ● Virtual classrooms, learning opportunities ● Remote healthcare ● Promoting benefits with citizens
Wyoming Association of Municipalities (WAM)	5/25/2023	<ul style="list-style-type: none"> ● Overview of BEAD and Digital Access planning processes ● Engagement with local WAM stakeholders during planning process ● Ongoing engagement throughout BEAD deployment



Stakeholder Title	Date	Topics Discussed/Addressed
Wyoming County Commissioners Association (WCCA)	5/30/2023	<ul style="list-style-type: none"> • Overview of BEAD and Digital Access planning processes • Engagement with local WCCA stakeholders during planning process • Ongoing engagement throughout BEAD deployment
State Agency: State Library	6/1/2023	<ul style="list-style-type: none"> • Potential areas for collaboration with the Wyoming Unified Network • Aspirations for broadband and internet connectivity at all state libraries • Broadband adoption programs including loaned devices and hot spots, free of charge • Marketing and outreach campaigns on digital access programs for Wyoming Citizens
State Agency: Department of Health	6/7/2023	<ul style="list-style-type: none"> • Last mile connectivity challenges • Agency promotion of telehealth services and programs • Opportunities for telepsychiatry and remote patient monitoring • Cultural adoption of telehealth services
State Agency: Community Colleges Commission	6/12/2023	<ul style="list-style-type: none"> • Broadband redundancy / resiliency throughout the community college and Adult Education system • Refreshing laptops that are too old and purchasing more computer equipment • Connectivity for rural communities • Training on cybersecurity best practice
State Agency: Department of Education	6/14/2023	<ul style="list-style-type: none"> • ETS as the main source of conduit to central district offices • Deployment barriers due to rurality by providing vendors access to right of way (ROW) • School broadband infrastructure and activity to increase access at underserved locations • Sustainability of devices on loan for tele-education
State Agency: Department of Workforce Services	6/15/2023	<ul style="list-style-type: none"> • Affordability and accessibility challenges for citizens to access services and programs • Partnership opportunities related to training future labor skills for broadband deployment and adoption • Current programming supporting digital skills as well as potential future programming
American Association of Retired Persons (AARP)	6/21/2023	<ul style="list-style-type: none"> • Collaboration in promoting ACP adoption • Current programming supporting digital skills • Key partners in promoting digital skills and home internet use
Wyoming Rural Electric Association, Rocky Mountain Power, Black Hills Energy	6/22/2023	<ul style="list-style-type: none"> • Overview of the BEAD and Digital Access planning process • Engagement of electric cooperatives in the BEAD program
International Brotherhood of Electrical	6/26/2023	<ul style="list-style-type: none"> • Potential collaboration on workforce development • Continued engagement throughout planning and implementation



Stakeholder Title	Date	Topics Discussed/Addressed
Workers (IBEW) District 8		
State Agency: Veterans Commission	6/28/2023	<ul style="list-style-type: none"> Limited connectivity (broadband and cell service) in rural communities Online service delivery, including telehealth services and programs Cross-agency partnership opportunities
Wyoming Telehealth Consortium	6/28/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Role of telehealth in digital literacy initiatives
State Government: Legislative Briefing	7/14/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes
AARP Older Adults Technology Services (OATS)	7/20/2023	<ul style="list-style-type: none"> Issues related to broadband adoption, availability, and affordability for those over age 60 Current programming for seniors in Wyoming
Communication Workers of America (CWA) District 7	7/24/2023	<ul style="list-style-type: none"> Potential collaboration regarding workforce readiness Continued engagement throughout planning and implementation
Xcelerate Networks	7/26/2023	<ul style="list-style-type: none"> Overview of the BEAD and Digital Access planning process Industry knowledge sharing
U.S. Department of Education (DoE) Office of Educational Technology	7/27/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Information sharing regarding national education initiatives linked to broadband
Laborers International Union of North America (LiUNA) District 1271	8/3/2023	<ul style="list-style-type: none"> Potential collaboration regarding workforce readiness Continued engagement throughout planning and implementation
Wyoming Chambers of Commerce	8/10/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes
State Agency: Department of Transportation	9/6/2023 (and monthly meetings)	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Efforts to reduce costs of and barriers to broadband deployment
State Government: Legislative Services Office Briefing	9/12/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Review of preliminary decisions regarding Initial Proposal Vol. II
State Agency: Community Colleges Commission	9/15/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes State workforce readiness initiatives at community colleges and the Adult Education program
State Agency: Department of Workforce Services	9/18/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes State workforce readiness initiatives managed by the Department of Workforce Services
State Government: Governor's Office	9/19/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Review of preliminary decisions regarding Initial Proposal Vol. II
Department of Transportation and Broadband Providers	9/19/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes



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Stakeholder Title	Date	Topics Discussed/Addressed
		<ul style="list-style-type: none"> Opportunities to reduce costs of and barriers to broadband deployment
State Government: Legislative Briefing	9/26/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Review of preliminary decisions regarding Initial Proposal Vol. II
Wyoming Telehealth Consortium	9/26/2023	<ul style="list-style-type: none"> Update on BEAD and Digital Access planning processes Role of telehealth in digital literacy initiatives
Department of Transportation and Broadband Providers	9/27/2023	<ul style="list-style-type: none"> Opportunities to reduce costs of and barriers to broadband deployment Planning for current and future broadband deployment
State Government: Legislative Services Office Briefing	11/2/2023	<ul style="list-style-type: none"> Overview of BEAD and Digital Access planning processes Review of key elements of Initial Proposal Vol. II
Department of Transportation and Broadband Providers	11/17/2023	<ul style="list-style-type: none"> Opportunities to reduce costs of and barriers to broadband deployment Planning for current and future broadband deployment
State Government: Governor's Office	12/5/2023	<ul style="list-style-type: none"> Summary of public comments received on Initial Proposal Volume II Discussion regarding the NTIA low-cost plan requirement

2.3.1.7 Surveys to Key Stakeholders and Covered Populations

In addition to meetings and listening sessions, WBO developed and fielded six stakeholder surveys across the following topics: infrastructure assets, digital skills and tools assets, workforce development training and readiness programs, CAI broadband access, Covered Population broadband barriers, and broadband provider engagement. These surveys provided WBO with insights about barriers and assets present in the state, as well as ideas about how barriers could be alleviated through strategies designed to provide broadband access, devices, training and support, and data privacy and cybersecurity. Example responses include:

- One respondent noted that her broadband was unreliable and expensive and that this made it very difficult to attract remote workers.
- Another wrote that many of his adult education students did not have broadband at home and only had a cell phone to access digital resources. He expressed that students having broadband and devices would improve their outcomes and opportunities for academic and professional success.
- A library worker explained that many people in her community did not have broadband infrastructure. While the library offers on-site desktop computers and Wi-Fi, she noted that it "is very inconvenient... to have to drive many miles away just to have access to something most people have in their own homes."
- A person who works with Wyomingites who have disabilities discussed the difficulty of poor or no internet connections for members of the deaf community who rely on video relay service or remote interpreting. She also shared the challenges people face when employers, educational



providers, or broadband provider staff do not know how to turn on accessibility settings in webinars and similar situations.

These are but a few of the powerful and informative responses Wyomingites provided via surveys. To generate interest, WBO included links to the surveys in all communication that was sent out to stakeholders. During in-person and online meetings, WBO also shared the survey with all meeting attendees. WBO received 58 responses from entities across the state. These responses provided additional context that further supported WBO’s assessment of broadband and digital access in Wyoming today.

Exhibit 14: Public Survey Engagements

Survey title	Key stakeholder groups	Total # of respondents
Wyoming Agency Asset Inventory Survey	State, local, and regional government agencies	7
Wyoming Digital Access Program Inventory	Stakeholders with knowledge of programs helping the community use broadband technologies	13
Wyoming Workforce Development Opportunity Survey	Stakeholders with input into broadband workforce development	13
Wyoming Community Anchor Institution Broadband Access Survey	Schools, libraries, health providers, public safety, housing, faith-based and other community organizations	6
Wyoming Covered Populations Broadband Barriers Survey	Organizations that serve or represent unserved and underserved populations	12
Wyoming Broadband Provider Engagement Survey	Broadband Providers	7
TOTAL NUMBER OF RESPONSES		58

2.3.1.8 Stakeholders, Collaborators, and Constituencies

WBO’s outreach strategy targeted a broad range of stakeholders in Wyoming. WBO has categorized its stakeholders using the NTIA’s classification of organizations provided in the Local Coordination Tracker Tool that will be submitted with its Initial Proposal Vol. II. To date, WBO has identified and conducted outreach to a total of 1,343 stakeholders. This number continues to grow as stakeholder engagement is ongoing throughout the planning process. Exhibit 15 displays more detail on the total stakeholders that were emailed invitations for participation within each category.

Exhibit 15: Stakeholders reached during engagement outreach

NTIA-Specified Organization Type



Civil Rights Organization	11
Communities Anchor Institution	77
County or Municipal Government	706
Economic Development	23
Foundation	1
Health or Telehealth Organization (Direct Service and Policy focus)	18
Indian Tribe, Alaska Native Entity, or Native Hawaiian Organization	13
Industry Representative or Association (501c6)	103
Institutions of Higher Education (if not listed above)	43
Local Education Agency	42
Native American-Serving, Nontribal Institution	3
Nonprofit Organization (501c3)	16
Organization that Represents Covered Populations	125
Public Housing Authority	13
Workforce Development Organization	17
Other	130
Private Sector	89
Community Sector	11
Federal Government	9
State Government	19
Private Citizen	2
Total Key Stakeholders	1341

2.3.1.9 Key Takeaways

Stakeholder input has been critical to the development of the draft BEAD Five-Year Action Plan, BEAD Initial Proposal, and Digital Access Plan. The breadth of outreach and diversity of engagement resulted in robust discussions and new ideas. WBO employed a variety of methods to reach potential attendees, including digital (e.g., email, social media, websites), phone, and traditional (e.g., print). However, a key to this success was also working directly with state, regional, and local leaders, who provided WBO with a large set of contacts across stakeholder groups and directly supported outreach efforts. Local leaders also helped WBO tailor engagement sessions by identifying trusted and convenient locations to hold listening sessions.

The stakeholder engagement sessions proved immensely valuable in surfacing common themes for Wyomingites related to challenges and opportunities across infrastructure deployment, affordability and adoption, and digital skills programs. In addition, the in-person regional engagement sessions had unexpected positive outcomes such as cross-collaboration and the incubation of new ideas from groups of stakeholders that do not regularly interact. Stakeholder groups expressed a common desire for improvements in overall broadband infrastructure and Wi-Fi connectivity, citing the rurality and topography of Wyoming as common challenges. In addition, attendees discussed the challenge of affordability for satellite service for all citizens (and low-income citizens in particular). Participants discussed the importance of promoting services and programs and noted that challenges in this space were mostly due to the remoteness of Wyoming stakeholders. Stakeholders did share a few examples where promotion has been successful. For example, senior centers, libraries, court houses, counties, schools, and higher education institutions (universities and colleges) have been successful with promoting digital programs.

Below is a detailed synopsis of the key takeaways from all the stakeholder listening sessions.

Deployment

The many unserved areas in Wyoming and the unreliability of some existing broadband services impede a range of activities from everyday tasks to those related to educational and economic growth. For example:

- A museum's alarm system can be triggered erroneously because of its poor internet connection
- Businesses cannot take credit cards because of an inconsistent broadband connection
- Low broadband availability in some communities requires teachers to send home paper packets
- Limited and inconsistent connections make it difficult for businesses to create an online presence
- Farmers are unable to use new technologies, such as autonomous tractors
- Citizens drive to served locations to call and report emergencies because of unreliable cellular and broadband connectivity in a community

The rural/frontier nature (e.g., population density, topography) of many unserved and underserved locations is an obstacle to deployment:

- There is a short annual construction window due to weather conditions and hardened soil
- There is a lack of broadband provider coverage in sparsely populated areas near Wyoming's eastern state border
- There are difficulties with middle mile and last mile deployment, overall, and especially for servicing areas with high volumes of outdoor recreation
- New developments are bringing in new citizens, but even with increased population density, the developments and the communities in which they are located are not always finding improved broadband access



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- In select areas of the state, county and local facilities could improve their services with access to faster broadband speeds

Labor costs and shortages have increased the challenge of expanding broadband in unserved areas due to:

- Limited pipeline of skilled and unskilled workers, resulting in recruitment from other states or abroad to find qualified workers
- Longer construction times (e.g., when drops are 6-7 miles apart) that amplify labor costs

The process to attain permits, especially on federally owned lands, results in delayed or more expensive projects; for example:

- An application to the Bureau of Land Management (BLM) had still not been approved after three years
- Respondents reported varied experience when working with offices within BLM
- Providers may be required to create more expensive routes to avoid federal land

While all public libraries and K-12 schools have broadband access, the quality and reliability vary considerably:

- Schools are connected to the Wyoming Unified Network, but remote locations may not have sufficient broadband
- Connectivity limitations at libraries can be a result of availability or affordability
- Public Wi-Fi is available at libraries, but with limited connectivity in some cases

Affordability

High prices keep broadband and satellite service out of reach for low-income Wyomingites:

- Families tend to prioritize costs related to housing and food insecurities over costs of connectivity
- Satellite service, which is sometimes the only available service, can be unaffordable for many citizens
- Nonprofit organizations, school districts, and broadband providers have an opportunity to conduct additional outreach to increase ACP participation

Device lending programs could be more impactful if expanded:

- Program size and capacity vary across organizations or geographies, with some school districts and libraries offering device lending programs, and several social service non-profits incorporating these programs into their operating models, but few doing this work at scale

Digital Skills

Multiple organizations across the state offer digital skills training and there is informal coordination that could be expanded:



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- Organizations providing training range from broadband providers to libraries to nonprofit organizations and could be expanded to further support Covered Populations (e.g., at VA hospitals, public housing authorities, rural schools, senior centers, jails)
- More coordination among training providers could increase the number of citizens who could benefit from training

Transportation is an issue that can affect multiple Covered Populations:

- Members of the public without broadband or a device at home often want to visit a library or similar organization providing access and skills, but may not be able to if they lack transportation and the nearest location is 1-2 hours away

Organizations in Wyoming are undertaking innovative work with their physical spaces:

- Libraries are coordinating with the University of Wyoming to offer telehealth kiosks in their public areas
- Gillette College has built Area 59, which is a large makerspace and technology learning center
- Vistabeam has partnered with Microsoft to launch the Vistabeam Empowerment Center in Torrington, focused on providing digital skills training, increasing device availability, and providing broadband-enabled community meeting space

2.3.1.10 Plans for Future Engagement

Continued engagement with stakeholders is an important aspect to an effective broadband program that reflects the needs of Wyoming citizens. WBO plans to maintain and grow the current stakeholder list as a means of extending the communication strategy that was developed to support the broadband planning process. The stakeholder list currently includes unions and worker organizations, organizations representing unserved and underserved populations, Tribal governments and entities including Tribal service providers, local and statewide government representation, and organizations representing historically marginalized populations. As outreach and engagement continues throughout the execution phase of the broadband program, the list will be further expanded to include even more representatives from these various groups.

In addition to keeping all key stakeholders updated on the BEAD program, WBO's engagement strategy will also help to promote opportunities for women and historically marginalized populations to engage in jobs and workforce development opportunities generated through BEAD-eligible activities. Throughout the BEAD stakeholder engagement efforts, WBO has discussed the BEAD program with several organizations whose members include MBEs, WBEs, and other small businesses including the Wyoming Telecommunications Association, Wyoming Rural Electric Association, Wyoming Chambers of Commerce, and more. In particular, WBO's continued engagement with labor organizations and community organizations will ensure these entities have the information needed to market BEAD-funded employment and development opportunities to women and historically marginalized



populations. WBO will also widely advertise such opportunities to women and historically marginalized populations both through its own email, virtual, and in-person communications, but also through other state agencies and organizations that target these populations (see Section 2.9 for additional information on WBO's plans to promote recruitment of women and historically marginalized populations). Some of these organizations include:

- **Industry associations** including but not limited to the Wyoming Telecommunications Association, Wyoming Rural Electric Association, Wyoming Economic Development Association, Wyoming State Chamber of Commerce, and local chambers of commerce
- **Small Business Administration-funded centers in Wyoming** including but not limited to the Wyoming Women's Business Center and the Wyoming Small Business Development Center
- **Diverse community and industry organizations** including but not limited to the Wyoming Hispanic Chamber of Commerce and the Native American Development Corporation
- **Local government associations** including but not limited to the Wyoming County Commissioners Association and the Wyoming Association of Municipalities

WBO's future outreach strategy includes attendance at conferences and events to engage with and be available to key broadband stakeholders. Regular conference attendance is an effective strategy to build network and outreach with a variety of populations across the state.

Additionally, WBO will provide frequent briefings to key stakeholder groups to maintain ongoing dialogue. Briefings to the legislature through coordination with the Legislative Services Office as was used during the broadband planning efforts will continue to foster future engagement and feedback on key efforts for the state. WBO will also continue to coordinate closely with the Governor's Office to ensure broadband efforts remain aligned with and help accelerate broader State priorities. WBO will continue frequent briefings and trainings to a list of Internet Service Providers originally created for the ARPA-CPF program. WBO, independently and through coordination with the Wyoming Telecom Association and the Wyoming Department of Transportation, will continue to provide status updates and request feedback as needed to support the broadband program. Briefings will provide status updates and request feedback as needed to support the broadband program.

WBO will also conduct and report on broadband efforts and provide updates on a quarterly basis in the WBC newsletter. The WBC newsletter extends beyond the broadband stakeholder list and so provides the opportunity to extend outreach across the state. In conjunction with the newsletter updates, WBO will offer quarterly public webinar updates regarding status and efforts. Webinars will be announced through the broadband communication channels including email and website announcements and in the quarterly newsletter updates. Webinars can be recorded and posted for future stakeholder reference from the WBC website. WBO has found the use of the WBC website as an effective tool in sharing information during the planning process and plans to extend that success in the ongoing



outreach strategy. Newsletters, webinars, and the website also offer a mechanism for stakeholders to contact the WBO through phone and email. Information WBO receives from its outreach will be taken into consideration as it refines broadband related planning and implementation.

Finally, periodic educational and informational webinars may also be provided as necessary to support engagement in the process at key intervals. For example, education sessions may be provided to inform participants how to best engage in the challenge process or how to apply to NTIA for Digital Equity Competitive Grant funds. These educational webinars will be announced and marketed in a fashion like the quarterly update webinars leveraging the broadband communication channels including email and website announcements and in the quarterly newsletter updates.

In reference to NTIA's guidance regarding transparency in the stakeholder engagement process, WBO has included an overview of the public comments received during the public comment period for Initial Proposal Volume II in Section 2.17. This overview also highlights changes that WBO made to this document prior to submission to NTIA as a result of the public comments it received.

2.3.2 Tribal Consultation

NTIA guidance: 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."

As part of Wyoming's outreach and planning work for BEAD and Digital Equity, WBO has conducted extensive engagement with the Northern Arapaho Tribe of Wyoming and Eastern Shoshone Tribe. These are the only two federally recognized Tribes in Wyoming and both reside on the Wind River Reservation. Each Tribe is governed by a Tribal Business Council. A timeline of WBO's Tribal engagement with respect to the BEAD and Digital Access Program planning processes is included below:

- From March 21-23, 2023, WBO attended the National Tribal Telecommunications Association's (NTTA) Tribal Broadband Summit where the State's broadband coordinator hosted meetings with the Northern Arapaho
- On June 14, 2023, WBO hosted a meeting with the Governor's Tribal Liaisons (Wyoming Governor's representatives to the Tribes) for the Northern Arapaho and Eastern Shoshone to discuss how best to incorporate Tribal input into the State's broadband planning process
- On June 26, 2023, the Governor's Tribal Liaisons approved WBO sending formal Tribal consultation letters to the Northern Arapahoe and Eastern Shoshone Business Councils
- On July 6, 2023, WBO sent a request for formal Tribal consultation to each member of the Northern Arapaho (NABC) and Eastern Shoshone Business Councils (ESBC)
- Also on July 6, 2023, WBO attended a meeting with the Governor's Tribal Liaison and NABC to discuss the BEAD planning process, receive feedback on the State's draft Digital Access Plan, and identify opportunities for closer coordination between WBO and the Tribe



- On July 18, 2023, during the NABC quarterly meeting with Governor Mark Gordon, the Governor's Tribal Liaison updated the Tribe about the State's progress on broadband planning and gathered feedback/input
- On July 20, 2023, during the ESBC quarterly meeting with Governor Mark Gordon, the Governor's Tribal Liaison updated the Tribe about the State's progress on broadband planning and created space for feedback/input
- On August 21, 2023, the NABC and ESBC received an invitation to provide comment on the State's draft Initial Proposal Volume I, and on August 22, the Governor's Tribal Liaisons followed-up with a personalized message to the NABC and ESBC reiterating their invitation to provide comments on the draft and offering to answer any questions
- On August 28-30, 2023, WBO attended the NTTA's Tribal Broadband Summit where it met with representatives from the Northern Arapaho and Eastern Shoshone Tribes
- On September 5, 2023, the Governor's Tribal Liaison emailed the ESBC letting them know of WBO's willingness to meet during September to take questions or receive input on the BEAD planning process
- Also on September 5, 2023, the Governor's Tribal Liaison updated the NABC about the State's progress on broadband planning and created space for feedback/input
- On October 10, 2023, WBO sent an additional request for formal Tribal consultation to members of the NABC and ESBC via certified mail; these letters were confirmed to be delivered on October 12 and 13, 2023
- On October 18, 2023, the NABC and ESBC received an invitation to provide public comment on the State's draft Initial Proposal Volume II. In addition, the NABC and ESBC also received a reminder invitation to submit public comment on November 7, 2023

WBO has also ensured that Tribal representatives were invited to all in-person listening sessions, virtual listening sessions, and statewide broadband updates conducted since Summer 2022. When possible, these meetings were recorded and later published to the [WBC YouTube channel](#).

While neither Tribe has indicated to WBO that they have a formal broadband plan or initiative, WBO has regularly engaged with the leadership of Wind River Internet, a Northern Arapaho Tribal Industries company established in 2014 (see also Section 2.18.11). Wind River Internet provides broadband and other service to several of the principal municipalities on the Wind River Reservation (e.g., Arapahoe, Boulder Flats, Ethete, Fort Washakie, Midval, Riverton, etc.) as well as communities immediately outside the reservation (i.e., Lander). In previous engagements with the Northern Arapaho, WBO has been referred to Wind River Internet leadership for all State broadband deployment planning processes. As part of the United State Department of Agriculture's (USDA) ReConnect program, WBO participated in a technical assistance office visit to Wind River Internet on May 11, 2023.

While not related to the BEAD program, WBO regularly engaged with Tribal representatives in relation to its Connect Wyoming program. Tribal representatives have participated in webinars related to the grant program and received materials via e-mail. Wind River Internet submitted an application for



Connect Wyoming 2 ARPA/CPF, which is currently being evaluated along with other provider applications.

As it has done previously, WBO will ensure that Wind River Internet, ESBC, and NABC are invited to any future statewide stakeholder engagement efforts surrounding the BEAD Initial Proposal.

2.3.2.1 Formal Tribal Consultation Documents

NTIA guidance: 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.

WBO has included as an appendix to this document the letters containing the formal request for consultation that were sent to the members of the NABC and ESBC in July, agendas from NABC and ESBC where the BEAD program was mentioned, as well as emails from the Governor's Tribal Liaisons to the NABC and ESBC regarding the BEAD program.

2.4 Deployment Subgrantee Selection (Requirement 8)

2.4.1 Deployment Subgrantee Selection Process

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

Since it was established in 2018, WBO has overseen several grant programs to achieve its vision of ensuring that every Wyoming citizen and business can connect to and effectively use affordable, reliable, and future-proof broadband. This includes administering two rounds of federally-funded broadband grants through its Connect Wyoming platform: \$48M of CARES Act funds in 2020⁷ and \$70.5 million of Wyoming's allocation from the U.S. Treasury Department's Capital Projects Fund (CPF) in 2023.⁸ In designing its BEAD deployment subgrantee selection process, WBO relied on the expertise it has developed over the past several years within the State.

WBO designed its deployment subgrantee selection process with fairness, openness, and competitiveness in mind:

⁷ Shippen, Donna. "WYOMING BROADBAND APPROPRIATIONS AND EXPENDITURES, 2011 TO PRESENT." Wyoming Legislature, January 2022. <https://wyoleg.gov/LSOResearch/2022/22FS008%20Broadband%20Appropriations%20and%20Expenditures%20since%202011.pdf>.

⁸ U.S. Department of Treasury. Capital Projects Fund Award Fact Sheet Wyoming. <https://home.treasury.gov/system/files/136/Batch-9-State-Award-Fact-Sheet-WY-Feb-2023.pdf>



Fairness: As the largest investment in the state’s broadband infrastructure to date, WBO prioritized development of a fair process to achieve the maximum impact for Wyomingites. As discussed in further detail in Section 2.4.2, WBO will score all subgrantee applicants according to a rubric that will be publicly available to potential subgrantees ahead of time. Wherever possible, WBO will seek to base its evaluation of project proposals on quantitative measures to remove subjectivity from the process and avoid arbitrary decisions and bias. Where a subjective evaluation is most appropriate, WBO will provide clear guidance to subgrantee applicants and evaluators on what elements are required to achieve the maximum score. WBO intends to continue its relationship with existing consultants for neutral, unaffiliated technical review and scoring of all proposals to avoid even the perception of bias or conflicts of interest in the application process. However, WBO will make the final determination of sub-awards. Finally, in compliance with federal statute, WBO will ask applicants to confirm that they have not discussed the details of their proposal with any other subgrantee applicant to ensure a fair playing field for all subgrantees and prevent collusion.

Competitiveness: Given the anticipated shortfall of funding to provide fiber service to every unserved and underserved location in Wyoming (detailed in Section 2.4.3), a competitive grant application is of the utmost importance to ensure WBO can maximize the use of its BEAD allocation. From the outset of this process, WBO has prioritized engagement with municipalities, internet service providers, and other entities that could serve as highly qualified subgrantee applicants to generate interest in the program. WBO also designed its deployment subgrantee application process to be as minimally burdensome as possible to applicants while still being robust enough to provide the best outcome for Wyomingites and satisfy NTIA’s guidance.

Openness: WBO has sought to build a transparent and open deployment subgrantee application process through early and frequent engagement with key stakeholders, incorporating their input into the process where appropriate and ensuring they are aware of the general timeframe in which the application process will launch. Upon the launch of the application process, WBO will (at minimum) host at least one public webinar aimed at increasing interest from potential applicants, publicize the grant round through government communications channels, and email all stakeholders on its broadband interest list. As discussed further in Section 2.15, the State of Wyoming has no regulations prohibiting public sector organizations from participating in its deployment subgrantee application process and is open to applications from all qualified entities. WBO has also committed to ensuring equal access to information among subgrantee applicants by providing (as contractually allowed) the benchmark against which a subgrantee applicant’s project cost will be measured and other information that will be used to evaluate applicants. Time-permitting, WBO may make the draft deployment subgrantee application materials available for public comment before they are finalized.

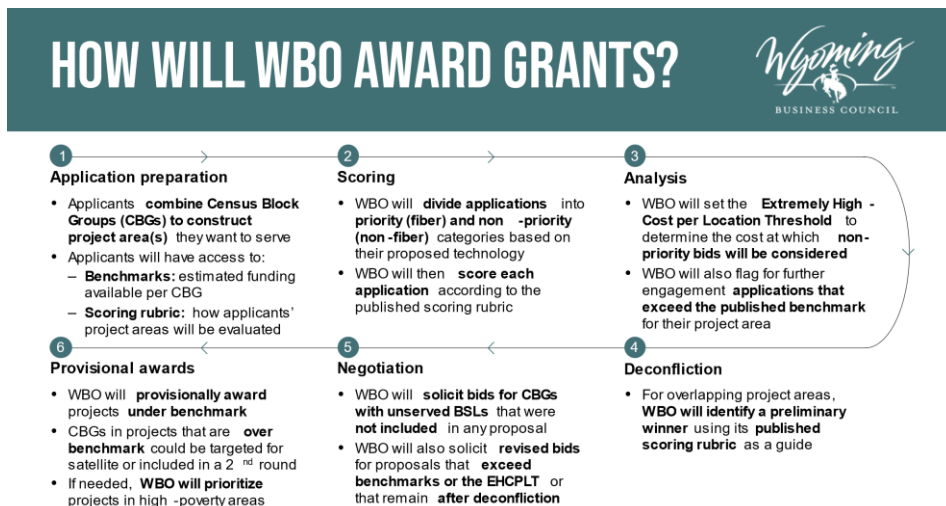


WBO's deployment subgrantee application process will begin with a pre-qualification round. The pre-qualification round will be focused on evaluating subgrantee applicants' financial, operational, and managerial capabilities; their compliance with federal, state, and local labor laws; their workforce readiness; and their compliance with other BEAD requirements (as outlined in Section 2.4.2.2). The pre-qualification round will take place before the launch of the formal deployment subgrantee application process at a time to-be-determined by WBO but could overlap with the State's challenge process, which was outlined in Initial Proposal Volume I. To participate in the deployment subgrantee application process, applicants will be required to participate in the pre-qualification round. Mandatory participation in the pre-qualification round will help ensure the most effective allocation of the State's administrative resources in reviewing applications and reduce the burden on deployment subgrantee applicants by allowing them more time to assemble all required components.

The pre-qualification round will be open for at least 30 days, after which WBO will begin to evaluate applications. The criteria that WBO will use during the pre-qualification process is detailed in Section 2.4.2.2. Most of the application materials submitted during the pre-qualification round will be evaluated on a pass/fail basis (i.e., there will be a minimum hurdle that applicants must meet in response to each question, but a formal application score will not be determined for pre-qualification components). In the interest of creating the most competitive formal deployment subgrantee application process as possible, WBO reserves the right to engage with applicants after the application window to solicit missing material or request revised material. This will help to ensure that the formal deployment subgrantee application round has as many applicants as possible, resulting in the best possible outcome for Wyomingites. After it has finished evaluating applications, WBO will notify those applicants who are approved to participate in the formal deployment subgrantee application process via email to the subgrantee applicant point of contact.



Exhibit 16: Overview of WBO deployment subgrantee process



During the formal application round, subgrantee applicants will be given flexibility to construct their own project areas (as detailed in Section 2.4.2.3) using census block groups (CBGs) as a geographic unit. Applicants will be free to assemble one or more CBGs into project areas to be included in their proposal. Given the size of some CBGs in Wyoming, following completion of the challenge process and before the launch of the formal deployment subgrantee application process, WBO may divide some CBGs into smaller geographic units to incentivize the inclusion of more rural unserved and underserved Broadband Serviceable Locations (BSLs). Any potential subdivision of CBGs will be based on the distribution of un- and underserved BSLs across a CBG and the location of un- and underserved BSLs in relation to geographic barriers. For example, if there are two concentrations of un- and underserved BSLs on opposite ends of a large CBG or a mountain range separating the two clusters, WBO may divide such a CBG into two separate geographic units. As part of the application materials, WBO will post a list of CBGs eligible for funding, including a list of unserved and underserved BSLs and their corresponding FCC Location IDs and GPS coordinates. WBO may also include additional information for each CBG that could be relevant to applicants in constructing project areas, including but not limited to: benchmarks of the estimated portion of the State's BEAD allocation to serve all unserved and underserved BSLs, the GPS coordinates for each CAI, and an interactive map to highlight the location of each geographic unit. Subgrantee applicants will be required to serve all of the BSLs in every CBG included in their proposed project area.

Applicants' proposed project areas will be individually evaluated using the rubric described in Section 2.4.2. After scoring is completed, WBO will run an initial analysis to establish an Extremely High Cost Per Location Threshold (EHCPLT) that will be most conducive to enabling the accomplishment of Wyoming and the BEAD program deployment goals, namely providing at a minimum 100Mbps/20Mbps service to all unserved and underserved BSLs in the State. The EHCPLT, further described in Sections 2.4.9 and 2.4.10, will also aid WBO in identifying proposals which may be best served by other reliable broadband technologies to ensure the most efficient allocation of Wyoming's BEAD allocation. Given applicants will be allowed to construct their own project areas, WBO will deconflict overlapping proposals (as described in Section 2.4.6) to ensure BEAD funds can be extended as far as possible. Following deconfliction, WBO may conduct a second grant round and potentially negotiate with applicants to ensure that all unserved and underserved BSLs across the state are included in a project area. Finally, WBO will notify applicants of their proposal status, contingent on NTIA review and approval, before NTIA's Final Proposal deadline.

Included in its formal contract with subgrantees, WBO will implement NTIA's recommended Sub-granting Accountability Procedures, which will include:

- Disbursement of funding on a reimbursable basis using a fixed award subcontract, to ensure completion of subsidized activities
- Clawback provisions to allow for the recoupment of funds in the case of broken commitments
- Timely subgrantee reporting mandates and robust monitoring procedures aligned with WBO's reporting schedule to the NTIA

2.4.2 Scoring Methodology

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

2.4.2.1 Scoring Rubric

NTIA guidance: 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.

WBO has developed a [scoring rubric](#) to be used in the subgrantee selection process for deployment projects using the template provided by NTIA. The scoring rubric will be used to identify preliminary winners among competing projects covering the same location(s). The methodology for scoring each of the criteria outlined in the scoring rubric including examples is further detailed in Sections 2.4.2.4 – 2.4.2.6 below.



2.4.2.2 Pre-qualification round

During the pre-qualification round, applicants will be asked to submit materials as required by NTIA that demonstrate the applicant's financial, managerial, operational, and technical expertise as related to broadband deployment. During this round, the applicants will be reviewed on a pass/fail basis, with the exceptions outlined below. The evaluator will be principally concerned with the quality, completeness, and appropriateness of the applicant's submission with the aim of approving as many qualified applicants as possible to participate in the formal subgrantee application process. Some materials provided during pre-qualification will be evaluated as part of an applicant's project proposal score during the main round (i.e., materials related to fair labor practices). As mentioned in Section 2.4.1, WBO reserves the right to engage with applicants after submitting their pre-qualification materials to request any missing materials or request revisions of submitted materials in the interest of the applicant proceeding to the formal subgrantee application stage. Pre-qualification submissions which do not include all the minimum required information shall be afforded seven calendar days from notification to correct the deficiency. Pre-qualification submissions which remain deficient after this period may be disqualified.

During the prequalification process, WBO will cross-check all subgrantee applicants with the federal debarment list as any applicant who is on the federal debarment list will not be eligible to apply for BEAD funding. WBO will also require subgrantee applicants to disclose any instances of defaulting on previous broadband infrastructure funding awards. While those applicants that have defaulted on previous broadband infrastructure funding awards will not be automatically disqualified from applying, WBO will take this information into consideration as they make prequalification decisions.

WBO also reserves the right to disqualify at a later stage in the deployment subgrantee grant process any subgrantee applicant who was deemed qualified in the pre-qualification round, should the subgrantee applicant's qualifications not be commensurate with the size and scope of their final project proposal.

Materials that will be evaluated on a pass/fail basis during the pre-qualification round include the following:

Financial capability (as outlined in Section 2.4.11)

- Unqualified audited financial statements from the prior fiscal year
- Statement signed by an executive with the authority to bind the company, which certifies the subgrantee's qualifications

Managerial capability (as outlined in Section 2.4.12)



- One-page resumes from relevant financial, technical, and management personnel (i.e., anticipated key project members for the implementation of the BEAD program as defined by each subgrantee) that demonstrate a minimum of five years of experience with telecommunications deployment, validated through providing at least three short project descriptions
- Organizational chart and a narrative detailing the applicant's processes and structure to manage large projects

Technical capability (as outlined in Section 2.4.13)

- If not submitted as part of the managerial capability requirements, applicants must provide the resumes of an employed Chief Technology Officer (or equivalent technical lead role) and contractor oversight team with the relevant certifications (both management and non-management) for deployment projects as mandated by state and federal law
- Certification that if the applicant chooses to contract resources, all contracted resources will have the relevant and necessary skills

Operational capability (as outlined in Section 2.4.15)

- If the subgrantee applicant has provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of their pre-qualification submission or they are a wholly owned subsidiary of such an entity, they must attest to and specify the number of years the applicant or its parent company has been operating
- If the applicant has provided a voice and/or broadband service, the applicant will be asked to certify that it has filed FCC Form 477 and the Broadband Deployment Accuracy and Technological Availability (DATA) Act submission, if applicable, during the previous two years, and otherwise has complied with the FCC's rules and regulations
- If the applicant has not provided broadband service and has operated only an electric transmission or distribution service, the applicant will be asked to submit qualified operating or financial reports

Legal compliance (as outlined in Sections 2.4.14 and 2.4.16)

- Certification that applicant will permit workers on BEAD deployment projects to create worker-led health and safety committees that management will meet with upon reasonable request
- Ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)

Cybersecurity compliance

- Certification that the applicant has (and will provide to WBO) a cybersecurity risk management plan in place that is either: (a) operational, if the applicant is providing service prior to the award



of the grant; or (b) ready to be operationalized upon providing service, if the applicant is not yet providing service prior to the grant award

- Certification that the applicant's cybersecurity plan specifies the security and privacy controls being implemented and 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
- Certification that the applicant's cybersecurity plan will be reevaluated and updated on a periodic basis and as events warrant and a timeline for how frequently the plan is reevaluated and updated
- Certification that the applicant's cybersecurity plan will be submitted to WBO prior to the allocation of funds, and if the applicant makes any substantive changes to the plan, a new version will be submitted to WBO within 30 days

Supply chain compliance

- Certification that the applicant has (and will provide to WBO) a supply chain risk management plan in place that is either: (a) operational, if the applicant is already providing service at the time of the grant; or (b) ready to be operationalized, if the applicant is not yet providing service at the time of grant award
- Certification that the applicant's supply chain risk management 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
- Certification that the applicant's supply chain risk management plan will be reevaluated and updated on a periodic basis and as events warrant and a timeline for how frequently the plan is reevaluated and updated
- Certification that the applicant's supply chain risk management plan will be submitted to WBO prior to the allocation of funds, and if the applicant makes any substantive changes to the plan, a new version will be submitted to WBO within 30 days

Other public funding (as outlined in Section 2.4.17)

- List of applications the applicant submitted or plans to submit related to federal or state broadband funding, and every broadband deployment project that the applicant or its affiliates are undertaking or have committed to undertake at the time of the application using public funds

Materials that will be submitted during the pre-qualification round, but contribute to the applicant's score during the formal subgrantee application process include:



Fair labor practices (as outlined in Sections 2.7 and 2.4.14)

- Legal opinion from applicant attesting to compliance with applicable laws, and:
 - Detailing any violations or pending court proceedings within the previous three years
 - Disclosure of any violations of federal labor and employment laws on broadband deployment projects in the last three years
 - Disclosure of any violations of the Occupational Safety and Health Act or Fair Labor Standards Act within the previous three years.
- Certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors

2.4.2.3 Formal subgrantee application process

WBO developed scoring rubrics for priority and non-priority projects that reflect NTIA requirements, while emphasizing criteria important to Wyoming broadband deployment. NTIA guidance mandates that WBO include certain primary and secondary criteria, including:

- **Primary criteria (75%):** minimal BEAD program outlay, affordability, fair labor practices
- **Secondary criteria (25%):** speed to deployment; speed of network and other technical capabilities (non-priority projects only)

NTIA mandates that a minimum of 75% of possible points be awarded to the three primary criteria, while the remaining 25% is allocated among primary and secondary criteria, with no secondary criterion exceeding the weight of any primary criterion (Exhibit 17). WBO chose to include additional criteria that reflect Wyoming-specific priorities, including:

- **Unserved BSLs:** Even with the State's \$348M BEAD allocation, there may not be enough funding to provide fiber service to all unserved and underserved locations (see Section 2.4.3). To comply with NTIA requirements to provide reliable broadband service to all unserved locations at a minimum, WBO will award points to applicants for maximizing the percentage of unserved locations relative to served locations included in their project area proposals
- **Natural hazard risk mitigation:** As discussed in the Climate Assessment (Section 2.11), certain Wyoming areas are at high-risk for natural hazard damage to infrastructure. In the interest of protecting Wyoming's historic investment in broadband deployment, WBO will award points to applicants who demonstrate a clear approach to natural hazard risk mitigation in broadband deployment
- **Local and Tribal coordination:** Wyoming municipalities and Tribal governments have a vested interest in expanding broadband access to their residents, and WBO believes that early



engagement is crucial to broadband deployment success.⁹ With that in mind, WBO will award applicants that engage local and Tribal governments while assembling their proposed project areas

Exhibit 17: Priority projects rubric and Exhibit 18: Non-priority projects rubric

represent the rubrics for priority (fiber) and non-priority (other reliable broadband technologies) projects, respectively.

*Exhibit SEQ Exhibit * ARABIC 17: Priority projects rubric*

PRIORITY PROJECTS RUBRIC



Primary criteria	Value	Secondary criteria	Value
Minimal BEAD program outlay Higher points awarded to proposals that fall within a certain percentage of the cost model benchmark	50	Speed to deployment Commitment to provide service earlier than four-year deadline	9
Affordability Commitment to provide most affordable total price to consumer for 1G/1G service	15	Unserved BSLs Ratio of unserved to underserved BSLs included in a proposed project	9
Fair labor practices Higher points awarded to applicants with no labor/employment violations and commitment to labor practices	10	Natural hazard risk mitigation Score across risk mitigation dimensions identified by NTIA as part of the natural hazard assessment	3
		Local and tribal coordination Number of local/tribal governments that have provided letters of support for the subgrantee's proposal	4
TOTAL	75	TOTAL	25

⁹ Wyoming Business Council (2018) Wyoming Broadband Enhancement Plan.
https://cms5.revize.com/revize/lincoln/Document_center/1%20want%20to/Wyoming%20Broadband%20Enhancement%20Plan%2012-6-2018.pdf

Exhibit 18: Non-priority projects rubric

NON-PRIORITY PROJECTS RUBRIC



Primary criteria	Value	Secondary criteria	Value
Minimal BEAD program outlay Higher points awarded to proposals that fall within a certain percentage of the cost model benchmark	50	Speed to deployment Commitment to provide service earlier than four-year deadline	7
Affordability Commitment to provide most affordable total price to consumer for 100MB/20MB service	15	Speed of network and other technical capabilities Assessment of the suitability of the proposed network design	6
Fair labor practices Higher points awarded to applicants with no labor/employment violations and commitment to labor practices	10	Unserved BSLs Ratio of unserved to underserved BSLs included in a proposed project	6
		Natural hazard risk mitigation Score across risk mitigation dimensions identified by NTIA as part of the natural hazard assessment	3
		Local and tribal coordination Number of local/tribal governments that have provided letters of support for the subgrantee's proposal	3
TOTAL	75	TOTAL	25

WBO will evaluate project proposals using the following scoring methodology in addition to ensuring that an applicant provided all required materials, even if they don't impact the applicant's score. Applicants must submit all required materials to the specifications that will be indicated in the application before their application is eligible to be scored. In the case that an applicant includes multiple project areas in a single application (as described in Section 2.4.6), the applicant will receive a separate score for each project area. For both priority and non-priority projects, the total points possible for a single project area is 100. In the scoring methodology that follows, for any rank ordering of applicants based on quantiles, in the event of a tie that falls between two quantile ranges, applicants will receive the higher of the two scores.

2.4.2.4 Primary criteria (priority and non-priority projects)

Minimal BEAD program outlay: 50 points possible

- WBO will calculate a benchmark BEAD allocation for an applicant's project area by summing the previously published benchmarks for each CBG included in an applicant's proposed project area
- Benchmarks will be calculated using data (e.g., estimated capital expenditure, estimated BEAD subsidy required for fiber or fixed wireless service) from CostQuest Associates (the vendor used by the FCC in their Broadband Funding Map) as a starting point; the NTIA has provided this data

to states for BEAD planning purposes. WBO will calculate the benchmarks following completion of the challenge process and before launching the subgrantee application process

- WBO intends to set the total sum of the benchmarks for all CBGs in the State with un- or underserved locations equal to the total BEAD funding available, utilizing CostQuest Associates data to arrive at a benchmark commensurate with the State's BEAD allocation. WBO will set benchmarks by considering the CostQuest estimates for both capital expenditure and estimated BEAD subsidy required for greenfield and brownfield deployment of fiber and fixed wireless service. An optimization analysis will be conducted to identify which locations may require use of different technologies to help determine the appropriate estimate for each CBG.
- In setting its benchmarks per the process noted above, WBO may consider other data, including data from its Connect Wyoming 2 ARPA/CPF program, to validate and refine the benchmarks
- WBO is facing a significant funding shortfall and does not anticipate being able to provide fiber service to every unserved and underserved BSL. In setting its benchmarks equal to the State's BEAD allocation, WBO intends to provide subgrantee applicants a realistic perspective of what portion of the subsidy they could hope to receive from the State if awarded a BEAD grant
- WBO reserves the right to make additional adjustments as needed before launch of the subgrantee process to reflect its assessment of how best to achieve WBO and NTIA goals within Wyoming's BEAD budget allocation
- Applicants will receive points by taking the requested BEAD subsidy as a percentage of the benchmark, converting the percentage to a decimal, multiplying it by 25, and subtracting it from the total potential points. The requested BEAD subsidy is the amount of BEAD funds requested from the State. Thus, applicants can reduce their requested BEAD subsidy to receive more points by increasing their match.
- For example, if an applicant's requested BEAD subsidy is 40% of the benchmark, the applicant will receive 40 points, calculated using the formula below:

$$50 - (0.4 \times 25) = 40 \text{ points received}$$

- As another example, if the applicant's requested BEAD subsidy is 160% of the benchmark, the applicant will receive 10 points, calculated using the formula below:

$$50 - (1.60 \times 25) = 10 \text{ points received}$$

Affordability: 15 points possible

- All applicants must submit the price for a 1Gbps download/1 Gbps upload internet service plan for priority projects (or 100 Mbps download/20 Mbps upload internet service plan for non-



priority projects) that will be offered to all BEAD-funded BSLs within the service area after deployment is completed. For both priority and non-priority projects, latency must be less than 100ms per the requirement of the BEAD NOFO. WBO will rank all proposed plan rates for the respective speeds above, from lowest to highest price to generate 6 discrete ranges, and award points based on which quantile the proposed plan lies in. Proposals will be scored as follows in Exhibit 19:

Exhibit 19: Affordability criteria scoring by pricing quantile

Pricing Quantile	Points awarded
First quantile (lowest price range)	15 points
Second quantile	12 points
Third quantile	9 points
Fourth quantile	6 points
Fifth quantile	3 points
Sixth quantile (highest price range)	0 points

- For example, if the applicant’s proposed price is in the first quantile (i.e., within the lowest ~16.7% of all subgrantee applicant proposed prices), they will receive 15 points; if an applicant’s price is within the third quantile, they will receive 9 points; if an applicant’s price is among the highest ~16.7% of prices among all the prices proposed by subgrantee applicants for that speed tier, they will receive 0 points.

Fair labor practices: 10 points possible

- Applicants will be scored based on compliance with federal labor laws and submission of required documents to fulfill NTIA requirements for a maximum of 4 points
 - Applicants who have had no violations of federal fair labor laws (including the Occupational Safety and Health Act and the Fair Labor Practices Act) will receive 4 points
 - Applicants who have had violations of federal fair labor laws (including the Occupational Safety and Health Act and the Fair Labor Practices Act) will be compared to other applicants: applicants whose total violation count falls within the highest quartile, will receive no points; those in the second quartile will receive 1 point; those in the third will receive 2 points; and those in the lowest will receive 3 points
- Applicants will be able to receive an additional 6 points by making a forward-looking commitment to adhere to all state and federal fair labor laws.
- Applicants who are new entrants and therefore do not have a record of past compliance with labor laws will be able to earn the maximum 10 points by making a forward-looking commitment to adhere to all state and federal fair labor laws.



2.4.2.5 Secondary criteria (priority projects)

Speed to deployment: 9 points available

- All applicants are required to begin service no more than 48 months after receiving their grant
- All applicants will receive 1 base point for committing to deploy service in their project area in less than 48 months; applicants will receive additional bonus points for committing to deploy service in their project area even further ahead of the 48-month deadline, with 2 points awarded for every six-month increment faster than the 48-month deadline, as per the following table:

Number of months to deploy broadband	Number of points awarded
<48 months	1 point
42 months	3 points
36 months	5 points
30 months	7 points
24 months or less	9 points

- For example, an applicant who commits to deploying service in 36 months, will receive 5 points; an applicant who commits to deploying service within 18 months will receive 9 points

Unservd BSLs: 9 points available

- WBO will calculate the number of unserved BSLs in an applicant's project area
- All project areas submitted by applicants will then be ranked based on the ratio of unserved BSLs to served BSLs in their project areas
- Applicants whose project areas fall in the bottom quantile of all proposed project areas will receive one point and so on until applicants whose project areas appear in the top quantile will receive 9 points

Natural hazard risk mitigation: 3 points available

- All applicants will be asked to submit a narrative detailing how they mitigate natural hazard risk in building and operating broadband infrastructure



- Applicants whose project area does not include a CBG identified as high-risk (see Section 2.11) will be evaluated on a pass/fail basis on the quality of their approach as reviewed by industry experts, with applicants who pass receiving 3 points
- Applicants whose project area includes a high-risk CBG will be asked to submit an additional narrative addressing the NTIA's six dimensions of natural hazard risk mitigation based on the natural hazards most common in their project area
 - NTIA's six dimensions include: technology platform (e.g., buried vs. aerial fiber), retrofitting/hardening (e.g., hardened conduits), redundant power (e.g., backup generators at core infrastructure sites), existing risk mitigation plans (already mandated for all applicants), restoration speed (e.g., public commitments around service restoration after an outage), and network redundancies (e.g., connecting new deployment to existing infrastructure to allow for continued service)
 - Applicants will be evaluated on a pass/fail basis based on the quality of their approach as reviewed by industry experts, with applicants receiving 0.5 points for their response to each of the six dimensions

Local and tribal government coordination: 4 points

- Wyoming has 99 incorporated cities and towns and one Tribal jurisdiction
- WBO will calculate how many cities, towns, and/or Tribal jurisdictions are located wholly within or overlap with the applicant's proposed project area
- Applicants will receive 1 point for garnering a letter of support from the municipal government (or Resolution of Consent or equivalent document from a Tribal government) from the jurisdiction that contains the most BSLs within their proposed project area
- They will receive 1 point (up to three total additional points) for every 25% of other municipal governments within their project area who provide a letter of support (or a Resolution of Consent or equivalent document from a Tribal government)
- For example, if an applicant receives a letter of support from the municipal/Tribal government that contains the most BSLs in their proposed project area along with letters of support from 50% of the remainder of municipalities in their proposed project area, they will receive 3 points
- Applicants should note that a Resolution of Consent or equivalent document from a Tribal government is a required application component for any project area that includes Tribal lands

2.4.2.6 Secondary criteria (non-priority projects)

Speed to deployment: 7 points available

- All applicants are required to begin service no more than 48 months after NTIA provides approval of WBO's final proposal



- All applicants will receive 1 base point for committing to deploy service in their project area in less than 48 months; applicants will receive additional bonus points for committing to deploy service in their project area even further ahead of the 48-month deadline, with 2 points awarded for every six-month increment faster than the 48-month maximum, as per the following table:

Number of months to deploy broadband	Number of points awarded
<48 months	1 point
42 months	3 points
36 months	5 points
30 months	7 points

- For example, an applicant who commits to deploying service in 36 months, will receive 5 points; an applicant who commits to deploying service within 24 months will receive 7 points

Speed of network and other technical capabilities: 6 points

- Applicants will have their technology type, network design and accompanying narrative (see Section 2.4.13.2) evaluated by a broadband industry expert, as determined by WBO, who will evaluate the appropriateness of the applicant’s proposal for the project area based on geographic, topographic, technical, and other elements
- If an applicant’s technology type and network design is deemed as weak by the broadband industry expert, they will receive 1 point. If an applicant’s technology type and network design is deemed exceptional by the broadband industry expert, they will receive 6 points

Commented [RM1]: This is also updated in the scoring rubric D11 & E11

Unserved BSLs: 6 points available

- WBO will calculate the number of unserved BSLs in an applicant’s project area
- All project areas submitted by applicants will then be ranked based on the ratio of unserved BSLs to served BSLs in their project areas
- Applicants whose project areas fall in the bottom sextile of all proposed project areas will receive 1 point and so on until applicants whose project areas appear in the top sextile will receive 6 points

Natural hazard risk mitigation: 3 points available



- All applicants will be asked to submit a narrative detailing how they mitigate natural hazard risk in building and operating broadband infrastructure
- Applicants whose project area does not include a CBG identified as high-risk (see Section 2.11) will be evaluated on a pass/fail basis on the quality of their approach as reviewed by industry experts, with applicants who pass receiving 3 points
- Applicants whose project area includes a high-risk CBG will be asked to submit an additional narrative addressing the NTIA's six dimensions of natural hazard risk mitigation based on the natural hazards most common in their project area
 - NTIA's six dimensions include: technology platform (e.g., buried vs. aerial fiber), retrofitting/hardening (e.g., hardened conduits), redundant power (e.g., backup generators at core infrastructure sites), existing risk mitigation plans (already mandated for all applicants), restoration speed (e.g., public commitments around service restoration after an outage), and network redundancies (e.g., connecting new deployment to existing infrastructure to allow for continued service)
 - Applicants will be evaluated on a pass/fail basis based on the quality of their approach as reviewed by industry experts, with applicants receiving 0.5 points for their response to each of the six dimensions

Local and tribal government coordination: 3 points

- Wyoming has 99 incorporated cities and towns and one Tribal jurisdiction
- WBO will calculate how many cities, towns, and/or Tribal jurisdictions are located wholly within or overlap with the applicant's proposed project area
- Applicants will receive 1 point for garnering a letter of support from the municipal government (or Resolution of Consent or equivalent document from a Tribal government) from the jurisdiction that contains the most BSLs within their proposed project area
- They will receive 0.5 points (up to two total additional points) for every 25% of other municipal government within their project area who provide a letter of support (or a Resolution of Consent or equivalent document from a Tribal government)
- For example, if an applicant receives a letter of support from the municipal/Tribal government that contains the most BSLs in their proposed project area along with letters of support from 50% of the other municipalities in their proposed project area, they would receive 2 points
- Applicants should note that a Resolution of Consent or equivalent document from a Tribal government is a required application component for any project area that includes Tribal lands



2.4.3 Prioritization of Unserved BSLs, Underserved BSLs, and Eligible CAIs

NTIA guidance: 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

As mentioned earlier in this proposal, while Wyoming’s BEAD allocation of \$348 million represents the most significant investment to-date in the State’s broadband infrastructure, it may not be enough to provide fiber service to every unserved BSL, underserved BSL, and CAI within the State. WBO estimates that it could require more than \$1 billion of funding to achieve that goal,¹⁰ which underscores the importance of the prioritization exercise that WBO will undertake to achieve the best possible result for all Wyomingites. In line with NTIA guidance, WBO fully intends to provide reliable broadband access to (at a minimum) all unserved BSLs and as many underserved BSLs as possible through its BEAD allocation, and WBO has designed its deployment subgrantee process specifically to achieve that goal.

From the outset, WBO has included as part of its scoring rubric additional points to applicants who reach the most unserved locations as possible when constructing their project area. WBO plans to emphasize this element during applicant outreach preceding the opening of the formal deployment subgrantee grant process to incentivize applicants to construct project areas that reflect WBO’s deployment goals. WBO also allocated 50% of total possible points that an applicant could receive to minimizing the BEAD outlay, which will further aid WBO in ensuring that its allocation is able to reach as many unserved and underserved BSLs as possible.

WBO will also rely on benchmarks of the estimated BEAD allocation for each CBG. This will be the same model used to score applicants, as described in Section 2.4.2. The Wyoming Legislature may appropriate funds to supplement BEAD deployment, which WBO could potentially use to further ensure coverage of all unserved BSLs in the event some BSLs are not included in the project areas submitted by applicants. WBO could potentially use these funds (if appropriated) to provide “best and final offers” during negotiations that could result in:

- Reducing a subgrantee applicant’s portion of the required 25% match through the contribution of State funds to incentivize the subgrantee applicant to serve more unserved or underserved BSLs
- Increasing the benchmark allocation for very high-cost project areas to incentivize an applicant to serve those areas that may not otherwise receive bids

¹⁰ “FCC Broadband Serviceable Location Fabric - Costquest.” CostQuest Associates, July 5, 2023. <https://www.costquest.com/broadband-serviceable-location-fabric/>.



After all applications have been submitted, scored, ranked, and deconflicted WBO will sort CBGs with unserved and underserved BSLs and their corresponding project areas into one of four categories:

- CBGs with unserved or underserved BSLs that do not fall within the boundaries of a proposed project area
- A project area where there is only one priority proposal (i.e., a proposal with end-to-end fiber-optic facilities to each end-user premises)
- A project area where there is only one non-priority proposal (i.e., a proposal utilizing non-fiber reliable broadband technology as defined by the NTIA)
- A project area where there are 2+ proposals

For CBGs with unserved or underserved BSLs that **were not included in any proposed project area**, WBO will engage with applicants who have proposed adjacent project areas to submit pricing bids to include the additional unserved or underserved BSLs. If the lowest bid is less than the benchmark allocated to serve that project area, then WBO will provisionally award¹¹ the proposal. If it exceeds the benchmarks, WBO will engage with the bidder with the highest scored bid to reach a reasonable agreement on the cost to serve the BSLs. If the unserved or underserved BSLs still do not attract a suitable bidder, WBO may target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless) or reserve the location for a second deployment subgrantee round. In the event an alternative technology must be used as a last resort, WBO will negotiate with willing providers to determine the requirements needed to provide broadband service.

For a **project area that received just one priority proposal**, if that proposal is a priority proposal below the EHCPLT (see Section 2.4.9) and below WBO's benchmark allocation for the project area, then WBO will provisionally award the proposal. If the proposal is a priority proposal that exceeds WBO's benchmark allocation or the EHCPLT, then WBO will engage with the provider to reduce the cost of their proposal to one that is more reasonable to serve their project area. If that is not possible, WBO may induce proposals from other subgrantee applicants (e.g., with an adjacent project area or using a different technology), target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless) or reserve the location for a second deployment subgrantee round. In the event an alternative technology must be used as a last resort, WBO will negotiate with willing providers to determine the requirements needed to provide broadband service.

¹¹ Provisionally award in this case does not indicate that WBO will formally make an award to the applicant; instead, it refers to a tentative, non-binding, internal award that WBO reserves the right to share with select applicants as it sees fit in achieving its deployment goals



For a project area that received just one non-priority proposal and no priority proposals, if the proposal falls below WBO's benchmark allocation, then WBO will provisionally award the proposal. If the proposal is a non-priority proposal that exceeds WBO's benchmark allocation, then WBO will engage with the provider to reduce the cost of their proposal to one that is more reasonable to serve their project area. If that is not possible, WBO may induce proposals from other subgrantee applicants (e.g., with an adjacent project area), target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless), or reserve the location for a second deployment subgrantee round. In the event an alternative technology must be used as a last resort, WBO will negotiate with willing providers to determine the requirements needed to provide broadband service.

For a project area that received multiple non-priority proposals and no priority proposals or multiple priority proposals, WBO will first identify the winning applicant based on the scoring rubric. If the winning applicant's proposal has a cost below WBO's benchmark allocation, then WBO will provisionally award the proposal. If the winning applicant's proposal has a cost that exceeds WBO's benchmark allocation, then WBO will engage with the provider to reduce the cost of their proposal to one that is more reasonable. If that is not possible, WBO may induce proposals from other subgrantee applicants (e.g., with an adjacent project area), target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless), or reserve the location for a second deployment subgrantee round. In the event an alternative technology must be used as a last resort, WBO will negotiate with willing providers to determine the requirements needed to provide broadband service.

After making provisional awards but before making final awards, if WBO is unable to serve all unserved BSLs, it will first ensure that proposals that include a high-poverty area are prioritized for funding. WBO will undertake a similar effort if it is able to provide service to all unserved BSLs but not all underserved. While WBO currently believes it can meet Wyoming and NTIA goals for broadband deployment during one single grant round, if at any point during the process outlined above WBO feels that it could achieve better results for Wyomingites by conducting a second deployment subgrantee application round, WBO reserves the right to do so.

2.4.4 Prioritization of Non-Deployment Projects

NTIA guidance: 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."

Not applicable



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2.4.5 Environmental and Historic Preservation and Build America, Buy America Act Compliance

NTIA guidance: 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.

During the pre-qualification process outlined in Section 2.4.1, subgrantee applicants will be asked to certify that they understand and will comply with relevant Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements. Subgrantees awarded BEAD funds will be required to re-certify their compliance on a semiannual basis for the duration of the BEAD implementation period. In any webinars or information published on the WBO website regarding its deployment subgrantee application process, WBO will endeavor to include information about subgrantee compliance with applicable EHP and BABA regulations. WBO may also offer limited pre-application technical assistance to potential subgrantee applicants focused on how these regulations could affect their project proposals.

2.4.5.1 Build America, Buy America Compliance

As a State with a growing and diversified manufacturing sector,¹² WBO understands that the BEAD program represents a significant opportunity for domestic manufacturers and is committed to ensuring subgrantee awareness of and compliance with BABA. As subgrantee applicants gather the necessary information for their application, WBO will ensure that they understand how BABA could impact their project proposals by emphasizing the most important elements, as outlined by NTIA in the BEAD NOFO:

- All iron, steel, and manufactured products (including but not limited to fiber-optic communications facilities) and construction materials used in the project must be produced in the United States
- Section 70912 of BABA outlines the definition of “produced in the United States” with respect to manufactured products
- The Secretary of Commerce may offer limited waivers of BABA requirements in very specific instances, including:
 - When applying a domestic procurement preference would be inconsistent with the public interest

¹² “Advanced Manufacturing in Wyoming.” Wyoming Business Council, 2022. https://wyomingbusiness.org/wp-content/uploads/2022/06/WBC_Manufacturing_2022-1.pdf.



- Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%
- Consistent with the waiver principles outlined in 70921(b)(1), the Secretary of Commerce will seek to minimize any waivers of BABA requirements, and any waivers granted will be limited in duration and scope

WBO will make available to potential subgrantee applicants relevant NTIA guidance it receives regarding BABA as well as the NTIA BABA email address (BABA@ntia.gov) for any further specific questions.

In addition to BABA requirements, WBO will also emphasize two other relevant purchasing requirements as outlined in the BEAD NOFO:

- Subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608)
- Subgrantees are prohibited from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver is received from the Assistant Secretary of Commerce

2.4.5.2 Environmental and Historic Preservation Compliance

WBO will also inform subgrantees of the relevant federal and state EHP regulations, as WBO understands them. WBO will encourage subgrantee applicants to do the following:

- Have a clear understanding of how National Environmental Policy Act and National Historic Preservation Act requirements could apply to their project proposal, depending on requirements outlined in the BEAD NOFO as well as the land ownership within their proposed project areas
- Research the applicability of permits from the Wyoming Department of Environmental Quality and Wyoming State Historic Preservation Office and whether this could impact deployment in their proposed project areas
- Engage early and often with the appropriate federal land and resource agencies given Wyoming's large proportion of federal land (e.g., National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Army Corps of Engineers, U.S. Forest Service, etc.)
- Explore the possibility of contracting with or hiring employees with EHP-related expertise to support in preparing relevant reports or documentation—especially if the proposed project area



contains federal or Tribal lands—if this knowledge is not already contained within the subgrantee’s organization

2.4.6 Project Area Definition

NTIA guidance: 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.

As previously noted in Section 2.4.1, WBO intends to provide flexibility to applicants to construct their own project areas using geographic units defined by WBO. WBO has chosen CBGs as its foundational geographic unit, while reserving the right to divide some of Wyoming’s more sizeable CBGs into smaller subsets in the interest of incentivizing inclusion of more rural unserved or underserved BSLs. During the subgrantee application process, applicants will have the opportunity to construct project area(s) using CBGs or other geographic units defined by WBO (in the event WBO splits some of the larger CBGs). This approach will help ensure that subgrantees can submit proposals that reflect their best business case based on the realities on the ground, while also enabling WBO to objectively compare proposals using standard geographic units. A project area could be as small as a single CBG/geographic unit or include multiple CBGs/geographic units to take advantage of economies of scale. Applicants are encouraged to aggregate CBGs/geographic units into project areas that best reflect their most cost-effective business case. An applicant’s project area(s) can be located anywhere within the State and need not be confined to areas where they already have a physical presence, as long as the applicant believes it can provide cost-competitive broadband deployment and operations. Applicants are incentivized by the scoring rubric to build project areas that maximize the inclusion of unserved BSLs, while minimizing BEAD outlay, which could mean that the most competitive proposals will include infrastructure and affordability options that incentivize the inclusion of underserved BSLs or CAs “en route” to more rural BSLs.

Applicants will be permitted to submit multiple project areas as part of a single application; however, no single applicant may include the same CBG in multiple proposed project areas (i.e., none of the applicant’s proposed project areas can overlap with each other in any way). In the case that an applicant decides to submit multiple project areas as part of a single application, each project area will receive a score based on the rubric. Qualifications that apply to the applicant itself (e.g., labor compliance, experience in Wyoming) will be applied to all the applicant’s proposed project areas, while elements specific to the project area (e.g., estimated BEAD allocation, affordability) will be applied to each individual project area.



WBO fully expects that different applicants' proposed project areas will overlap, and when that is the case, WBO will manage a deconfliction process to determine the winning applicant and incentivize the inclusion of unserved and underserved BSLs in the remaining CBGs. WBO will rely on its rubric to determine which applicant wins in the case of overlapping project areas. Whichever applicant has the highest score according to the rubric will be awarded their proposed project area, including the portion that overlaps with other applicants. WBO will repeat this process multiple times in the case that there are several overlapping proposals from different applicants. After WBO has identified provisional winners for all overlapping areas, WBO will then offer non-winning applicant(s) a subsidy equivalent to the benchmark for their remaining project area(s), starting with the applicant who has the next highest score. If the non-winning applicant(s) are not interested in serving a reduced project area at the subsidy WBO offers, WBO will then engage applicants adjacent to the remaining project area(s) with the same offer to induce them to absorb the remaining project area(s). If that is unsuccessful, WBO could potentially use funds that may be appropriated by the State legislature (as described in Section 2.4.3) to make a "best and final offer" to solicit additional interest from other applicants. If that is not possible, WBO may target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service) or reserve the location for a second deployment subgrantee round.

2.4.7 No Proposal Scenario

NTIA guidance: 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.

For CBGs with unserved or underserved BSLs that **were not included in any proposed project area**, WBO will engage with applicants who have proposed adjacent project areas to submit pricing bids to include the additional unserved or underserved BSLs. If the lowest bid is less than the benchmark allocated to serve that project area, then WBO will provisionally award¹³ the proposal. If it exceeds the benchmarks, WBO will engage with the bidder with the highest scored bid to reach a reasonable agreement on the cost to serve the BSLs. In some cases, WBO may decide to use funds appropriated by the State legislature to supplement BEAD deployment efforts to make a "best and final offer" to adjacent applicants. If the unserved or underserved BSLs still do not attract a suitable bidder, WBO may target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless) or reserve the location for a second

¹³ Provisionally award in this case does not indicate that WBO will formally make an award to the applicant; instead, it refers to a tentative, non-binding, internal award that WBO reserves the right to share with select applicants as it sees fit in achieving its deployment goals



deployment subgrantee round. In the event an alternative technology must be used as a last resort, WBO will negotiate with willing providers to determine the requirements needed to provide broadband service.

2.4.8 Deployment Projects on Tribal Lands

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

WBO recognizes the role that the Eastern Shoshone and Northern Arapaho governments play in managing the development of the Wind River Reservation and looks forward to working alongside Tribal authorities to achieve the goals of NTIA's BEAD Program. In deploying BEAD funds, WBO is committed to ensuring that any project area extending onto Tribal lands receives full consent from all appropriate Tribal governing bodies prior to beginning any works associated with the BEAD Program.

As outlined in Section 2.3.2, WBO has engaged the Eastern Shoshone and Northern Arapaho governments and affiliated Tribal entities throughout the BEAD planning process to ensure that both Wind River Tribal Governments are aware of the BEAD program. WBO encourages subgrantee applicants to collaborate with Tribal governments through a Tribal consultation process that aligns with the Bureau of Indian Affairs' best practices,¹⁴ if they are considering including Tribal lands as part of any proposed project area. As required by NTIA, subgrantee applicants must submit a Resolution of Consent or other equivalent document from the Eastern Shoshone and/or Northern Arapaho Business Councils or their designated authority as part of the deployment subgrantee application process if a subgrantee applicant's proposed project area includes providing services to BSLs located on Tribal lands. This required documentation will contribute to the subgrantee applicant's score for Local and Tribal Coordination as outlined in Section 2.4.2

If awarded a BEAD grant from WBO, subgrantees whose project areas include Tribal lands could be subjected to additional regulatory requirements. Subgrantee applicants who are considering a project that includes Tribal lands are encouraged to review the considerations outlined in the FCC's Handbook on Infrastructure Deployment on Tribal Lands, which includes details about potential compliance with the National Environmental Policy Act, HEARTH Act permitting, and the right of way regulations codified in 25 CFR§169 and 25 U.S.C.§324.¹⁵

¹⁴ Bureau of Indian Affairs. Tribal Treaty Rights Best Practices Flow Chart. https://www.bia.gov/sites/default/files/dup/inline-files/ttr_flowchart.pdf

¹⁵ Federal Communications Commission. (2022 May 16). Handbook on Infrastructure Deployment on Tribal Lands. https://www.fcc.gov/sites/default/files/nnctf_infrastructure_handbook_adopted_05.16.22.pdf



2.4.9 Identifying the Extremely High Cost Per Location Threshold (EHCPLT)

NTIA guidance: 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.

In the face of a potential funding shortfall to provide fiber service to all unserved and underserved locations across the state, WBO views the EHCPLT as another tool to help it prioritize which high-scoring project proposals to fund and maximize the use of its BEAD allocation to provide reliable broadband service to as many Wyomingites as possible.

WBO will determine the EHCPLT after the deployment subgrantee round has closed and will use it to efficiently allocate its BEAD funding based on the proposals it receives. WBO intends to run an optimization exercise relying on inputs from CostQuest Associates data and the bids received to determine how setting the EHCPLT at different levels might affect WBO's ability to meet State and NTIA goals. In addition to WBO's own analysis, WBO may use the NTIA's Eligible Entity Planning Tool as an input to determine its final EHCPLT.

2.4.10 Utilizing the EHCPLT

NTIA guidance: 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.*
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.*

Please see the process outlined in Section 2.4.3 and 2.4.9 for a detailed look at how WBO will review and prioritize applications, including how WBO will engage with applicants in the case that their priority proposal exceeds the EHCPLT. The EHCPLT will be a factor in determining which proposals are awarded for a given geographic unit. Once the EHCPLT has been determined, the scoring rubric will be used to determine the winning bidder in overlapping areas. If the winning applicant's proposal has a cost below the EHCPLT and/or benchmark allocation, then WBO will provisionally award the proposal. If the winning applicant's proposal has a cost that exceeds the EHCPLT and/or benchmark allocation, then



WBO will engage with the provider to reduce the cost of their proposal. If the winning bidder is unable to bring their bid below the EHCPLT and benchmark allocation, then WBO will engage with the bidder that has the second highest score. The same process will continue until WBO has identified the highest scoring priority bidder with a cost that is below the EHCPLT and will provisionally award that bidder. If no priority bids can be brought below the EHCPLT, then WBO will provisionally award the highest scoring non-priority bid that offers Reliable Broadband Service technology meeting the BEAD Program's technical requirements (assuming it is below the EHCPLT). In the event no bids are received for a given area, WBO will engage with applicants to induce new or revised proposals that allow for maximizing the deployment of reliable broadband technology, with an emphasis on extending the State's fiber broadband network to as many Wyomingites as possible.

If WBO is unable to reach an agreement with providers to provide fiber service or an alternative technology within the EHCPLT, WBO may target those locations for service using a technology that does not meet NTIA's definition of reliable broadband service (e.g., satellite service, unlicensed fixed wireless) or reserve the location for a second deployment subgrantee round. However, in such cases, WBO will not award funds to deploy a technology that does not meet NTIA's definition of reliable broadband service in the event another technology that does not meet NTIA's definition of reliable broadband service is already available in the area.

2.4.11 Financial Capability

NTIA guidance: 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.*
- 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).*



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

WBO is committed to selecting deployment subgrantees that have the financial resources and capabilities necessary to successfully complete implementation of BEAD-funded projects and manage them over the life of the assets. In line with this commitment, WBO will take steps to confirm subgrantee applicants' financial capabilities during both the pre-qualification round and formal subgrantee application process. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

2.4.11.1 Optional Application Materials Attachment

NTIA guidance: As an optional attachment, 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.

Time permitting, WBO may make subgrantee application materials available for public comment; however, they are not included in this Initial Proposal Vol. II.

2.4.11.2 Available Funding

Like the model employed in its Connect Wyoming 2 ARPA/CPF program, WBO plans to reimburse subgrantees upon the submission of invoices as services are performed, in line with Wyo. Stat. §16-6-602. To ensure that subgrantee applicants have the financial resources to cover eligible costs until they receive reimbursement, WBO will rely on a review of a subgrantee applicant's financial statements during the pre-qualification round (as described in Section 2.4.11.4) and a letter of credit provided during the formal application process (as described in Section 2.4.11.3). WBO believes that these two measures will help to guarantee that subgrantees have the financial resources necessary to complete any awarded project. Furthermore, WBO will also require subgrantees to certify via a checkbox certification on their application that they are qualified to meet the obligations associated with a Project, that they will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all Program requirements, including service milestones.



2.4.11.3 Letter of Credit

WBO was pleased to see the NTIA issue guidance expanding the options subgrantees have to meet the letter of credit requirement contained in the BEAD NOFO. As discussed earlier in this proposal, the BEAD program represents the single largest investment in Wyoming broadband infrastructure to date and has the potential to be transformative for Wyomingites. More importantly, WBO is conscious that the BEAD program is an investment of taxpayer dollars coming from Wyomingites and Americans across the country. It is with this in mind that WBO has committed to a conservative approach in disbursing BEAD funding to subgrantees. As described in Sections 2.16.2.1 and 2.16.2.2, WBO has decided to disburse grant funds on a reimbursable basis only (not to exceed a six-month reimbursement period) and include clawback provisions as part of its grant award terms.

Throughout its stakeholder engagement process, WBO heard that for some businesses, the cost of obtaining a letter of credit could be significant on top of the 25% match already required by the BEAD program, which could inflate the overall cost of subgrantee applicants' project proposals. This was especially concerning given Wyoming's anticipated funding shortfall to deploy fiber to all unserved and underserved locations. As an alternative, NTIA has granted permission for subgrantee applicants to obtain a conditional programmatic waiver to waive the letter of credit requirement as described below:

1. Subgrantee Option to Use Credit Unions
 - a. That portion of the LOC Requirement that requires the use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2) is waived where the subgrantee otherwise meets the LOC Requirement using:
Any United States credit union that:
 - i. is insured by the National Credit Union Administration;¹⁶
 - and
 - ii. has a credit union safety rating issued by Weiss of B- or better.¹⁷
2. Subgrantee Option to Use Performance Bonds
 - a. That the LOC Requirement is waived where:
 - i. During the application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee.¹⁸ The letter shall at a minimum provide the dollar amount of the performance bond.

¹⁶ NCUA is the "independent federal agency that insures deposits at federally insured credit unions, protects the members who own credit unions, and charters and regulates federal credit unions." <https://ncua.gov/about>. The National Credit Union Administration is to credit unions as the Federal Deposit Insurance Company is to banks.

¹⁷ <https://weissratings.com/en/credit-unions>

¹⁸ See <https://www.fiscal.treasury.gov/surety-bonds/list-certified-companies.html>



- ii. Prior to entering into any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 100 percent of the subaward amount.¹⁹
 - b. Where a subgrantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the subgrantee “provide with its letter of credit an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code” is waived.
- 3. Reduction of LOC/Performance Bonds Upon Completion of Milestones
 - a. The requirement that “In no event, however, shall the letter of credit have a value of less than 25 percent of the subaward amount” is waived, conditioned on the requirement that the subgrantee obtain a new a letter of credit in a reduced amount upon achievement of specific deployment milestones that are publicly specified by the Eligible Entity and applicable to all subgrantees subject to the LOC Requirement. Where a subgrantee chooses to utilize a performance bond in lieu of a letter of credit under section 2.2 above, Eligible Entities shall also have the option to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones.
 - b. By way of example, an Eligible Entity could specify that a subgrantee may obtain a new letter of credit or renew its existing letter of credit to reduce its value in accordance with the following limitations:
 - i. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 40 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 20 percent of the award amount.
 - ii. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 60 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 15 percent of the award amount.
 - iii. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 80 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 10 percent of the award amount.
 - iv. Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project, a subgrantee may terminate its letter of credit under the terms set forth therein.

¹⁹ For the sake of clarity, Eligible Entities are not required to prepare a model performance bond.

4. Subgrantee Option for Alternative Initial LOC or Performance Bond Percentage
 - a. The requirement that the initial letter of credit be for 25% of the subaward amount, or in the case where a subgrantee chooses to utilize a performance bond consistent with section 2.2 above, allow the initial amount of the performance bond to be lower than 100% of the subaward amount, where:
 - i. The Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;
 - ii. Reimbursement is for periods of no more than six months; and
 - iii. The subgrantee commits to maintain a letter of credit or performance bond in the amount of 10% of the subaward until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subaward has ended, whichever occurs first.²⁰

2.4.11.4 Audited Financial Statements

During the pre-qualification round, subgrantee applicants will be required to submit unqualified audited financial statements from the previous fiscal year along with a signed statement by an executive with the authority to bind the company that certifies the statements are true and correct. Subgrantee applicants who have not needed to develop audited financial statements during their normal course of business will be allowed to submit unaudited statements at the time of application but must provide WBO with independently audited financial statements before WBO submits its final proposal to the NTIA. WBO will conduct a high-level analysis using common financial ratios to ensure that the subgrantee applicant is in appropriate financial health.

Pursuant to Wyo. Stat. § 16-4-203, financial statements submitted as part of the pre-qualification round or formal deployment subgrantee application process will be considered privileged information and not disclosed as part of any public records request.

2.4.11.5 Business Plans

As part of the formal subgrantee application process, applicants will be required to complete a template pro forma model that includes at a minimum estimated capital and operating expenditures (e.g., labor, materials, regulatory costs, etc.) and revenue from BEAD-deployed infrastructure in each of their proposed project areas. Accompanying the pro forma model, subgrantee applicants will be required to submit a budget narrative that details critical assumptions and overall approach. WBO intends to provide the template pro forma model to all subgrantee applicants when it releases final deployment

²⁰ For the sake of clarity, the option to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones described in section 2.4.11.3.3 may not be applied to a letter of credit or performance bond obtained under this section 2.4.11.3.4



subgrantee application materials. WBO will evaluate the pro-forma model to verify that the subgrantee applicant has employed reasonable assumptions (e.g., pricing, number of subscriptions) and demonstrates positive cash flow within a reasonable timeframe.

Pursuant to Wyo. Stat. § 16-4-203, business plans submitted as part of the pre-qualification round or formal deployment subgrantee application process will be considered privileged information and not disclosed as part of any public records request.

2.4.12 Managerial Capability

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

WBO expects subgrantees to have a robust team with experience in large-scale broadband or other similar deployment efforts. During the pre-qualification round, WBO will require subgrantee applicants to provide resumes and an accompanying narrative that evidences they have the required expertise in-house to execute any proposed BEAD deployment project. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

2.4.12.1 Key Management Personnel

During the pre-qualification round, for each anticipated key project member, subgrantee applicants must submit a one-page resume as well as a narrative explaining the role this person is expected to play as part of an awarded BEAD project. Responsible financial, technical, and managerial personnel should each have five or more years of experience with telecommunications or other similar deployment projects, demonstrated by submitting short descriptions of three previous broadband or other relevant deployment projects. WBO asks that subgrantee applicants do not include key management personnel's



personal contact information (e.g., home address, personal phone number, etc.) as part of the resume submission.

2.4.12.2 Managerial Narrative

During the pre-qualification round, subgrantee applicants will be required to submit an organizational chart of key management personnel and an accompanying narrative. The narrative should detail how the team has worked together on projects of a similar size and scope to the subgrantee applicant's anticipated project proposal. In the case that the management team does not have a long history of working together, the narrative should detail how the company has used a similar structure to execute projects of a similar size and scope, including mention of the projects' outcomes.

2.4.13 Technical Capability

NTIA guidance: 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 they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.*
- 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.*

WBO expects subgrantee applicants to have the requisite technical capabilities to execute a broadband deployment project in Wyoming. WBO will require subgrantee applicants to submit materials to support their technical capabilities during both the pre-qualification round and formal deployment subgrantee application process as outlined below. If it deems appropriate, WBO may provide a template to subgrantee applicants that aligns with predetermined standards of technical capability to aid subgrantee applicants in their network design submission. If WBO chooses to do so, this will be posted publicly with the finalized subgrantee application materials. For non-priority projects, any network performance requirements will also be included in the full application materials. All



documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

2.4.13.1 Using an Appropriately Skilled Workforce

During the pre-qualification round, as part of the submission outlined in Section 2.4.12.1, subgrantee applicants should include the resumes of their organization's Chief Technology Officer, project engineer, and, if the subgrantee anticipates using a contracted workforce for any part of their proposed project, the relevant management personnel who will be responsible for overseeing any contracted labor or other organizations. As part of the accompanying key personnel narrative, the subgrantee applicant should mention all relevant certifications held by these personnel, including all of those that may be required for broadband deployment projects as specified by Wyoming or federal law. WBO will review these materials to ensure compliance with relevant state and local laws as well as industry best practices.

During the formal subgrantee application process, as part of their workforce readiness submission (as detailed in Section 2.8.2), subgrantee applicants will be asked to detail how they will ensure that all contracted resources will have all relevant and necessary skills and certifications.

2.4.13.2 Network Design

As part of the formal subgrantee application process, subgrantee applicants will be required to submit a detailed project plan to accompany each of their proposed project areas. The plan must include estimated project costs (which should match the numbers submitted in the pro-forma template detailed in Section 2.4.11.5), project timeline and relevant milestones for implementation. The timeline and milestones should reflect NTIA requirements that broadband service is initiated within four years of the subgrantee receiving an award. Additionally, subgrantee applicants must include a network design and a network diagram. All materials specified in this subsection must be reviewed and approved by a Professional Engineer with an active license from the Wyoming Board of Professional Engineers and Professional Land Surveyors. The Professional Engineer must certify that the materials outlined in this section are reasonable and could be achieved within a four-year deployment timeline.

2.4.14 Compliance with Applicable Law

NTIA guidance: 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.
- 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.

WBO requires without exception that all subgrantees comply with applicable federal, state, and local laws at all times throughout the duration of the BEAD program. WBO will require applicants to provide materials attesting to their history of legal compliance during the pre-qualification round and during the formal subgrantee application process. WBO will work closely with the Wyoming Attorney General's office to ensure that all final subgrantee project proposals comply with the relevant state and federal procurement laws. All documentation will be reviewed by qualified personnel. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

2.4.14.1 Legal Compliance

Submitted during the pre-qualification round but evaluated for scoring during the formal deployment subgrantee application process, WBO will require subgrantee applicants to submit a formal legal opinion attesting to their history of compliance and detailing any violations or pending court proceedings and compliance with federal labor and employment laws (including in situations where the subgrantee applicant may have relied upon contracted labor and the contractor was found to be at fault) within the previous three years. Applicants must also include in their legal opinion mentions of any violations of the Occupational Safety and Health Act or Fair Labor Standards Act within the previous three years. If any violation was associated specifically with a broadband deployment project, the applicant must disclose that information. The legal opinion must be signed by an officer/director level employee of the subgrantee applicant and should be reviewed by counsel before submitting to ensure accuracy. WBO intends to publish a template along with the final subgrantee application materials to ease the burden on subgrantee applicants. This template will be substantively similar to the legal opinion required by the



USDA's Rural Development Broadband ReConnect Program.²¹ As part of the review process, WBO will confirm that the lawyer submitting the opinion is in good standing with the Wyoming State Bar and may disqualify subgrantee applicants who have committed past violations or who have relevant pending legal proceedings.

While this information will be asked of subgrantee applicants during the pre-qualification round, as mentioned in Section 2.4.2.2, the quality, completeness, and information included in the legal opinion related to labor and employment practices will contribute to the applicant's score for the Fair Labor Practices criteria on the scoring rubric.

2.4.14.2 Worker-led Health and Safety Committees

During the pre-qualification round, subgrantee applicants will be required to certify that they will allow for the creation of worker-led health and safety committees that management will meet with upon reasonable request. Prior to receiving any awarded funds, subgrantees will be required to upload documentation that reflects they have communicated this fact to relevant employees. Subgrantees may be required to recertify that they allow for the creation of worker-led health and safety committees on a semiannual basis.

2.4.15 Operational Capability

NTIA guidance: 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 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*

²¹ USDA. (n.d.). Reconnect program application – legal opinion - USDA. USDA Rural Development Broadband ReConnect Program. <https://www.usda.gov/sites/default/files/documents/reconnect-program-legal-opinion.docx>



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.*

WBO expects that all subgrantee applicants will have the operational expertise necessary to deploy and operate a broadband network in Wyoming. To demonstrate this expertise, WBO will require applicants to provide relevant certifications and documentation as outlined below. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

2.4.15.1 Certification of Operational Capability

During the formal subgrantee application process, WBO will require subgrantee applicants to certify that they possess the relevant operational capability to complete their proposed project. If the subgrantee applicant has hired or contracted additional personnel with operational expertise between their pre-qualification submission of key personnel (as outlined in Section 2.4.12.1) and the submission of their formal application, they will be required to submit the relevant resumes and narratives during the formal application process.

2.4.15.2 Certification of Relevant Experience

During the pre-qualification round, subgrantee applicants that have provided voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of their application submission or are a wholly owned subsidiary of such an entity must attest to that fact and indicate the number of years they have been operating. Additionally, subgrantee applicants will be asked to provide the states in which they have operated in and for what periods. WBO will confirm any relevant licenses or permits required by the State of Wyoming with the appropriate authority (e.g., Wyoming Secretary of State, Wyoming Public Service Commission, etc.)



2.4.15.3 Compliance with FCC Rules and Regulations

During the pre-qualification round, subgrantee applicants that have provided a voice and/or broadband service must certify that they have filed FCC Form 477s and the Broadband DATA Act submissions, if applicable, as required during the previous two years, and otherwise have complied with the Commission's rules and regulations. WBO will confirm the accuracy of this certification through analyzing public records.

2.4.15.4 Electric Transmission Subgrantee Applicants

WBO welcomes applications from subgrantee applicants who have experience operating an electric transmission or distribution service and have built or acquired the relevant expertise to deploy and provide broadband service within Wyoming. As required by the NTIA, electric transmission subgrantee applicants will be required to submit the appropriate financial and operating reports during the pre-qualification round. Acceptable submissions to fulfill this requirement include 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.

2.4.15.5 New Entrants to the Broadband Market

As noted above, WBO welcomes new entrants to the broadband market that have the relevant financial, operational, and technical expertise to deploy and operate a broadband network in Wyoming's often challenging topography and geography. New entrants will be held to the same standard during review of qualifications as experienced subgrantee applicants and should demonstrate hired or contracted expertise that is equivalent. After conducting a rigorous review process, WBO will not award any subgrants to applicants that it deems unable to fulfill all the requirements outlined in this Initial Proposal.

2.4.16 Ownership Information

NTIA guidance: 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).*



During the pre-qualification round, consistent with NTIA guidance, WBO will require subgrantee applicants to upload an ownership narrative that meets the requirements outlined in 47 C.F.R. § 1.2112(a)(1)-(7). Subgrantee applicants must respond comprehensively and accurately. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

Requirements for the ownership narrative include:

- List of the real party or parties in interest in the subgrantee 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 subgrantee applicant
- List of the names, addresses, and citizenships of any party holding 10 percent or more of stock in the subgrantee applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held
- List of, in the case of a limited partnership, the names, addresses, and citizenships of each limited partner whose interest in the subgrantee 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)
- List of, in the case of a general partnership, the names, addresses and citizenships of each partner, and the share or interest participation in the partnership
- List of, in the case of a limited liability company, the names, addresses, and citizenships of each of its members whose interest in the subgrantee applicant is 10 percent or greater
- List of all parties holding indirect ownership interests in the subgrantee 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
- List of any FCC-regulated entity or applicant for an FCC license, in which the subgrantee applicant or any of the parties identified in other bullets as part 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 subgrantee applicant (e.g., Company A owns 10 percent of Company B (the subgrantee 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)



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2.4.17 Other Public Funding

NTIA guidance: 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.*

Subgrantee applicants that have experience in implementing other federal grants could make qualified applicants for WBO's BEAD deployment subgrantee process; however, consistent with NTIA guidance, WBO will require applicants to disclose this experience during the pre-qualification round. All documentation will be reviewed by qualified personnel and evaluated on a pass/fail basis. Subgrantee applicants who are deemed to fail any of the requirements mentioned below may be asked to re-submit required documentation within seven calendar days. If subgrantee applicants ultimately fail to provide documentation that meets the standards outlined below, the subgrantee applicant will be ineligible to receive any funding as part of the BEAD deployment subgrantee process.

For all projects that use federal funds for broadband deployment, subgrantee applicants will be required to upload a narrative that includes:

- Any application the subgrantee or its affiliates have submitted or plan to submit
- Every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application

These projects could be, but do not necessarily have to be, associated with programs in the below list of relevant federal and state statutes:

- Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178)
- CARES Act (Public Law 116-136; 134 Stat. 281)



- Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
- American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
- Any federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
- Any State of Wyoming broadband grant program including but not limited to Connect Wyoming 1 and Connect Wyoming 2 ARPA/CPF

For each broadband deployment project identified that meets the requirements above, subgrantee applicants must provide:

- Speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules)
- Geographic area to be covered
- 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)
- Amount of public funding to be used
- Cost of service to the consumer
- Matching commitment, if any, provided by the subgrantee applicant or its affiliates
 - Per BEAD NOFO guidelines, 'high cost' CBGs will not require a subgrantee match. Therefore, the matching commitment will be waived for high cost CBGs. Applicants must still make a matching commitment for all other CBGs in their application.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1 Fair, Open and Competitive Selection

NTIA guidance: 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.

WBO does not anticipate having funds remaining for non-deployment activities. However, WBO will revise this section should funds become available prior to submission of its Final Proposal to NTIA.

2.5.2 Plan Description

NTIA guidance: Describe the Eligible Entity's plan for the following:

- How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds.*
- 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.

2.5.3 WBO does not anticipate having funds remaining for non-deployment activities. However, WBO will revise this section should funds become available prior to submission of its Final Proposal to NTIA. Unserved and Underserved Coverage

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

2.5.4 WBO does not anticipate having funds remaining for non-deployment activities. However, WBO will revise this section should funds become available prior to submission of its Final Proposal to NTIA. General Qualifications

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

Not applicable

2.6 Eligible Entity Implementation Activities (Requirement 10)

2.6.1 Eligible Entity Implementation Activities

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

WBO intends to manage several elements of the grant administration, monitoring, and reporting requirements outlined in the NOFO, including but not limited to: the challenge process (as described in Initial Proposal Vol. I), evaluation of subgrantee applications (as described in Section 2.4), and monitoring and reporting (as described in Section 2.16.2). WBO has elected to conduct these activities without making a subgrant to maintain proper oversight of its BEAD program and ensure an efficiently run program that maximizes funding for deployment. To support the State's transparency and accountability efforts, the State also intends to engage third-party technical expertise where appropriate to support its grant administration efforts. WBO intends to use a portion of its BEAD allocation to fund these activities.



2.7 Labor Standards and Protection (Requirement 11)

2.7.1 Required Information

NTIA guidance: 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 any 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.***

As discussed at length in Section 2.4.11 thru Section 2.4.17, WBO is committed to ensuring that subgrantees are qualified to undertake BEAD deployment activities in Wyoming, and more specifically, have a history of compliance with all federal, state, and local laws. Subgrantees' compliance with labor laws is no exception – details on how WBO will ensure compliance are included below.

2.7.1.1 History of Compliance with Federal Labor and Employment Laws

As discussed in Section 2.4.14.1, submitted during the pre-qualification round but evaluated for scoring during the formal deployment subgrantee application process, WBO will require subgrantee applicants



to submit a formal legal opinion attesting to their history of compliance and detailing any violations or pending court proceedings and compliance with federal labor and employment laws (including in situations where the subgrantee applicant may have relied upon contracted labor and the contractor was found to be at fault) within the previous three years. Applicants must also include in their legal opinion mentions of any violations of the Occupational Safety and Health Act or Fair Labor Standards Act within the previous three years. If any violation was associated specifically with a broadband deployment project, the applicant must disclose that information. The legal opinion must be signed by an officer/director level employee of the subgrantee applicant and should be reviewed by counsel before submitting to ensure accuracy. WBO intends to publish a template along with the final subgrantee application materials to ease the burden on subgrantee applicants. This template will be substantively similar to the legal opinion required by the USDA's Rural Development Broadband ReConnect Program.²² As part of the review process, WBO will confirm that the lawyer submitting the opinion is in good standing with the Wyoming State Bar and may disqualify subgrantee applicants who have committed past violations or who have relevant pending legal proceedings.

While this information will be asked of subgrantee applicants during the pre-qualification round, as mentioned in Section 2.4.2.2, the quality, completeness, and information included in the legal opinion related to labor and employment practices will contribute to the applicant's score for the Fair Labor Practices criteria on the scoring rubric.

2.7.1.2 Planned Compliance with Federal Labor and Employment Laws

As part of their workforce readiness narrative, detailed in Section 2.8.2, subgrantee applicants will be required to submit the wage scales and overtime payment practices for each class of employees involved directly in the physical construction of the broadband network. As mentioned in Section 2.4.14.2, during the pre-qualification round, subgrantee applicants will be required to certify that they will allow for the creation of worker-led health and safety committees that management will meet with upon reasonable request. Prior to receiving any awarded funds, subgrantees will be required to upload documentation that reflects they have communicated this fact to relevant employees. Subgrantees may be required to recertify that they allow for the creation of worker-led health and safety committees on a semiannual basis.

²² USDA. (n.d.). Reconnect program application – legal opinion - USDA. USDA Rural Development Broadband ReConnect Program. <https://www.usda.gov/sites/default/files/documents/reconnect-program-legal-opinion.docx>



The quality, completeness, and information contained in the workforce readiness narrative related to the wage scales and overtime payment policies will contribute to the applicant's score for the Fair Labor Practices criteria on the scoring rubric.

2.7.2 Mandatory Labor Standards

NTIA guidance: 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;*
- 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;*
- 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);*
- d. Use of local hire provisions;*
- e. Commitments to union neutrality;*
- f. 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);*
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and*
- i. Taking steps to prevent the misclassification of workers.*

As indicated in Section 2.4.13.1 and Section 2.8, WBO takes seriously its subgrantee applicants' use of an appropriately credentialed workforce to carry out BEAD deployment work in Wyoming to protect this historic investment for the subsequent generations of Wyomingites.

WBO will make mandatory for all subgrantees their use of an appropriately credentialed workforce (element H in the NTIA guidance), as required by federal, state, and local regulations (i.e., ensuring that all employees have the required certifications and licensures for their position). Subgrantee applicants will need to certify their intention to do this during the application process, and WBO will include a provision to this effect in its award contract.



2.8 Workforce Readiness (Requirement 12)

2.8.1 Advancing Equitable Workforce Development

NTIA guidance: 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 must 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;*
- 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.*

WBO recognizes the importance of ensuring that a skilled workforce is available for BEAD deployment projects, and throughout the development of its Five-Year Action Plan, Digital Access Plan, and Initial Proposal, regularly coordinated workforce readiness planning with the Department of Workforce Services, Wyoming Community College Commission, and the Wyoming Governor's Office. To identify its workforce needs throughout the life of the BEAD program, WBO conducted an analysis of the estimated impact of BEAD funding on the Wyoming labor market. The results from this analysis are included in Exhibit 20.



Exhibit 20: Top 10 Positions Created from BEAD Funding

Top telecom occupations impacted by new construction CapEx ²⁴	Median wage ²⁵ \$, 2021	Forecast baseline jobs before funding ²⁶ # of jobs in peak demand year 2027	Forecast additional jobs resulting from funding ²⁷ # of additional jobs in peak demand year 2027, % growth
Electrical Power-Line Installers and Repairers	\$43.73	455	+79, 17%
Telecommunications Line Installers and Repairers	\$24.73	365	+59, 16%
Construction Laborers	\$18.59	4,208	+53, 1%
First-Line Supervisors of Construction Trades	\$34.39	3,269	+33, 1%
Equipment Operators	\$30.46	3,851	+25, 1%
First-Line Supervisors of Mechanics and Installers	\$37.93	1,971	+25, 1%
Electricians	\$29.81	2,682	+18, 1%
Office Clerks, General	\$18.71	7,545	+13, 0%
Heavy and Tractor-Trailer Truck Drivers	\$23.93	6,842	+12, 0%
Construction Managers	\$40.86	1,447	+12, 1%

Workforce demand is expected to increase throughout the deployment period, peaking in 2027 during the height of BEAD construction. Of the top 10 jobs expected to be created from BEAD funding, 60% of them (those wages indicated in green in Exhibit 20 above) have a median wage above the state median wage for all occupations. In 2027, WBO projects that BEAD funding could create demand for an additional ~600 workers, representing an increase of just 0.02% in positions over the projected number of these same jobs available in 2027. The minimal impact on the overall Wyoming workforce in comparison to baseline projections is a testament to the investments in and strength of Wyoming’s existing workforce readiness programs, which are detailed below. There is, however, expected to be a more acute impact on several key positions related to BEAD deployment, including electric power-line installers and repairers and telecommunications line installers and repairers, with BEAD funding expected to increase demand over the baseline by 17% and 16% in 2027, respectively.

²³ Top occupations are selected based on the number of jobs generated from new construction CapEx spending in the year of highest forecast demand (>10 jobs in 2027). Each occupation is mapped against an associated SOC code

²⁴ Lightcast Labor Analytics

²⁵ Lightcast Labor Analytics; Federal funding includes BEAD (~\$348 million), Connect Wyoming 2 ARPA/CPF (~\$70 million), and E-ACAM (~\$188 million)

²⁶ Growth is calculated by dividing potential jobs created by forecast and baseline jobs in 2027



To ensure that demand for these positions is met, WBO will work alongside its State agency partners at the Department of Workforce Services, Community College Commission, and Department of Education to promote opportunities to qualified job seekers, especially through Wyoming's network of 18 Workforce Centers across the State. WBO will require subgrantees and their contractors to provide a list of job openings to the nearest Wyoming Workforce Center to their project area to ensure that local Wyomingites are aware of potential opportunities during BEAD deployment.

Another important aspect of BEAD workforce readiness is ensuring that subgrantees are aware of Wyoming programs that could serve as a source of qualified workers. Working alongside its State agency partners, WBO intends to hold a minimum of two events that allow State agency partners to promote relevant programs to subgrantees and subgrantee applicants. The first could take place during the formal subgrantee application process, where subgrantee applicants will have an opportunity to learn about relevant programs and ask questions. Subgrantee applicants will be strongly encouraged to mention how they will make use of existing State programs to source talent as part of their workforce readiness narrative (see Section 2.4.2.4). Once subgrantees have been finalized and approved by the NTIA, WBO could host another event for subgrantees and their contractors to learn about existing State programs that could be a source of local programs for their deployment projects. In addition, WBO intends to compile a list of relevant programs to distribute to subgrantee applicants, either as a pamphlet or as a page on its website.

WBO and its State partners are committed to the development of a highly skilled workforce in Wyoming, building sector-based partnerships, promoting equitable on-ramps into broadband-related jobs while sustaining job quality and worker voices, and ensuring a diverse pool of workers, through the State programs outlined below.

2.8.1.1 Development of a Highly Skilled Workforce

As outlined in Section 2.7.2 and at the beginning of Section 2.8.1, WBO intends to promote the development of a highly skilled and appropriately credentialed workforce by:

- Requiring that subgrantees abide by all applicable federal, State, local, and Tribal regulations regarding certifications and occupational licensures required to perform deployment work
- Coordinating with State partners to promote subgrantee participation in existing State workforce development programs (like those outlined below)
- Incorporating mention of existing State programs into the scoring criteria for the subgrantee applicant's workforce development narrative
- Requiring that subgrantees coordinate with local Wyoming Workforce Centers, which regularly work with Wyomingites that are part of the programs below



2.8.1.1.1 Fiber Optics Training Programs at Wyoming Community Colleges

Wyoming Community Colleges are statutorily required to coordinate with local businesses and organizations in order to develop programs that will bridge identified gaps in the local workforce.²⁷ These partnerships include comprehensive training programs, some of which are relevant to BEAD deployment, such as Fiber Optics Association (FOA)-sanctioned and US Department of Labor (DOL)-recognized training programs for certified fiber optics technicians.²⁸ While some programs (like at Laramie County Community college) are uniquely designed for anyone involved with the testing and maintenance of fiber optics networks, other programs (like at Western Wyoming Community College) are structured as general technology certifications and can be used by all types of technicians, like outside plant and premises installers or technicians working in fiber optics for electrical utilities, wireless, network design, etc.²⁹

2.8.1.1.2 Wyoming Registered Apprenticeships

Wyoming Registered Apprenticeships are employment-focused training programs that include on-the-job training, classroom education, increasing responsibility at work, and culminate with industry or nationally recognized credentials. Registered apprenticeships provide several benefits to Wyoming's economy, including the training of a highly skilled workforce and a reduction in employee turnover (on average, 94% of apprenticeship participants continue employment after their apprenticeship is finished).³⁰ Between 2019 and 2022, there were 30 new registered apprenticeship programs created and 315 total participants in registered apprenticeships in Wyoming, including 40+ participants who previously identified as unemployed, long-term unemployed, dislocated, or incarcerated.³¹ Between 2019 and 2022, DWS was awarded \$641,000 in U.S. DOL discretionary funds to expand apprenticeship opportunities statewide.³² Registered Apprenticeships operate as one-size-fits-all and can accommodate any job or industry as long as employers are looking to grow, offer-mentorship, and have the capacity to offer on-the-job training. Costs related to college education could 100% reimbursable, through funding received from the DOL State Apprenticeship Expansion Formula grant, which offsets

²⁷ WY Stat § 21-18-202 (2022)

²⁸ Laramie County Community College. Certified Fiber Optics Training. <https://www.lccc.wy.edu/workforce/development/fiberOptics.aspx>

²⁹ The fiber Optic Association Inc. FOA Approved Training. <http://foa-approved.org/schools/western-wyoming-community-college>

³⁰ Wyoming Department of Workforce Services. Wyoming Registered Apprenticeship Program (RAP) Tool-Kit. <https://dws.wyo.gov/wp-content/uploads/2021/06/RAP-Toolkit.pdf>

³¹ Wyoming Workforce Development Council. (2022). Wyoming PYS 2020-2023. <https://wyowdc.wyo.gov/wp-content/uploads/2022/02/Final-State-Plan.pdf>

³² Wyoming Workforce Development Council. (2022). Wyoming PYS 2020-2023. <https://wyowdc.wyo.gov/wp-content/uploads/2022/02/Final-State-Plan.pdf>



costs related to on-the-job education. Available registered apprenticeships in Wyoming include electrical apprenticeships, apprenticeships with the Laborer’s International Union of North America (focused on construction positions), and carpentry apprenticeships. These three apprenticeship programs could prepare Wyomingites for the top positions expected to be available as a result of BEAD funding, as identified in Exhibit 20.

2.8.1.1.3 Wyoming Pre-Apprenticeship Program

Wyoming pre-apprenticeships are feeder programs for Wyoming registered apprenticeships and enable young adults aged 16 to 24 to enter the workforce. The program entails a mixture of classroom instruction and hands-on education in a pre-apprentice’s respective field and focuses on building the prerequisite knowledge and skills for pre-apprentices to succeed in the workplace. Wyoming’s Pre-Apprenticeship Program is available to high-school students in 13 districts across the state and offers micro-credentials to participants, which were developed in partnership with the University of Wyoming. For example, the construction industry pre-apprenticeship module involves collaborating with a construction management team and working on building a pre-apprentice’s skills related to blueprint drafting, architecture, etc. Pre-apprentices, upon Program completion, could enter one of Wyoming’s registered apprenticeships on an accelerated path. Wyoming pre-apprenticeships are free of cost to participants, and DWS offers grant funds to help companies offset the costs of hiring a pre-apprentice.

2.8.1.1.4 Department of Workforce Services Workforce Development Training Fund

The Wyoming Development Training Fund (WDTF) connects employers with professional development opportunities for their employees. The program’s aim is to keep workers in Wyoming by creating professional development opportunities through upskilling and other training. There are five grants available from the WDTF: business training grants to teach new skills or retain employees; pre-hire grants to train potential employees; pre-obligation grants for training funding to attract industry; internship grants to offset the costs of creating an internship program; and apprenticeship grants to offset the costs of creating an apprenticeship program.³³ WBO will partner with the DWS to promote WDTF programs to subgrantees, with a focus on grants to offset the creation of registered apprenticeships throughout the BEAD deployment process.

³³ City of Evanston, WY Economic Development. (2023 March 2). Discover Available Resources for Workforce Development in Uinta County, WY. <https://www.businesswyoming.com/news/p/item/48969/discover-available-resources-for-workforce-development-in-uinta-county-wy>



2.8.1.1.5 Wyoming Works Program³⁴

Wyoming Works is an individual grant program targeted at students participating in selected programs at Wyoming Community Colleges. The Program was established in 2019 with a \$5 million allocation from the Wyoming Legislature – \$3 million allocated specifically for individual student grants and \$2 million allocated to Wyoming Community Colleges to coordinate with the Wyoming Business Alliance to identify and develop educational programs that meet employer needs. While the approved programs vary by community college, all of them are aligned with local workforce and economic development priorities. Several Wyoming Community Colleges offer grants for programs relevant to BEAD deployment, including but not limited to:

- **Casper College:** Construction Management, Construction Technology, Cyber Security, Electrical Apprenticeship, Electronics Technology, Engineering Technology and Design, and Welding Technology
- **Central Wyoming College:** Business Management, Electrical Apprenticeship Certificate, Welding AAS, Welding Certificate I, and Welding Certificate II
- **Eastern Wyoming College:** Business Administration (distance learning) and Business Administration
- **Laramie County Community College:** Cybersecurity, Cybersecurity Fundamentals Certificate, Cybersecurity Professional Certificate, Industrial Maintenance Certificate, Industry Systems Technology Certificate, and Welding Technology
- **Sheridan College and Gillette College:** Business, Cyber Security, Electrical Apprenticeship, Engineering Technology, Industrial Electrician, Industrial Operations Management and Supervision, and Welding Technology
- **Northwest College:** Electrical Apprenticeship, Cybersecurity, Construction Equipment Operator, and Welding Technology
- **Western Wyoming Community College:** Electrical Apprenticeship, Industrial Maintenance Technology, Maintenance Mechanic for Industry, Welding Technology, and Powerline Technology

Eligible students could receive a standard grant of up to \$1,680 per academic year or a critical grant of up to \$3,360 per academic year.

2.8.1.1.6 Wyoming Adult Education Programs³⁵

Wyoming Community Colleges and DWS offer comprehensive adult education programs to help Wyomingites realize their career goals—even if they do not have a high school diploma. Adult

³⁴ Wyoming Community Colleges. Wyoming Works. <https://communitycolleges.wy.edu/wp-content/uploads/2021/02/2019-1009-WyomingWorks-2.pdf>

³⁵ Wyoming Community Colleges Commission. (2021 May 27). Adult Education Access to Eligible Career Pathways Programs. <https://communitycolleges.wy.edu/wp-content/uploads/2021/06/Eligible-Career-Pathways-Programs-Memo-1.pdf>



education programs offer participants high school equivalency certificates, workforce preparation, and soft skill development to promote long-term employment. Between 2021 to 2022, there were 1,586 participants in Adult Education programs across Wyoming.³⁶ The State used a portion of its ARPA funds for the Adult Education program to work with students to develop Integrated Education and Training (IET) programs. These IET programs combine contextualized literacy, workforce skills, and training, which often result in industry-recognized credentials. In addition, the Adult Education program recently launched a new career pathways program that aims to address workforce skill gaps for the most in-demand industries. There are several IET pathways offered to Adult Education students that are relevant to BEAD deployment, including energy manufacturing and technology, building and construction, and manufacturing, fabricating, and engineering.

2.8.1.2 Promotion of Sector-Based Partnerships

As outlined at the beginning of Section 2.8.1, WBO intends to promote the development of sector-based partnerships by:

- Coordinating with State partners to promote subgrantee participation in existing State workforce development programs (like those outlined below)
- Incorporating mention of existing State programs into the scoring criteria for the subgrantee applicant's workforce development narrative
- Requiring that subgrantees coordinate with local Wyoming Workforce Centers, which regularly work with Wyomingites that are part of the programs below

2.8.1.2.1 Department of Family Services Child Care Subsidy³⁷

The Child Care Subsidy Program helps low-income families pay for the cost of care when the parent(s) are searching for employment, working, in school, or in training. This subsidy is needs-based, with the amount being dependent on the income level of the family and the cost of care provided. The Child Care Subsidy Program provide vulnerable Wyomingites with the support they need to pursue job opportunities in BEAD deployment.

2.8.1.2.2 Wyoming's Tomorrow Scholarship³⁸

The Wyoming's Tomorrow Scholarship was developed by the Wyoming State Legislature and provides grants of up to \$7,200 for recipients to put towards tuition in pursuit of a degree or certification. The

³⁶ Wyoming Community Colleges. Adult Education Demographics & Performance. <https://communitycolleges.wy.edu/data-hub/dashboards/adult-education-dashboard/>

³⁷ Wyoming Department of Family Services. Child Care. <https://dfs.wyo.gov/services/family-services/child-care/>

³⁸ Western Wyoming Community College. Wyoming's Tomorrow. <https://www.westernwyoming.edu/admissions-and-aid/financial-aid/wyomings-tomorrow.php>



scholarship targets adults aged 24 and older who are enrolled in one of Wyoming's eight community colleges. Recipients are required to create an account with the DWS to facilitate connections with local employers. As all subgrantees will be required to coordinate with local workforce centers, Wyoming's Tomorrow Scholarship recipients will have access to BEAD deployment job openings across the state.

2.8.1.2.3 Wyoming Innovation Partnership

The Wyoming Innovation Partnership was created in 2021, as a signature initiative of Governor Mark Gordon. The Partnership brings together state entities (e.g., DWS, WBC), educational institutions (e.g., community colleges, University of Wyoming) and local partners to advance the State's economic development priorities. During the first phase of the Partnership's process, several community colleges received funding to develop specialized fiber optics programs in anticipation of an increase in demand for BEAD broadband deployment positions.³⁹ Additionally, the Partnership funded the launch of the University of Wyoming's School of Computing, which will produce graduates that are part of Wyoming's broadband-enabled workforce, with degree programs like computing, data science, and applied software development.⁴⁰

2.8.1.3 Ensuring Job Quality and Equitable On-Ramps

As outlined at the beginning of Section 2.8.1, WBO intends to ensure job quality for new and incumbent workers and promote equitable on-ramps by:

- Coordinating with State partners to promote subgrantee participation in existing State workforce development programs (like those outlined below)
- Incorporating mention of existing State programs into the scoring criteria for the subgrantee applicant's workforce development narrative
- Requiring that subgrantees coordinate with local Wyoming Workforce Centers, which regularly work with Wyomingites that are part of the programs below

Additionally, WBO has committed to continuous engagement with labor organizations and community-based organizations to ensure worker voices are heard throughout the BEAD deployment process. For a description of WBO's future stakeholder engagement plans, see Section 2.3.1.10.

2.8.1.3.1 Climb Wyoming

Climb Wyoming is a non-profit organization supported by the Wyoming Department of Family Services. The organization has a mission to help low-income single mothers achieve self-sufficiency through career progression by offering training and employment placements. Developed over 36 years, Climb

³⁹ University of Wyoming. Wyoming Innovation Partnership. <https://www.uwyo.edu/wip/index.html>

⁴⁰ "School of Computing Academics." University of Wyoming School of Computing. Accessed September 19, 2023. <https://www.uwyo.edu/soc/academics/academics.html>.



Wyoming has created a comprehensive program with three components: pre-program stabilization, intensive training, and graduate services. The pre-program stabilization component connects participants to wraparound services that provide food, housing, and childcare resources, while helping them access treatment, counseling, legal services, and dental and vision care. The intensive training component provides industry-specific education, mental health services, life skills and job placement. Lastly the graduate services component offers professional development, guidance on workplace issues and wage increases and referrals to community services. Climb Wyoming had a 98% graduation rate in 2022 and has contributed to more than 44 million hours of work in Wyoming's economy since 1986.⁴¹ WBO intends to work with the Department of Family Services and Climb Wyoming to explore if any positions created through BEAD deployment might be a good fit for graduates of Climb Wyoming's programs.

2.8.1.3.2 Wyoming WIOA- and Wagner-Peyser-supported programs

DWS administers Wyoming's Workforce Innovation and Opportunity Act (WIOA) funded programs. Services funded by WIOA in Wyoming include skill assessments, individual employment plan development, planning to achieve workforce goals, work experience assistance, critical skills training, and on-the-job training. The program offers training opportunities in high-growth and high-demand industries, including construction trades. Funding for these services is available for youth between the ages of 14 and 24 who may be required to meet low-income eligibility or another state employment barrier, and adults aged 18 and older who are unemployed, under-employed, dislocated, or lacking skills necessary to obtain employment paying a self-sufficient wage, and who may be required to meet low-income eligibility. As part of its close collaboration with the Department of Workforce Services, WBO intends to explore opportunities to ensure that participants in WIOA-funded programs are aware of potential job opportunities available as a result of BEAD deployment.⁴²

2.8.1.3.3 Work Initiative Network⁴³

In partnership with the Wyoming Child Support Program, the DWS created the Work Initiative Network to improve the employment situations of non-custodial parents. The Work Initiative Network's mission is to increase workforce participation and earning potential of non-custodial parents so that they can make reliable child support payments. The Work Initiative Network aims to achieve their mission through personalized coaching, case management, and wraparound service navigation to improve the

⁴¹ Climb Wyoming. The Program. <https://www.climbwyoming.org/about-us/program/>

⁴² Wyoming Workforce Services. Workforce Innovation & Opportunity Act. <https://dws.wyo.gov/dws-division/workforce-center-program-operations/resources/workforce-innovation-opportunity-act/>

⁴³ Wyoming Workforce Services. Joint Labor, Health & Social Services Committee Information Request on Safety Net Programs. <https://wyoleg.gov/InterimCommittee/2021/10-20210916DWSSafety-NetPrograms.LSO.JtLabor.pdf>



financial environment of participants and their children. As the Network case managers regularly interact with local Workforce Centers, Network participants will have access to BEAD deployment job opportunities.

2.8.1.3.4 Dads Making a Difference⁴⁴

The Dads Making a Difference program was developed as a partnership between the DWS and the Department of Family Services through a Federal Temporary Assistance for Needy Families grant. The Dads Making a Difference program targets fathers who face significant barriers to labor market entry and self-sufficiency. Participants of the Dads Making a Difference program receive life skills training including training on co-parenting, financial literacy, job searching and employee retention. They also have access to training for jobs in high-growth industries. Through its partnership with the DWS, WBO will inform participants of potential opportunities created by BEAD deployment grants throughout the state.

2.8.1.4 Recruiting from a Diverse Pool of Workers

As outlined at the beginning of Section 2.8.1, WBO intends to promote recruitment from a diverse pool of workers by:

- Coordinating with State partners to promote subgrantee participation in existing State workforce development programs (like those outlined below)
- Incorporating mention of existing State programs into the scoring criteria for the subgrantee applicant's workforce development narrative
- Requiring that subgrantees coordinate with local Wyoming Workforce Centers, which regularly work with Wyomingites that are part of the programs below

2.8.1.4.1 Wyoming Workforce Centers' Veterans Program⁴⁵

The Wyoming DWS Employment & Training Workforce Centers offer specialized services for Wyoming veterans through their Veterans Program, including workforce and labor market guidance, job search services, resume building, skills assessments, and training support. Through the requirement that subgrantees share job postings with the closest Wyoming Workforce Center, WBO seeks to enable veterans to find relevant job opportunities in BEAD deployment roles.

⁴⁴ Wyoming Workforce Services. Joint Labor, Health & Social Services Committee Information Request on Safety Net Programs. <https://wyoleg.gov/InterimCommittee/2021/10-20210916DWSafety-NetPrograms.LSO.JtLabor.pdf>

⁴⁵ Wyoming Workforce Services. Veterans Program. <https://dws.wyo.gov/dws-division/workforce-center-program-operations/programs/veterans-program/>



2.8.1.4.2 Department of Workforce Services and Department of Corrections Pathway Home 3⁴⁶

The Pathway Home 3 Grant, awarded by the U.S. DOL to DWS in partnership with the Department of Corrections, provides justice-involved individuals and incarcerated adults with support services and the tools to build key employable skills. The Pathway Home 3 Grant is focused on securing employment and actively works with local businesses to identify equitable opportunities for individuals facing barriers to labor market re-entry. The \$3.9 million Pathway Home 3 Grant was awarded to Wyoming in August 2022. Over the three-year period of the grant, DWS and the Department of Corrections will work in tandem to serve 400 participants through education on critical skills like job readiness, employability, digital literacy, and job search strategies. WBO intends to engage the DWS to identify opportunities to integrate broadband-specific credentials into the program (e.g., Occupational Safety and Health Administration's [OSHA] Safety and Health Fundamentals Certificate, fiber optics specialization, etc.), so formerly justice-involved individuals and incarcerated adults can pursue BEAD-funded jobs.

2.8.1.4.3 Wind River Jobs Corps Center⁴⁷

The Wind River Jobs Corps Center is located on the Wind River Indian Reservation and is administered by the U.S. DOL. The Wind River Jobs Corps Center provides young adults between the ages of 16 and 24 with vocational and educational training, with the goal of helping low-income young adults improve their daily satisfaction and quality of life through academic and on-the-job learning. They have additionally partnered with Central Wyoming College to provide dual enrollment college courses as an advanced training program. The Center offers building construction technology, carpentry, heavy equipment operations and electrical pre-apprenticeships. WBO intends to engage with the Wind River Jobs Corps Center to ensure subgrantees with nearby project areas have an opportunity to source talent from program graduates.

2.8.1.4.4 Workforce Rehabilitation Program⁴⁸

DWS works with 4,000+ Wyoming residents with disabilities to assist them with achieving their vocational goals. The Workforce Rehabilitation Program provides Wyomingites with disabilities with individualized services including counseling, work eligibility assessment, job search and placement, job retention guidance, and career follow-up guidance. The Workforce Rehabilitation Program also offers services such as deaf and blind interpretive services and transportation to ensure career pursuits are

⁴⁶ Wyoming Workforce Services. (2022 August 31). Wyoming awarded federal grant to support adults reentering the workforce from incarceration. <https://dws.wyo.gov/wyoming-awarded-federal-grant-to-support-adults-reentering-the-workforce-from-incarceration/>

⁴⁷ Wind River Jobs Corps Center. Training programs. <https://windriver.jobcorps.gov/train>

⁴⁸ Wyoming Department of Workforce Services. Vocational Rehabilitation. <https://dws.wyo.gov/dws-division/vocational-rehabilitation/>



viable. WBO will work alongside DWS to ensure that Wyomingites with disabilities who are qualified for BEAD-funded jobs will have access to them.

2.8.2 Subgrantee Requirements for Workforce Readiness

NTIA guidance: Describe the 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 relevant 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 subgrantee plans to contract and subcontract with in carrying out the proposed work.*

If the project workforce or any subgrantees, 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.**

During the formal subgrantee application process, WBO will ask subgrantee applicants to submit a workforce readiness narrative that will be scored as part of Fair Labor Practices criteria, as outlined in Section 2.4.2.4. The workforce readiness narrative at a minimum will be required to contain the following components:



- The ways in which a subgrantee applicant 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)
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials (e.g., appropriate and relevant pre-existing occupational training, certification, and licensure)
- Information on applicable wage scales and wage / overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network
- An indication of whether the workforce is unionized
- An indication of whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce
- An indication that the applicant and its contractors/subcontractors have existing labor and employment practices in place and that the applicant will recertify this annually for the duration of the BEAD implementation period

If the subgrantee applicant indicates that it will not use a unionized workforce, the subgrantee applicant will be required to include the following as part of its workforce narrative:

- 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
- 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, 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 and titles
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

WBO strongly encourages subgrantee applicants to include mention of the existing State programs, resources, and partnerships that could serve as a viable source of talent during the BEAD deployment process.



2.9 Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13)

2.9.1 Process, Strategy, and Data Tracking

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

WBO’s unique placement as part of the WBC provides it with a valuable connection to the Wyoming business community. WBC has a history of positive, proactive engagement to support the State’s economic development priorities, including the growth of Wyoming’s minority-owned, women-owned, and other small businesses. To meet NTIA guidance around women-owned business enterprises (WBEs), minority-owned business enterprises (MBEs), and other small businesses, WBO will work with a diverse set of local organizations to promote the BEAD deployment subgrantee application to qualified businesses across the state. Given the State’s strong economy, Wyoming does not have any designated labor surplus areas; however, should this change ahead of the submission of its final proposal, WBO will update its plan accordingly.⁴⁹

Pursuant to the requirements in 2 C.F.R. § 200.321, WBO will take the following affirmative steps to ensure the inclusion of MBEs, WBEs, and other small businesses:

- WBO will place qualified WBEs, MBEs, and other small businesses on solicitation lists
- WBO will ensure that WBEs, MBEs, and other small businesses are solicited whenever they are potential sources
- WBO will divide the total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by WBEs, MBEs, and small businesses
- WBO will establish delivery schedules, where the requirement permits, which encourage participation by WBEs, MBEs, and other small businesses
- WBO will utilize 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
- WBO will require subgrantees to take the affirmative steps listed above as it relates to its subcontractors.

⁴⁹ “Labor Surplus Area.” Employment and Training Administration. Accessed September 20, 2023. <https://www.dol.gov/agencies/eta/lisa>.



2.9.1.1 *Soliciting WBEs, MBEs, and other small businesses*

WBO and WBC do not maintain any specific solicitation lists for their grant programs; however, WBO will continue to engage with local stakeholders to ensure that qualified WBEs, MBEs, and other small businesses are aware of the BEAD deployment subgrantee application process and how they might participate. Throughout its robust stakeholder engagement program (as discussed in Section 2.3.1), WBO has discussed the BEAD program with several organizations whose members include MBEs, WBEs, and other small businesses including the Wyoming Telecommunications Association, Wyoming Rural Electric Association, Wyoming Chambers of Commerce, and more. In preparation for the launch of the deployment subgrantee process, WBO intends to engage and share its deployment subgrantee application with a diverse set of organizations:

- **Industry associations** including but not limited to the Wyoming Telecommunications Association, Wyoming Rural Electric Association, Wyoming Economic Development Association, Wyoming State Chamber of Commerce, and local chambers of commerce
- **Small Business Administration-funded centers in Wyoming** including but not limited to the Wyoming Women’s Business Center and the Wyoming Small Business Development Center
- **Diverse community and industry organizations** including but not limited to the Wyoming Hispanic Chamber of Commerce and the Native American Development Corporation
- **Local government associations** including but not limited to the Wyoming County Commissioners Association and the Wyoming Association of Municipalities

To track its efforts to solicit applications from MBEs, WBEs, and other small businesses, WBO will maintain a record of its engagement with the organizations identified above, and wherever possible, ask that WBO be copied on any communications to organizations’ membership or other solicitation lists that promote the BEAD deployment subgrantee application process.

2.9.1.2 *Dividing Total Requirements into Smaller Tasks*

WBO has designed its deployment subgrantee application process with the aim of generating as many applications from qualified applicants as possible. There are two features of the subgrantee application process that could reduce the burden on WBEs, MBEs, and other small businesses: the planned pre-qualification round and flexible project area design.

WBO’s pre-qualification process (as outlined in Section 2.4.2.2) was designed to spread out over time the administrative burden of the deployment subgrantee application process and allow subgrantee applicants more time to compile materials needed for the application. During the pre-qualification round, which could take place concurrently with the challenge process, subgrantee applicants will submit materials related to their qualifications to execute a BEAD deployment project. During the formal subgrantee application process, subgrantee applicants will focus on developing the specifics of their



proposed projects. The addition of a pre-qualification round reduces the intensity of effort required at any given point during the subgrantee application process.

WBO will also allow applicants to design their own project areas. As outlined in Section 2.4.6, project areas can be as small as a single CBG, allowing subgrantee applicants to tailor their application to their individual ability to execute. The scoring process outlined in Section 2.4.2 is neutral to the size of the project area, with quantitative metrics scored on a scale wherever possible. If it best suits an MBE, WBE, or other small business to submit an application with a small project area, WBO encourages them to do so.

2.9.1.3 Flexible Delivery Schedules

While the WBO scoring methodology outlined in Section 2.4.2 does incentivize speed to deployment (as required by NTIA), WBO has opted not to include any additional measures that restrict subgrantee applicants' flexibility to deliver on their proposed projects. WBO is pleased to allow subgrantees the flexibility to design a plan that suits their ability to execute, as long as subgrantees are able to show progress against their KPIs and their proposed timeline complies with NTIA's requirement that service begin no longer than four years after grant funds are awarded.

2.9.1.4 Coordination with Federal Entities

As mentioned in Section 2.9.1.1, WBO will engage with Small Business Administration-funded centers in Wyoming, including the Wyoming Women's Business Center and the Wyoming Small Business Development Center, to promote its BEAD deployment subgrantee application to qualified small businesses. Unfortunately, Wyoming does not have a local Minority Business Development Agency Business Center.⁵⁰

2.9.1.5 Requirements for Subgrantees

In line with NTIA guidance, WBO will require subgrantees to take affirmative steps to include MBEs, WBEs, and other small businesses in any subcontractor solicitation funded by a BEAD deployment grant award. WBO will serve as a resource for subgrantees as they navigate this process by sharing the organizations WBO engaged with to promote its own subgrantee application. WBO will also require that subgrantees divide total requirements into smaller contracts and take steps to develop flexible delivery schedules, as the subgrantee determines appropriate. Upon the request of WBO or NTIA, subgrantees will be required to provide documentation that they have taken affirmative steps to abide by the requirements of 2 C.F.R. § 200.321.

⁵⁰ "MBDA Business Centers." Minority Business Development Agency, May 4, 2023. <https://www.mbda.gov/mbda-programs/business-centers>.

2.9.2 Certification of Affirmative Steps to Include MBEs, WBEs, and Other Small Businesses

NTIA guidance: 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.*

WBO certifies that it will take all necessary affirmative steps to ensure MBEs, WBEs, and other small businesses are used when possible by following the guidance outlined in the BEAD NOFO.

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Cost and Barrier Reduction

NTIA guidance: 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.*

The State of Wyoming recognizes the importance of reducing costs and barriers to ensure that federal funding is used efficiently to deploy broadband infrastructure to all unserved and underserved areas in the State. Putting cost-effective measures in place and streamlining regulatory processes have been a



priority for Wyoming in prior deployment efforts and will continue to be one throughout BEAD deployment.

WBC and WBO have actively engaged with county and municipal governments to promote a streamlined regulatory approach to broadband deployment. WBC published its Broadband Enhancement Plan after the creation of the WBO in 2018. The Broadband Enhancement plan outlined several measures WBC, municipalities, and counties could take to streamline infrastructure deployment. Priorities included improving pole attachment policies to aid providers in installing services more efficiently; standardizing permitting for towers and antennas and modifying zoning restrictions; making right of way on city property easy and cost-effective to access; and working with carriers to establish provider neutral locations and towers for interconnection.⁵¹

In 2021, WBC published a pamphlet for municipalities titled “Better Broadband: An Empowered Community in 7 Steps” to encourage dig-once policies, streamlined access to rights of way, template lease agreements, and clear review processes. It used the material during sessions with local governments on how their municipalities could become “broadband ready.” WBC continues to serve as a resource and point of contact for municipalities looking to navigate broadband service in a cost-effective and efficient manner.⁵²

While Wyoming state law gives broad discretion to counties and municipalities in regulating last-mile deployment, the State regulates broadband deployment along state roads and interstates as well as manages access to state-owned towers through WYDOT. The following outlines how WYDOT and other state agencies promote the use of existing infrastructure; the use of dig-once policies; streamlined permitting; streamlined access to poles, conduits, and easements; and streamlined rights of way.

2.10.1.1 Promoting the Use of Existing Infrastructure

WBO enjoys a great working relationship with WYDOT in advancing policies and practices that ease the burden for providers to deploy broadband infrastructure throughout the State of Wyoming. WYDOT regularly engages with broadband providers to hear their concerns around additional barriers to deployment (see meeting details in Exhibit 13).

⁵¹ Wyoming Business Council. (2018, December 6). Wyoming Broadband Enhancement Plan. https://cms5.revize.com/revize/lincIn/Document_center/!%20want%20to/Wyoming%20Broadband%20Enhancement%20Plan%2012-6-2018.pdf

⁵² Wyoming Business Council. (2021) Better Broadband: An Empowered Community In 7 Steps. <https://wyomingbusiness.org/wp-content/uploads/2021/12/Broadband-handout-2021-Final-1-1.pdf>



To allow for the expansion of broadband capacity, WYDOT has adopted a statewide encroachment policy based on road type.⁵³ Currently, for interstates, telecommunications and broadband companies are required to install two additional conduits or an alternate solution providing increased capacity for future use by themselves or competitors. For primary and secondary highways, companies are required to install additional conduits, or an alternate solution based on local community needs providing increased capacity for future use by themselves or competitors. WYDOT is in the process of developing a database to track additional conduit capacity throughout the state for providers to potentially use as a supplement to their on-the-ground knowledge in developing their broadband network.

Additionally, telecommunications and broadband companies are required to provide access points or vaults at each community and interchange for the length of their proposed facility. For highway rights of way occupancy, companies are required to provide service connections to State facilities within a specified distance as part of a shared resource agreement.

WYDOT also operates a network of 105 radio communications towers across Wyoming through WyoLink, a statewide interoperable public safety system. While WYDOT itself maintains 96 towers, local agencies control 9 towers. WYDOT allows private providers to access tower space through lease agreements, promoting cost effectiveness and multiuse of existing infrastructure.⁵⁴

2.10.1.2 Promoting and Adopting Dig-Once Policies

WYDOT employs a dig-once policy to facilitate statewide infrastructure development for telecommunication and broadband services. WYDOT has successfully worked with broadband providers across the state on this policy. For example, WYDOT recently worked with two broadband providers in and around Casper that were looking to deploy new infrastructure. WYDOT engaged the two providers to share the cost of the dig, resulting in less disruption to the right of way and a reduced deployment cost for each provider.⁵⁵

2.10.1.3 Streamlining Permitting Processes

WYDOT's Utilities Section is responsible for regulating utility companies wishing to use the Department's right of way as a utility corridor. The Utilities Section operates e-permitting for utility companies through an online licensing system, MaintStar, which serves as a centralized portal to license and permit

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⁵⁴ Wyoming Department of Transportation. (2023, March) What is WyoLink?
https://www.dot.state.wy.us/files/live/sites/wydot/files/shared/Administration/WyoLink/Telecom_talking%20points_March2023.pdf

⁵⁵ Interview with Wyoming Department of Transportation. (2023, September 6).



application submissions. This aligns with NTIA’s permitting best practices which encourages states to implement web portals and tracking to streamline the permitting process.⁵⁶

The Utilities Section also works to ensure permits are affordable. There is currently no fee for new rights of way permits or for maintenance and repair permits. In addition, the Utilities Section provides a master list of approved engineering consultants for companies as a resource to meet the requirement that facilities are certified that they have been installed in accordance with their license.⁵⁷

Before BEAD construction begins, WBO intends to engage with the Wyoming Office of State Lands and Investments to identify opportunities to streamline the permitting processes for broadband deployment projects that may cross State lands. Given that 48% of Wyoming land is federally owned, streamlining the permitting process on federal lands could be crucial to an on-time deployment of broadband infrastructure in the State. Wyoming Sen. John Barrasso has been a champion of the bipartisan process to streamline broadband permitting on federal lands. After the NTIA released guidance urging states to “expedit[e] permitting timelines and waiv[e] fees where applicable, where doing so does not undermine other critical policy goals,” Sen. Barrasso led a bipartisan coalition of lawmakers encouraging the NTIA and other federal agencies to “similarly expedite permitting timelines and waive fees” where possible.⁵⁸ Sen. Barrasso also recently introduced the bipartisan CLOSE THE GAP Act, which seeks to statutorily require federal agencies to modernize and streamline the broadband permitting process on federal lands.⁵⁹ WBO will continue to work with local representatives of federal land management agencies, the NTIA, and its elected representatives to identify other mechanisms to more efficiently deploy broadband across the State.

2.10.1.4 Streamlining Cost-Effective Access to Poles, Conduits, Easements

WYDOT promotes small cell wireless technology rights of way under lease agreements. In these agreements, WYDOT requires lessees to provide engineering computations and plans prepared and sealed by a Wyoming Licensed Professional Engineer and a proposal for pole sharing with other small cell wireless technology providers. WYDOT also has standard requirements to improve utility pole access, like requiring poles to be engineered to accommodate at least three antenna systems. To access

⁵⁶ National Telecommunications and Information Administration. (2023, February). Examples and Best Practices of Streamlining Permitting. https://broadbandusa.ntia.gov/sites/default/files/2023-03/Permitting_Best_Practices_Case_Studies.pdf

⁵⁷ Wyoming Department of Transportation. Utilities Section. https://www.dot.state.wy.us/home/engineering_technical_programs/utilities_section.html

⁵⁸ Barrasso, J. (2022, December 1). Barrasso, Luján lead bipartisan letter to expand high-speed internet access in rural communities. <https://www.barrasso.senate.gov/public/index.cfm/news-releases?ID=F1E0FE39-F955-4A00-9AF9-A8E08BDBDEE>

⁵⁹ Barrasso, J. (2023, September 20). Barrasso, Sinema introduce Bill to increase access to broadband on Federal Land. <https://www.barrasso.senate.gov/public/index.cfm/2023/9/barrasso-sinema-introduce-bill-to-increase-access-to-broadband-on-federal-land>



previously-laid conduits, providers can work with WYDOT’s Utilities Section to gain a permit in a cost- and time-effective manner. By providing clear rules, standardized right-of-way lease agreements, and online resources, providers know what to expect from the regulatory process.⁶⁰

2.10.1.5 Streamlining Rights of Way, including the Imposition of Reasonable Access Requirements

WYDOT is also committed to streamlining rights of way through permitting affordability and quick application return. While engineering and appraisal, easement, and landowner negotiation processes can take up to a year, once a provider has assembled all the relevant information, WYDOT has a two-week turnaround time for reviewing right-of-way applications. This adheres to NTIA best practices which highlights that states should adhere to the public, established timelines for reviewing and denying applications.⁶¹

2.11 Climate Assessment (Requirement 15)

2.11.1 Natural Hazard Risk Assessment

NTIA guidance: 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 must 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*

⁶⁰ Wyoming Department of Transportation. (2020, September 25). OP 1 19-03 Utility ROW Encroachments 2020. https://www.dot.state.wy.us/files/live/sites/wydot/files/shared/Utilities/OP%2019-03_Utility%20ROW%20Encroachments_2020.pdf

⁶¹ Wyoming Department of Transportation. (2020, June 8). WyoLink and Broadband in Highway Rights-of-Way. <https://wyoleg.gov/InterimCommittee/2020/S24-202006082002-06-08V3FWYDOT-BroadbandTaskForcePresentation.pdf>



- 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.

Wyoming is home to some of the country’s most magnificent natural landscapes—from Yellowstone National Park to Devil’s Tower National Monument and everything in between—but it’s precisely the State’s rugged beauty that also makes it vulnerable to natural hazard risk. To understand the risk to BEAD deployment infrastructure over the next 20 years, WBO conducted a natural hazard risk assessment in-line with NTIA guidance using FEMA’s National Risk Index (NRI).⁶²

2.11.1.1 Identification of High-Risk Areas

While the composite risk data highlighted on FEMA’s NRI is helpful, it does not accurately capture the risk to broadband infrastructure. None of its components— especially Expected Annual Loss—are controlled for the size of the community, which as a largely rural state, could underestimate Wyoming’s riskiness. WBO dug into FEMA’s technical documentation to identify the Expected Annual Loss Rate for Buildings (or EALR-B) as the most accurate measure of risk to broadband infrastructure. This variable, which is part of FEMA’s Expected Annual Loss calculation, allows for a community size-controlled analysis of “natural hazard intensities,” and builds on years of historical data to provide an accurate view of natural hazard risk to infrastructure across the country.

In analyzing FEMA’s EALR-B data, on a state level, Wyoming has a lower natural hazard risk intensity than other U.S. States and territories. Wyoming’s EALR-B rating is in the 20th percentile nationally, which, using FEMA’s ranking scale, categorizes the state as bordering on Relatively Low/Very Low risk for natural hazard impact on infrastructure. To further identify high-risk areas in the state, WBO analyzed FEMA’s EALR-B data on a census-tract level, which is the most granular level available. WBO compared the EALR-B score for Wyoming census tracts against all census tracts nationally, classifying their level of risk using FEMA’s taxonomy from Very Low (0-20th percentile), Relatively Low (20th-40th percentile), Relatively Moderate (40th-60th percentile), Relatively High (60th-80th percentile), and Very High (60th-80th percentile). This analysis resulted in 22 census tracts being identified as high-risk (21 in the 60th-80th percentile and one in the 80th to 100th percentile) as demonstrated in Exhibit 21, which will serve as WBO’s identified high-risk areas.

Exhibit 21: High-risk areas in Wyoming

Census Tract ID	County	FEMA EALR-B Risk Rating
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⁶² Federal Emergency Management Agency. (2023). The National Risk Index’s Data Maps. <https://hazards.fema.gov/nri/learn-more>

56005000101	Campbell	Relatively High
56005000701	Campbell	Relatively High
56009956600	Converse	Relatively High
56011950300	Crook	Relatively High
56013000400	Fremont	Relatively High
56019955100	Johnson	Relatively High
56023978001	Lincoln	Relatively High
56023978002	Lincoln	Relatively High
56023978100	Lincoln	Very High
56029965301	Park	Relatively High
56033000501	Sheridan	Relatively High
56035000101	Sublette	Relatively High
56035000103	Sublette	Relatively High
56039967601	Teton	Relatively High
56039967703	Teton	Relatively High
56039967704	Teton	Relatively High
56039967801	Teton	Relatively High
56039967802	Teton	Relatively High
56041975301	Uinta	Relatively High
56041975402	Uinta	Relatively High
56045951100	Weston	Relatively High



56045951300	Weston	Relatively High
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The 22 high-risk areas are clustered in the northwest and northeast of the state and span 12 counties: Campbell, Converse, Crook, Fremont, Johnson, Lincoln, Park, Sheridan, Sublette, Teton, Uinta, and Weston. These 12 counties represent ~31% of Wyoming’s total area and two distinct topographical regions: the northwestern counties are mountainous and densely forested, while the northeastern counties mark the beginning of the Great Plains.

2.11.1.2 Hazards in High-Risk Areas

The natural hazards most important to account for in the high-risk areas include wildfires, landslides, earthquakes, cold weather phenomena (i.e., cold waves, ice storms, and winter weather) and general storm phenomena (i.e., lightning, hail, and strong wind). To identify which hazards were responsible for driving the composite riskiness of the areas identified above, WBO analyzed the EALR-B for individual hazards in the high-risk areas, and, once again, compared the rate to census tracts across the country using FEMA’s rating taxonomy. The maps (Exhibit 22, Exhibit 23, Exhibit 24) below indicate the risk level for individual hazards in identified high-risk areas compared to census tracts nationwide.

Exhibit 22: Wildfire, landslide, and earthquake EAL-B

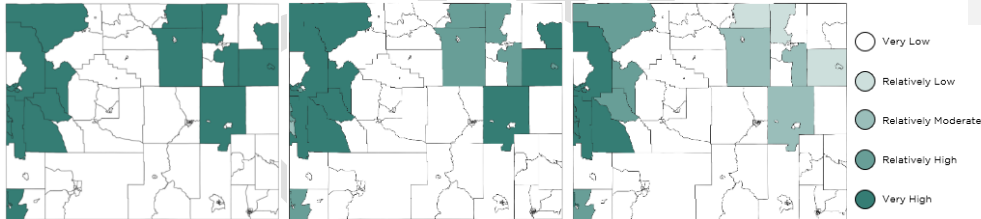


Exhibit 23: Ice storm, cold wave, and snow EAL-B

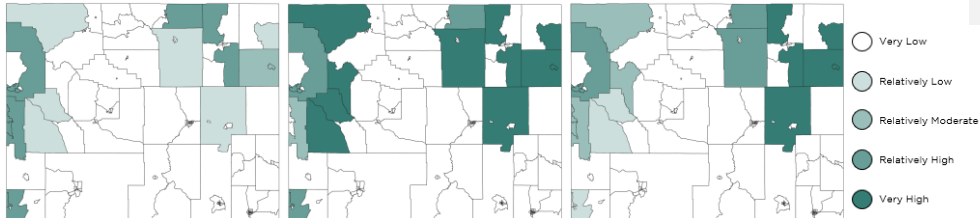
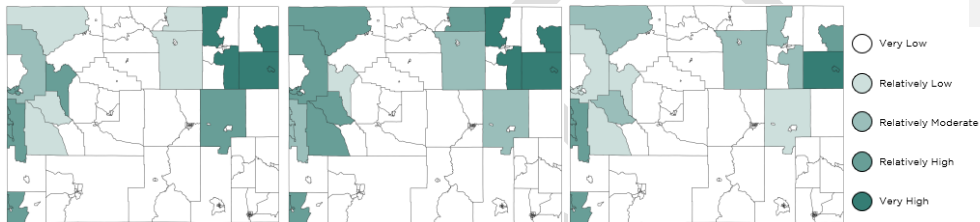


Exhibit 24: Lightning, hail, and strong wind EAL-B



2.11.1.3 Risks to BEAD-Deployed Infrastructure

The top risks to BEAD-deployed infrastructure over the next 20 years include: earthquakes, floods, hail, landslides, lightning, strong wind, tornadoes, wildfires, and winter storms. WBO arrived at this subset of risks by referencing the top natural hazard risks identified by the Wyoming Office of Homeland Security (WY OHS) in their FEMA-approved State Hazard Mitigation Plan, by analyzing the top natural hazard risks in high-risk areas according to the FEMA National Risk Index, and by relying on internal expertise within the Office.

The top natural hazard risks impact broadband infrastructure in the following ways: through power outages⁶³, through equipment damage⁶⁴ and through signal degradation.⁶⁵ Natural hazards like earthquakes, strong wind, and wildfires can cause power lines to go down or power to be turned off for safety resulting in a break to internet accessibility. Natural hazards like landslides, lightning, tornadoes,

⁶³ University of Southern California ANT Lab. Evaluation of Hurricane Harvey's Effects on the Internet's Edge. <https://ant.isi.edu/outage/ani/harvey/index.html>

⁶⁴ Clooms. (2021, March 22). Fiber-Optic Cables Cut: What are the Consequences and How to Fix It. <https://www.clooms.com/fiber-optic-cables-cut/>

⁶⁵ WXResearch. (2023, May 10). Does Rain Affect WiFi? <https://wxresearch.org/does-rain-affect-wifi/>

winter storms, etc. can cause fiber cables to be cut or cell towers to be knocked, resulting in severed connectivity. Natural hazards like floods and hail can cause the signal between fixed wireless transmitters and receivers to be absorbed, impacting their performance.

As part of the State Hazard Mitigation Plan, WY OHS and the Wyoming State Geological Survey identify how natural hazard risks identified today could change in the future. Below is a summary of each of the top risks to BEAD infrastructure and how they might change over the next 20 years.⁶⁶

2.11.1.3.1 Earthquakes⁶⁷

Earthquakes are common in Wyoming and are likely to continue to occur in Wyoming in the future. Official earthquake records have been kept for the past 140 years. In that time some 47,000 earthquakes have been recorded in Wyoming. Only a small percentage of those have been felt by people. Most Wyoming earthquakes occur in the western third of the state.

While changes in future conditions is not expected to directly affect earthquake frequency or intensity, it could exacerbate indirect or secondary impacts of earthquakes. For example, changes in future conditions could increase the frequency and intensity of extreme precipitation events, in turn increasing the probability of landslides and liquefaction events during an earthquake if the earthquake coincided with a wetter season.

2.11.1.3.2 Floods⁶⁸

Flooding has caused significant damage in Wyoming, with some floods causing millions of dollars of damage within just a few hours. Every county has experienced some kind of flooding after spring rains, heavy thunderstorms, winter snow thaws, or ice jams. Flooding is the second highest loss-generating natural hazard in the state, exceeded only by hail.

According to analysis by FEMA Region VIII on the projected changes in natural hazards frequency and intensity, flood hazard zones are projected to increase in size across the state. Intense storms with periods of heavy rain are projected to occur more frequently in Wyoming, increasing the frequency of flood events.

⁶⁶ The Wyoming Office of Homeland Security. (2020). Wyoming State Hazard Mitigation Plan 2021-2016. https://drive.google.com/file/d/1YW8MRc3SaS_pPXg1rmB7ajY3YsW4Uli5/view?pli=1

⁶⁷ Ibid

⁶⁸ Ibid



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2.11.1.3.3 Hail⁶⁹

Hail causes more than \$1 billion of property damage nationally each year. The southeast corner of Wyoming lies within the nation's "Hail Alley." Together with adjacent portions of Colorado and Nebraska, this region of Wyoming is battered by more hailstorms than any other part of the United States. Climatological data shows this area of Wyoming averages five to nine days of hail annually.

According to analysis by FEMA Region VIII on the projected changes in natural hazards frequency and intensity, the areas in the State at risk of hail events are not expected to change in the future. However, for areas currently at risk, the warming of the atmosphere could lead to an increase in intensity of summer thunderstorms, and as a result, increase the frequency and intensity of hail events.

2.11.1.3.4 Landslides⁷⁰

Some of the highest landslide densities in the country are found within Wyoming. There have been 43 landslides between 2014 and 2019 across the State. Many of these landslide events, including rockfall and mudslides, blocked traffic or damaged roadways. These landslide events were typically triggered by rain, heavy downpour events, or snow melt.

Winter and spring precipitation are projected to increase for Wyoming. Increased precipitation generally increases landslide risk and increases in extreme precipitation can increase debris flow potential. An increase in wildfires and earthquakes could also destabilize soil on steep slopes increasing landslide risk.

2.11.1.3.5 Lightning⁷¹

Lightning in Wyoming tends to occur with warmer temperatures as heat energy fuels storm clouds and is one of the more common natural hazard risks. Predictive models estimate an increase in temperature by the end of the century. For every degree of warming, the chance of a significant lightning event increases up to 12%.

2.11.1.3.6 Strong wind⁷²

High winds occur year-round in Wyoming. In the spring and summer, high winds often accompany severe thunderstorms. These winds are typically straight-line winds, which generally occur with

⁶⁹ The Wyoming Office of Homeland Security. (2020). Wyoming State Hazard Mitigation Plan 2021-2016. https://drive.google.com/file/d/1YW8MRc3SaS_pPXg1rmB7ajY3YsW4Uli5/view?pli=1

⁷⁰ Ibid

⁷¹ The Wyoming Office of Homeland Security. (2020). Wyoming State Hazard Mitigation Plan 2021-2016. https://drive.google.com/file/d/1YW8MRc3SaS_pPXg1rmB7ajY3YsW4Uli5/view?pli=1

⁷² Ibid



thunderstorms that are not associated with rotation (i.e., are not tornadoes). It is these winds, which can exceed 100 miles per hour (mph), that represent the most common type of severe weather and are responsible for most of the thunderstorm-related wind damage in the State. Straight-line winds may also exacerbate existing weather conditions, as in blizzards, by increasing the effect on temperature and decreasing visibility due to the movement of particulate matter through the air. Strong winds may also exacerbate fire conditions by drying out the ground cover, propelling fuel, such as tumbleweeds, around the region, and increasing the intensity of existing fires. These winds may damage crops, push automobiles off roads, damage roofs and structures, and cause secondary damage due to flying debris.

2.11.1.3.7 Tornadoes⁷³

The National Weather Service defines a tornado as a violently rotating column of air extending from a thunderstorm to the ground. The most violent tornadoes are capable of tremendous destruction with wind speeds of 250 mph or more. Damage paths can be more than one-mile wide and 50 miles long. The phenomena result in a destructive rotating column of air ranging in diameter from a few yards to greater than a mile, usually associated with a downward extension of cumulonimbus clouds. Though climate data is available to explain a predisposition to tornadoes, there is no accurate way of predicting when or where a tornado may occur.

2.11.1.3.8 Wildfires⁷⁴

Wyoming's semi-arid climate and rural character make the State vulnerable to frequent and sometimes catastrophic wildland fires. As defined by the National Interagency Fire Center, a "wildland fire" is any non-prescribed, non-structure fire that occurs in non-populated areas. Changing weather patterns and conditions could affect typical wildfire behavior, frequency of ignitions, fire management, and fuel loads. Increasing temperatures may intensify wildfire threat and susceptibility to more frequent wildfires in the State. Forests are also sensitive to variable precipitation events, as drought has contributed to trees being more susceptible to pests and pathogens, in turn contributing to greater amounts of standing dead fuels. The extending of the wildfire season into winter months, coinciding with seasonal high wind patterns, can also create dangerous fire behavior. While the recent historic trend shows a general upward trend in acreage burned per year, not all wildfires are considered destructive given that there are positive ecological benefits from periodic fires. Suppression resources have been more focused on wildfires with life and safety threats in recent decades.

⁷³ Ibid

⁷⁴ The Wyoming Office of Homeland Security. (2020). Wyoming State Hazard Mitigation Plan 2021-2016. https://drive.google.com/file/d/1YW8MRc3SaS_pPXg1rmB7ajY3YsW4Uli5/view?pli=1



2.11.1.3.9 Winter storms⁷⁵

Severe winter storms affect far more people in Wyoming than their summer counterparts, even though they are inherently less violent. Severe snowstorms are so extensive that they usually require a day or two to cross and completely exit the state. Blizzard conditions bring the triple threat of heavy snowfall, strong winds, and low temperatures. Poor visibility and huge snowdrifts are major hazards caused by blowing snow. These storms disrupt work, make travel difficult or impossible, isolate communities, kill livestock by the hundreds or thousands, and sometimes leave human fatalities in their wake.

Changing weather patterns and conditions have the potential to exacerbate the severity and intensity of winter storms, including potential heavy amounts of snow. A warming climate may also result in warmer winters, the benefits of which may include lower winter heating demand, less cold stress on humans and animals, and a longer growing season. However, these benefits are expected to be offset by the negative consequences of warmer summer temperatures and earlier runoff from melting snowpack in watersheds.

2.11.1.4 Risk Mitigation Approach

Section 2.4.2 details how WBO plans to incorporate natural hazard risk mitigation strategies into the subgrantee selection process, with the aim of ensuring resiliency of BEAD infrastructure over the life of the grant period and beyond.

WBO plans to ask all subgrantee applicants to detail their natural hazard risk mitigation approach to broadband deployment, while asking applicants whose project area includes identified high-risk areas to provide specific responses to how they will incorporate NTIA's six risk mitigation measures into their deployment planning.

2.11.1.5 Timeline for Updating this Assessment

WBO plans to reassess natural hazard risks and high-risk areas once every five years, in line with WY OHS updates to the State Hazard Mitigation Plan. WBO reserves the right to ask subgrantees to provide more information regarding natural hazard risk mitigation depending on the outcome of updated assessments.

2.11.1.6 Optional Attachment: Wyoming State Hazard Mitigation Plan

NTIA guidance: 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.

⁷⁵ Ibid

WBO intends to include the FEMA-approved [Wyoming State Hazard Mitigation Plan for 2021-2026](#) as supplementary information.

2.12 Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Low-cost Service Option(s)

NTIA guidance: 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.*

As outlined in Section 2.1.1.2, WBO has a goal of improving broadband affordability for all Wyomingites and has a vested interest in ensuring that the service that results from BEAD-deployed infrastructure is ultimately affordable to those that it was intended to serve. On average, 68% of Wyoming households have adopted terrestrial broadband⁷⁶, and one of the goals of the BEAD program is to significantly increase that number across the state—which will in part rely on the availability of a low-cost plan to those who qualify for it. To ensure that broadband is affordable for the most vulnerable Wyomingites and as mandated by the NTIA, WBO will require all subgrantee applicants to participate in the FCC's Affordable Connectivity Program (ACP) as well as offer a low-cost plan for those who qualify.

While WBO appreciates the model plan suggested by NTIA, Wyoming's unique topography and population density make it a challenge to implement as written. Throughout the stakeholder engagement process and public comment period, WBO heard from potential subgrantee applicants that setting a low-cost price point would have a significant effect on their bottom line and could deter them from applying for BEAD funding in the first place. There are several characteristics about Wyoming that make implementing a low-cost plan challenging, including but not limited to the state's low population

⁷⁶ "American Community Survey Data." Census.gov, January 26, 2023. <https://www.census.gov/programs-surveys/acs/data.html>.



(lowest nationwide), population density,⁷⁷ and significant wilderness areas.⁷⁸ The challenges expressed by subgrantee applicants are reflected in market analysis of broadband offerings across the state right now: just 1% of BSLs within the state currently have access to broadband service of at least 100mbps/20mpbs for \$30 per month or less.⁷⁹

To determine an appropriate price given Wyoming’s unique characteristics, Wyoming conducted an analysis using the FCC’s survey data on urban broadband rates in the Western United States (i.e., Washington, Oregon, California, Nevada, Montana, Colorado, Wyoming, New Mexico, and Arizona). The FCC conducts this annual survey to assess the rates of fixed voice and broadband services provided to consumers in urban areas. The data is used by the FCC to establish reasonable benchmarks for fixed voice and broadband rates, which are used for universal services purposes. The survey data, as depicted in Exhibit 25, indicates that the average and median costs of 100/20 Mbps plans in Wyoming are approximately \$70 per month.

Exhibit 25: Monthly cost of ~100mbps/20mbps internet plans reported in the FCC broadband rate survey, 2023⁸⁰

Geographic region	Mean plan cost (\$/month)	Median plan cost (\$/month)	Number of plans reported
Western United States ⁸¹	\$69.95	\$69.40	182

The Broadband Commission for Sustainable Development has indicated that 2% of monthly income is an appropriate target for broadband affordability. Using 2% of monthly income as a benchmark, setting a price for broadband service of \$40 a month after accounting for the ACP subsidy would ensure that broadband meets the affordability target for households in Wyoming.⁸² Even in the event ACP is

⁷⁷ U.S. Census Bureau quickfacts: United States; Wyoming. Accessed September 16, 2023. <https://www.census.gov/quickfacts/fact/table/US,WY/PST045222>.

⁷⁸ “Wyoming Wilderness Information Map.” Regional Wilderness Program. Accessed September 16, 2023. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3852605.html.

⁷⁹ FCC National Broadband Map. Accessed September 16, 2023. <https://broadbandmap.fcc.gov/>; desktop research from provider websites

⁸⁰ FCC broadband rate survey. Accessed December 4, 2023. <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources>.

⁸¹ “Western United States” includes Washington, Oregon, California, Nevada, Montana, Colorado, Wyoming, New Mexico, and Arizona.

⁸² Affordability model assumes straight-line income distribution between intervals \$0-\$10k, \$10k-\$15k, \$15k-\$25k, \$25k-\$35k, \$35k-\$50k, \$50k-\$75k, \$75k-\$100k, \$100k-\$150k, \$150k-\$200k, and \$200k and up

discontinued, broadband would still meet the affordability target for most households in Wyoming. The WBO estimated affordability by calculating the percent of households in Wyoming that would have to pay more than 2% of their income on broadband at various price points using income distribution data from the US Census. Based on the above, WBO has designed its low-cost plan to be affordable for the majority of Wyomingites while also encouraging broad participation in the subgrantee process. For households that may not be able to afford the low-cost plan option, WBO will rely on other state programs that offer affordable connectivity options. For example, in addition to the low-cost plan outlined here, the State of Wyoming has several other programs to ensure access to broadband services, including through a device and hotspot loan program available through local libraries. Additional details on Wyoming's low-cost plan are further detailed below.

2.12.1.1 Low-Cost Plan Details

The plan required to be offered by subgrantee applicants will have the following elements:

- **Eligibility:** Eligibility criteria for the low-cost plan will be the same as those for the Affordable Connectivity Program⁸³ or another relevant federal program (e.g., Lifeline) in the event the Affordable Connectivity Program does not continue
- **Speed:** 100mbps/20mbps minimum or the fastest speeds the infrastructure is capable of offering if less than 100mbps/20mbps
- **Latency:** No more than 100 milliseconds
- **Terms:** No data caps, surcharges, or usage-based throttling; subject to the same acceptable use policies to which subscribers to all other broadband internet service plans offered to home subscribers by the subgrantee applicant must adhere
- **Changes:** If the subgrantee applicant offers a low-cost plan with higher speeds downstream and/or upstream, there will be no restrictions for eligible subscribers to the low-cost plan to upgrade for no additional cost
- **Cost:** not-to-exceed \$70 per month, exclusive of all taxes, fees, and charges for those that do not reside on Tribal Lands; \$75 per month or less, exclusive of all taxes, fees, and charges if the subscriber resides on Tribal Lands; no additional non-recurring fees or costs. Eligible consumers must be able to apply the ACP benefit to the plan price noted above to further reduce the cost to the consumer. In the event ACP is discontinued:
 - WBO will keep the same price of not-to-exceed \$70 per month, exclusive of all taxes, fees and charges for those that do not reside on Tribal Lands

⁸³ "Do I Qualify?" Universal Service Administrative Company, June 30, 2023. <https://www.lifelinesupport.org/do-i-qualify/>.



- WBO will adjust the price to not-to-exceed \$70 per month, exclusive of all taxes, fees and charges if the subscriber resides on Tribal lands; no additional non-recurring fees or costs.
- WBO reserves the right to adjust its low-cost plan requirements to best serve Wyomingites
- **Inflation:** Allows for annual increase in plan cost tied to the Consumer Price Index
- **Duration:** This plan must be offered for ten years after service begins
- **ACP:** Subgrantee applicants must agree to participate in the ACP or ACP successor program, as identified by NTIA

2.12.2 Affordable Connectivity Program Certification

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

WBO certifies that it will require all subgrantees to participate in the Affordable Connectivity Program or any successor program identified by NTIA.

2.13 Middle-Class Affordability Plans

2.13.1 Middle-Class Affordability Plan

NTIA guidance: 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.

WBO is taking a two-pronged approach to ensure that broadband is affordable to Wyoming's middle class: scoring subgrantee applicants based on the affordability of their plans as part of their project proposals and requiring subgrantees to price their plans incorporating rural-urban parity.

As described in Section 2.4.2.4, affordability is an important element in WBO's scoring approach. Affordability will be worth 15% of a subgrantee applicant's score, which is the second highest for any individual criteria. Applicants will be scored based on a comparison of their lowest-cost plan available to all BSLs (1Gbps/1Gpbs for priority projects and 100mbps/20mbps for non-priority projects) in the proposed project area to a reference price. Subgrantee applicants whose lowest-priced plan is equal to the reference price will receive a score of 7.5 points (or 50% of the 15 points available). Subgrantee applicants whose lowest-priced plan is either above or below the reference price will receive additional points based on the percentage gap between their proposed plan price and the reference price, with



those committing to offer plans below the reference price earning more points. To achieve the highest score possible according to the rubric, applicants are incentivized to offer the most affordable plan feasible according to their business case.

Additionally, WBO will require subgrantee applicants to price their plans using rural-urban parity. The competitive landscape of internet service in Wyoming is such that there is often significantly more competition located in Wyoming cities and towns, forcing providers to lower their prices to gain customers; however, in rural areas, there are often fewer providers offering service, allowing providers to price their plans higher, disadvantaging rural Wyomingites. For each speed of broadband service offered on BEAD-deployed infrastructure, WBO will require that the lowest price a provider offers utilizing the same technology and the same speed anywhere within the state be available to all customers on BEAD-funded infrastructure as well.

For example, if a provider is offering fiber service in Laramie using infrastructure built several years ago at a total cost of \$100/month with 1gbps/1gbps speeds, and that same provider wins a BEAD grant to offer fiber service in Rock River, the provider must offer a 1gbps/1gbps plan to Rock River residents at \$100/month. As another example, if a provider wins a BEAD grant to offer fixed wireless broadband service in Ranchester and Big Horn, the lowest prices the provider offers at every speed tier (e.g., 100mbps/20mbps, 300mbps/300mbps, etc.) in Ranchester must be available to residents in Bighorn and vice-versa.

This standard ensures that all Wyomingites have access to the most affordable, market-driven broadband plan available regardless of how close they live to a major population center.

2.14 Use of 20 Percent of Funding (Requirement 17)

2.14.1 Request for Funding During Initial Proposal Round

NTIA guidance: 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 funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.*
- 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.*
- 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.

WBO is requesting that NTIA grants the State 100% of its \$348 million BEAD allocation upon approval of its Initial Proposal. WBO's rationale behind this request is rooted in WBC's (the State Agency to which WBO belongs) customary practices around grant administration and WBO's goal to provide service to all served and unserved BSLs within the state.

While not required by statute or the State constitution, WBC customarily does not enter into contract with or award grant money to subgrantees without first having the appropriate level of funding within the Agency's accounts. While there are exceptions to this practice (i.e., a written federal guaranty of any awards made by WBC), they are considered outside of WBC's standard operating procedures. If WBC were to not receive 100% of its funding upon approval of its Initial Proposal, the Agency would need to seek a special exception from the State Budgeting Office to award the grants and complete the contracting process (in line with NTIA guidance) before funds are received.

As discussed elsewhere in this proposal, WBO recognizes the task ahead of it in deploying BEAD funding to meet NTIA's and the State's goals for broadband access, affordability, and adoption. The State's allocation is \$348 million, but estimates from NTIA's data vendor, CostQuest Associates, show that it may require an allocation of more than \$1 billion to provide fiber-optic broadband service to every unserved and underserved location in the state. The funding shortfall is magnified when considering the limited construction season in Wyoming. Given the often-harsh winter weather in Wyoming, construction is typically limited to just six months out of the year—from May thru October. Having funds in-hand and ready to deploy as soon as WBO receives approval of its Final Proposal could allow subgrantees to begin construction as early as possible in the 2025 dig season, reducing the time to service initiation for Wyomingites waiting for broadband service.

WBO also plans to use a portion of its funding, as allowed by the NTIA, to manage the challenge process, requisite map updates, application review, and Final Proposal creation. As discussed in the State's Five-Year Action Plan, WBO has only one full-time employee, the State's Broadband Coordinator. WBO regularly engages technical experts to aid the Office in grant administration responsibilities. As noted earlier in this Section, the WBC is similarly limited in its ability to engage technical experts without funding in the Agency's accounts. Receiving its allocation upon approval of the Initial Proposal could allow WBO to ensure that it has engaged the proper technical and managerial expertise to support the grant administration process.

Specifically, WBO is requesting \$342,977,922.27 in its Initial Proposal Funding Request, which represents Wyoming's full BEAD allocation after subtracting the \$4,899,999 that was awarded in BEAD Initial



Planning Funds. WBO intends to use \$6,802,113 of its funding request for administration of the BEAD grant, including travel, monitoring and compliance / audit, grant coordination and technical support, and indirect costs. WBO intends to use the remaining funds of \$336,175,809 for programmatic costs, which include awards to subrecipients to deploy broadband, as well as costs associated with running the challenge process and mapping. Given that WBO anticipates a funding shortfall to deploy fiber to all unserved and underserved locations, WBO has sought to maximize the funding that will be used for deployment. A breakdown of the costs for each category as per the Initial Proposal Funding Request are provided in Exhibit 26 below.

Exhibit 26: Summary of BEAD budget breakdown as per Initial Proposal Funding Request

Budget Category	Estimated Cost (USD)
Personnel	\$0
Travel	\$114,192
Equipment	\$0
Supplies	\$0
Contractual-Subawards	\$341,173,809
Construction	\$0
Other	\$0
Indirect	\$1,689,921
Cost Sharing-Matching	\$0
Program Income	\$0
TOTAL	\$342,977,922

2.14.2 Financial Data Entry

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



WBO is requesting its full \$347,877,921.27 allocation upon approval of its Initial Proposal.

2.14.3 Compliance with BEAD Requirements

NTIA guidance: 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."

WBO certifies that it will adhere to BEAD Program requirements regarding the use of funds granted upon approval of its Initial Proposal.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 Eligible Entity Regulatory Approach

NTIA guidance: 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.

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.

The State of Wyoming does not currently have any laws concerning broadband, utility services, or similar subjects that either (a) preclude certain public sector providers from participation in the deployment subgrantee application process 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.

2.15.1.1 Optional Attachment of Non-Waived Laws

NTIA guidance: 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.

Not applicable



2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Certification of Intent to Comply with BEAD Program Requirements

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

WBO intends to comply with all applicable requirements of the BEAD program, including the reporting requirements.

2.16.2 Subgrantee Accountability Requirements

NTIA guidance: 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);*
- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*
- c. Timely subgrantee reporting mandates; and*
- d. Robust subgrantee monitoring practices*

WBO recognizes the importance of implementing strong subgrantee accountability measures to protect this historic investment in Wyoming's broadband infrastructure. In line with NTIA guidance and requirements, WBO will distribute funding to subgrantees on a reimbursable basis only, include clawback provisions in its BEAD award contracts with subgrantees, require timely reports from subgrantees, and implement a robust subgrantee monitoring process.

2.16.2.1 Distribution of Funds on a Reimbursable Basis

As mentioned in Section 2.4.1, WBO will distribute BEAD funding to subgrantees on a reimbursable basis, linked to their project progress and adequate expense reporting. While they will be updated to ensure alignment with all NTIA BEAD Program requirements, WBO anticipates the BEAD deployment subgrantee payment terms will be substantively similar to the contract used in other federal broadband grant programs, [including Connect Wyoming 2 ARPA/CPF](#). Prior to disbursing grant funds to subgrantees, WBO will require that subgrantees submit invoices and/or receipts with sufficient detail to ensure that any grant funds requested are being disbursed in line with the subgrantee's approved project proposal and BEAD award contract. When applicable, as outlined in Section 2.4.5, subgrantees must include details about the origin of products purchased with BEAD funds that are subject to the Build America, Buy America Act. WBO reserves the right to withhold reimbursement if the subgrantee



fails to perform, to the satisfaction of the WBO or WBC, its duties and responsibilities as outlined in its BEAD award contract or approved project proposal. No payment will be made for any work performed prior to WBO receiving NTIA approval of its Final Proposal and entering into a formal contract with a subgrantee. In accordance with Wyo. Stat. § 16-6-602, approved disbursements will be paid within 45 days of submission of the required invoices and/or receipts.

2.16.2.2 Clawback Provisions

As mentioned in Section 2.4.1, WBO will include clawback provisions in its BEAD deployment contracts. These clawback provisions will be structured to allow the recoupment of funds previously disbursed if the subgrantee fails to meet the requirements and objectives set out in its approved project proposal or other elements of the BEAD award contract. WBO will finalize the clawback provisions at a later date, but they could include punitive measures designed to enforce commitments by subgrantee applicants that contributed to a project proposal's overall score (e.g., failure to meet time-to-deployment criteria, for which a subgrantee applicant was awarded points).

2.16.2.3 Timely Subgrantee Reporting Mandates

WBO will adopt all reporting procedures as outlined by the NTIA in the BEAD NOFO. Subgrantees will be required to report on a semiannual basis for the duration of the subgrant. WBO will require that all reports conform to NTIA standards, and include at a minimum:

- A list of addresses or location identifications (including the Broadband Serviceable Location Fabric FCC ID number established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project
- A list of new locations served within each project area at the relevant reporting intervals, and service taken (if applicable)
- Whether each address or location is residential, commercial, or a community anchor institution
- A description of the types of facilities that have been constructed and installed
- A description of the peak and off-peak actual speeds of the broadband service being offered
- A description of the maximum advertised speed of the broadband service being offered
- A description of the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered
- A list of all interconnection agreements that were requested, and their current status
- The number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are MBEs or WBEs



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- Any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects
- An SF-425: Federal Financial Report and any other information necessary to meet the requirements described in the [Department of Commerce Financial Assistance Standard Terms and Conditions](#) (dated November 12, 2020), Section A.01 for Financial Reports
- Labor report that details compliance with the labor requirements outlined in this Initial Proposal Volume II

For any projects where the expected total cost is greater than \$5,000,000, in addition to the items listed above, subgrantees will be subject to the following requirements for their regular reports:

- Certification that all laborers and mechanics employed by contractors and subcontractors in the performance of the project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Wyoming or by the Department of Workforce Services pursuant to Wyo. Stat. §27-4-406 **OR** if such a certification is not provided, the subgrantee must provide a project employment and local impact report detailing:
 - The number of contractors and subcontractors working on the project
 - The number of workers on the project hired directly and hired through a third party
 - The wages and benefits of workers on the project by classification
 - Whether those wages are at rates less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Wyoming
- If the subgrantee has not provided a certification that a project either will use a unionized project workforce or includes a project-labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)), then the subgrantee must provide a project workforce continuity plan, detailing:
 - Steps taken and to be taken to ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the project (as detailed in Sections 2.7 and 2.8) including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-management partnership training



programs, and partnerships with entities like unions, community colleges, or community-based groups

- Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project
- Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution
- The name of any subcontracted entity performing work on the project, and the total number of workers employed by each such entity, disaggregated by job title
- Steps taken and to be taken to ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market

2.16.2.4 Robust subgrantee monitoring practices

WBO intends to implement robust subgrantee monitoring practices, rooted in the requirements outlined in 2 C.F.R. § 200.332. The monitoring protocol may include the following practices and procedures to review awardee activities and monitor overall progress toward completion of project deliverables.

- Standard operating procedures
 - WBO will produce Standard Operating Procedures once this Initial Proposal Volume II is approved to document all internal processes, including templates for applicant and awardee communications
 - WBO will create a file for each awarded grant to ensure robust documentation of the subgrantee's application materials, award materials, the executed contract, semi-annual reports, reimbursement requests, any applicable change requests, and any other documentation relevant to implementation of the BEAD program
- Required semiannual reporting (further detailed in Section 2.16.2.3 above)
 - All subgrantees will be required to submit semi-annual reports (i.e., every six months) to provide updates to WBO on the progress of implementation.
 - WBO will use these semi-annual reports to inform the semi-annual report due to NTIA, and also help WBO identify any risks to the timely completion of project deliverables. WBO will follow up with any subgrantees that do not submit all required documentation or for which additional information is required. WBO will also follow-up with subgrantees based on any risks identified in order to ensure mitigation plans are quickly developed and implemented
 - Semiannual reporting requirements will include the following:
 - Financial Report



- Semiannual financial report, including an update on the status of expended and any remaining funds
 - Reimbursement requests (if applicable, based on completion of required reimbursement milestones during the reporting period)
 - Progress Report
 - Semiannual progress report, tied to approved program metrics, including the FCC location IDs for any locations to which broadband has been deployed
 - Evidence to demonstrate that the required activities per the project milestones have been completed
 - Labor Report
 - Semiannual report confirming adherence to required labor standards
 - Documentation of any health and safety issues raised
 - Notification of any violations of required labor standards
- Field inspections
 - Interim field inspections
 - A professional engineer may be dispatched to project areas on both a random and scheduled basis to review applicant stated progress and evaluate accuracy of in-progress and completed project builds
 - Close out field inspections
 - A professional engineer will also complete close out in-field inspections of all awarded projects prior to final approval and final payment of remaining funds
- Technical assistance
 - WBO will provide technical assistance as needed throughout project implementation to mitigate any risks and ensure timely completion of project deliverables across all subgrantees
 - Technical assistance requests can be submitted to WBO via the WBO email address
 - WBO will also set up regular office hours and informational webinars to provide additional as needed technical assistance and share best practices

2.16.3 Certification of Compliance with Civil Right and Nondiscrimination Policies

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

WBO certifies that it will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Certification of Subgrantee Compliance with Cybersecurity and Supply Chain Risk Management Requirements

NTIA guidance: 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:



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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.*

Supply Chain Risk Management (SCRM)

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.*

WBO certifies that it will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements outlined in the BEAD NOFO.



2.17 Volume II Public Comment

2.17.1 Public Comment Process

NTIA guidance: 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.*

WBO posted the draft version of its Initial Proposal Volume II for public comment on October 18, 2023, and the public comment period lasted 30 days (closed on November 17, 2023).

Similar to how WBO managed the public comment periods for its Digital Access Plan and Initial Proposal Volume I, the full draft of this document is posted on the [WBC website](#) along with a [Google Form](#) for any members of the public to provide comments. With the launch of the public comment period, WBO sent out an email to the entire WBC distribution list, which includes those stakeholders who had previously indicated interest in broadband deployment efforts or who have previously commented on BEAD or Digital Access documents. WBO also coordinated with other State agencies, asking them to provide comments and announce the opening of the comment period on any relevant distribution lists. Finally, WBO emailed all elected officials in the Wyoming legislature to ensure that they have an opportunity to review and participate in the public comment period. On November 7, WBO sent a reminder email to the lists mentioned above reminding them to participate in the public comment process ahead of the November 17 deadline.

Additionally, WBO provided an overview of Initial Proposal Volume II and detailed how to participate in the public comment period during its Statewide Broadband Update which took place on October 26 at 2:00p MT. There were a total of 25 people that attended the webinar, principally from potential subgrantee applicants with some representation from State and local government, labor organizations, and economic development organizations. A recording of the webinar can be found on the WBC YouTube channel [here](#). Throughout the public comment period, WBC also periodically posted to its social media channels to encourage Wyomingites to provide input (an example from WBC Facebook page can be found [here](#)).

During the public comment period WBO received 34 comments via its Google Form and 11 more that were emailed directly to the WBO Broadband Manager. Comments principally centered on the affordability requirements, but also included topics across most areas of the Initial Proposal Volume II,



including project areas, scoring, etc. As a result of the public comment period, WBO has elected to make the following updates to its Initial Proposal Volume II:

- Adjusted affordability criteria for priority and non-priority projects to measure quantile ranges instead of using a reference price. Additional details are provided in section 2.4.2
- Scaled scoring for speed to deployment criteria for priority and non-priority projects to make it possible to achieve maximum points in section 2.4.2
- Clarified that the scoring rubric will be used to decide amongst subgrantee applicants for competing projects that cover the same location(s) in section 2.4
- Clarified that subgrantees must only offer low-cost service options to ACP-eligible consumers on BEAD-funded networks in section 2.12
- Clarified that any network performance requirements will be included in the subgrantee application materials in section 2.4.13
- Adopted NTIA guidance on acceptable waivers on required letters of credit in section 2.4.11.3
- Added that applicants who are on the federal debarment list will not be eligible for BEAD funding, and subgrantee applicants who have defaulted on previous broadband infrastructure funding awards must disclose such information during prequalification in section 2.4.2.2
- Adjusted language to be more inclusive related to those who communicate with American Sign Language in section 2.1.1.6
- Clarified that high cost CBGs will not require a matching commitment, however all other CBGs will in a subgrantee application in section 2.4.17

2.17.2 Optional Attachments

NTIA guidance: 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.

WBO does not intend to include any additional supplementary materials.



2.18 Appendix

2.18.1 Formal Tribal Consultation Letter from WBC CEO to the Eastern Shoshone

This letter was mailed on July 6, 2023 and again on October 10, 2023

Dear Chairman [REDACTED], Vice Chair [REDACTED], members of the Eastern Shoshone Business Council,

Through the Infrastructure Investment and Jobs Act, several significant opportunities were made available to States and Tribes that focus on high-speed internet funding, development, and equity. Of the various programs, Wyoming is actively participating in the Broadband Equity, Access, and Deployment Program (BEAD) and the Digital Access/Equity Program (DAP). Wyoming has received planning funding for both programs earlier in 2023.

Wyoming will receive \$347M from BEAD funding for broadband infrastructure and is anticipating receiving \$7.5M in Digital Access funding. The reason for this letter is to establish contact on this topic and offer the Tribe the opportunity to meet and consult with the State on the Digital Access Plan and inform the Tribe of their eligibility for the anticipated BEAD funding. If this is a topic of interest to the Council, we are happy to kick off engagement.

As part of its participation, the State must meaningfully incorporate ongoing Tribal input in the planning and implementation processes for using granted funds, a commitment we take seriously considering the strong relationship built between our two sovereign entities. The purpose of this input is to ensure that the Tribe can inform the State of its priorities, goals, and needs when it comes to high-speed internet inclusion and equity, especially considering its unique local insight and expertise when it comes to bridging the internet divide on the Wind River Reservation. This includes perspectives on the challenges and impacts of high-speed internet implementation in Tribal lands as well as gaps that need to be considered. We recognize that the Tribe is an important contributor and partner with the State in its success moving forward and that high-speed internet is an important part of that success.

Turning to the programs at hand, I wanted to provide some more detail on their background and purpose. The BEAD program provides roughly \$42 billion to fund the development of high-speed internet infrastructure and access to unserved or underserved areas throughout the country. The state is required to develop a Five-Year Action Plan, an Initial and Final Proposal, which will be submitted to the National Telecommunications and Information Administration (NTIA). Operating in tandem with the BEAD program, the DAP program will use its approximately \$7.5M to help fund State, Territorial, and Tribal efforts in the implementation of the State Digital Access/Equity Plan which identify barriers to digital equity and develop strategies for overcoming those barriers.



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Importantly, it is possible that certain subgrantee opportunities may be available for Tribal projects under the State's plans, subject to the necessary federal requirements. The Tribe may also have the opportunity to submit its own Tribal-specific plans for consideration in the State process. In that vein, and should the Tribe opt to engage, there are several high-level topics the State would like to discuss and present to the Council, or its designee as appropriate, for input:

- A general description of Wyoming's planning processes, implementation timelines, and plans for ongoing engagement
- The Tribe's strategic planning and prioritization regarding broadband access and digital inclusion, including any opportunities for collaboration with the State
- The development of an effective and efficient engagement process with the State, including discussing specific points of contact
- Various federal requirements regarding subgrantees and required matching funds
- The Tribe's thoughts on specific locations, communities, and surrounding areas that are most impacted by a lack of meaningful broadband access and the key barriers within those areas to improving access
- The Tribe's thoughts on barriers and obstacles to the development of broadband infrastructure, increased broadband adoption, or improved digital literacy skills
- The Tribe's thoughts on the impact to the Tribe or its lands of statewide broadband projects
- The Tribe's thoughts on projects it has undertaken in recent years to address high-speed internet access
- The Tribe's thoughts on ways that improved broadband access could help address digital equity and achieve broader Tribal and State policy goals
- Information about planning funds and technical assistance that may be available to the Tribe
- The Tribes' thoughts on past experiences with federal funding programs
- The Tribe's role in reviewing grant proposals

Unfortunately, the State has a short window for engaging with the Tribe this summer. Initial planning funding was awarded to the State in early 2023 and the State must submit its Five-Year Action Plan by September 16, 2023 but hopes to have an early submission on July 17, 2023. Additionally, the Digital Access/Equity Plan is due December 20, 2023 but must be released for a 30-day comment period. The state is anticipating releasing the DAP for comment on July 17, 2023. These dates may vary slightly. After these initial submissions, the state will continue to engage with the public and the tribe throughout the planning and program delivery before the finalization of the State's Initial Proposal around the first part of 2024.

Bearing these dates in mind, we would like to offer the chance to schedule a meeting with the Tribal Business Council or the Wind River Inter-Tribal Council the week of July 10, 2023. The Governor's Office is also willing to add this as an agenda item to the Tribe's quarterly meeting agenda with the Governor for its July 20, 2023 meeting, as well as future quarterly meetings as necessary. If the week of July 10 is not feasible for your schedule, we are happy to look at the earliest available date after that. Importantly,



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the State has had some contact with [REDACTED], Eastern Shoshone Information Technology Director to date. Moving forward, and if the Council is amenable, we are willing to coordinate on establishing working groups for both the State and Tribe that can meet more frequently and work out details.

Thank you again for your time in reading this letter, and my team and I look forward to hearing from you and answering any questions you may have.

Sincerely,

[REDACTED]

CEO, Wyoming Business Council

2.18.2 Formal Tribal Consultation Letter from WBC CEO to the Northern Arapaho

This letter was mailed on July 6, 2023 and again on October 10, 2023

Dear Chairman [REDACTED], Co-Chair [REDACTED], members of the Northern Arapaho Business Council,

Through the Infrastructure Investment and Jobs Act, several significant opportunities were made available to States and Tribes that focus on high-speed internet funding, development, and equity. Of the various programs, Wyoming is actively participating in the Broadband Equity, Access, and Deployment Program (BEAD) and the Digital Access/Equity Program (DAP). Wyoming has received planning funding for both programs earlier in 2023.

Wyoming will receive \$347M from BEAD funding for broadband infrastructure and is anticipating receiving \$7.5M in Digital Access funding. The reason for this letter is to establish contact on this topic and offer the Tribe the opportunity to meet and consult with the State on the Digital Access Plan and inform the Tribe of their eligibility for the anticipated BEAD funding. If this is a topic of interest to the Council, we are happy to kick off engagement.

As part of its participation, the State must meaningfully incorporate ongoing Tribal input in the planning and implementation processes for using granted funds, a commitment we take seriously considering the strong relationship built between our two sovereign entities. The purpose of this input is to ensure that the Tribe can inform the State of its priorities, goals, and needs when it comes to high-speed internet inclusion and equity, especially considering its unique local insight and expertise when it comes to bridging the internet divide on the Wind River Reservation. This includes perspectives on the challenges and impacts of high-speed internet implementation in Tribal lands as well as gaps that need to be



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considered. We recognize that the Tribe is an important contributor and partner with the State in its success moving forward and that high-speed internet is an important part of that success.

Turning to the programs at hand, I wanted to provide some more detail on their background and purpose. The BEAD program provides roughly \$42 billion to fund the development of high-speed internet infrastructure and access to unserved or underserved areas throughout the country. The state is required to develop a Five-Year Action Plan, an Initial and Final Proposal, which will be submitted to the National Telecommunications and Information Administration (NTIA). Operating in tandem with the BEAD program, the DAP program will use its approximately \$7.5M to help fund State, Territorial, and Tribal efforts in the implementation of the State Digital Access/Equity Plan which identify barriers to digital equity and develop strategies for overcoming those barriers.

Importantly, it is possible that certain subgrantee opportunities may be available for Tribal projects under the State's plans, subject to the necessary federal requirements. The Tribe may also have the opportunity to submit its own Tribal-specific plans for consideration in the State process. In that vein, and should the Tribe opt to engage, there are several high-level topics the State would like to discuss and present to the Council, or its designee as appropriate, for input:

- A general description of Wyoming's planning processes, implementation timelines, and plans for ongoing engagement
- The Tribe's strategic planning and prioritization regarding broadband access and digital inclusion, including any opportunities for collaboration with the State
- The development of an effective and efficient engagement process with the State, including discussing specific points of contact
- Various federal requirements regarding subgrantees and required matching funds
- The Tribe's thoughts on specific locations, communities, and surrounding areas that are most impacted by a lack of meaningful broadband access and the key barriers within those areas to improving access
- The Tribe's thoughts on barriers and obstacles to the development of broadband infrastructure, increased broadband adoption, or improved digital literacy skills
- The Tribe's thoughts on the impact to the Tribe or its lands of statewide broadband projects
- The Tribe's thoughts on projects it has undertaken in recent years to address high-speed internet access
- The Tribe's thoughts on ways that improved broadband access could help address digital equity and achieve broader Tribal and State policy goals
- Information about planning funds and technical assistance that may be available to the Tribe
- The Tribes' thoughts on past experiences with federal funding programs
- The Tribe's role in reviewing grant proposals

Unfortunately, the State has a short window for engaging with the Tribe this summer. Initial planning funding was awarded to the State in early 2023 and the State must submit its Five-Year Action Plan by September 16, 2023 but hopes to have an early submission on July 17, 2023. Additionally, the Digital



Access/Equity Plan is due December 20, 2023 but must be released for a 30-day comment period. The state is anticipating releasing the DAP for comment on July 17, 2023. These dates may vary slightly. After these initial submissions, the state will continue to engage with the public and the tribe throughout the planning and program delivery before the finalization of the State's Initial Proposal around the first part of 2024.

Bearing these dates in mind, we would like to offer the chance to schedule a meeting with the Tribal Business Council or the Wind River Inter-Tribal Council the week of July 10, 2023. The Governor's Office is also willing to add this as an agenda item to the Tribe's quarterly meeting agenda with the Governor for its July 20, 2023 meeting, as well as future quarterly meetings as necessary. If the week of July 10 is not feasible for your schedule, we are happy to look at the earliest available date after that. Moving forward, and if the Council is amenable, we are willing to coordinate on establishing working groups for both the State and Tribe that can meet more frequently and work out details.

Thank you again for your time in reading this letter, and my team and I look forward to hearing from you and answering any questions you may have.

Sincerely,

[REDACTED]

CEO, Wyoming Business Council

2.18.3 Agenda for July 6 Meeting between NABC and the Governor's Tribal Liaison

NABC AGENDA

July 6, 2023

10:00 am

Council Chambers

- I. Zoom with [REDACTED] to discuss NTIA/BEAD Grant
- II. Meeting with [REDACTED]
- III. Can I meet with [REDACTED] to help be a bridge for transition if and when she retires again?
- IV. Letter for support of [REDACTED]
 - a. We have a draft we are finalizing for the NABC's review.
- V. [REDACTED] Economic Development Corporation is coming to Riverton on July 19/20 to present opportunities to EST and would like to meet with NABC.
 - a. He will be presenting to Tribal leaders about the projected growth and development occurring in South Lincoln County. He and his group would like to



understand the Tribes' interest in participating, if any, in this growth and discussing common areas of transportation, housing, workforce development and training.

VI. Select Tribal Committee meeting

- a. [REDACTED] will be there in person and will touch base beforehand regarding topics we plan to speak on.

VII. MMIP on July 17

VIII. WGA Resolution calling for more law enforcement

- a. <https://westgov.org/resolutions/article/policy-resolution-2023-09-missing-and-murdered-indigenous-persons>

IX. Quarterly Zoom with NABC and [REDACTED]

- a. First Draft Agenda to get out ASAP
b. Ask if any specific topics NABC wants to cover

2.18.4 Agenda for July 18 Meeting between Governor's Office and NABC

July 18, 2023 Quarterly Meeting between Wyoming Governor and Northern Arapaho Business Council (NABC)

AGENDA

12:00 -1:00 PM

Virtual

Zoom Meeting Link

ATTENDEES:

[REDACTED], Chairman, NABC
[REDACTED], Co-Chair, NABC
[REDACTED], Councilman, NABC
[REDACTED], Councilwoman, NABC
[REDACTED], Councilman, NABC
[REDACTED], Councilwoman, NABC

[REDACTED], Special Counsel for the Governor
[REDACTED], Tribal Liaison to the Northern Arapaho Tribe for Governor Mark Gordon

DISCUSSION POINTS:

- **Kickoff and Introductions**
 - Any introductory statements from NABC
 - Any introductory statements from [REDACTED]
- **Topics**
 - Wild Horse Management
 - Homelessness Solution
 - WCDA Discussion
 - Wyoming Tenant Law/ Tenant Bill of Rights



- Food Costs
- MMIP and MMIW
 - Report from 7/17 MMIP Task Force Meeting
 - Ashanti Alert System:
 - WGA Resolution
 - Federal Advocacy Possibilities
 - Potential DVSA Funding Request
- Title IV.E
 - Recognition of Finishing Incentives Contract
 - WYCAPS and transition to new database
 - IV.E. Case File Reviews
- Title IV.D Child Support FTI Data
 - Bill in Congress
 - NGA advocacy
- Heads up Regarding EPA WQS Rule Comments
- Broadband Check-in
- Liquor
- UW Concerns re Student Support
- Potential Visit from [REDACTED]

2.18.5 Agenda for July 20 Meeting between Governor's Office and ESBC

AGENDA

12:00 -1:00 PM

Virtual

Zoom Meeting Link

ATTENDEES:

[REDACTED], Chairman, ESBC
 [REDACTED], Vice Chairman, ESBC
 [REDACTED], Councilman, ESBC
 [REDACTED], Councilwoman, ESBC
 [REDACTED], Councilman, ESBC
 [REDACTED], Councilman, ESBC

[REDACTED], Special Counsel

DISCUSSION POINTS:

- **Topics**
 - Wild Horse Management
 - MMIP and MMIW
 - 7/17 MMIP Task Force Meeting



- Ashanti Alert System:
- WGA Resolution
 - Federal Advocacy Possibilities
- Potential DVSA Funding Request
- Title IV.E
 - Drafting IV.E. program contract
- Title IV.D Child Support FTI Data
 - Bill in Congress
 - NGA advocacy
- Heads up Regarding EPA WQS Rule Comments
- Broadband
- Liquor Discussion
- Potential Visit from [REDACTED]

2.18.6 Email on August 22 from Governor's Tribal Liaison to ESBC

Subject: FW: UPDATED: Your Feedback is Needed on Wyoming's BEAD Plan

Good morning Chairman [REDACTED], Vice Chair [REDACTED], members of the Council,

I just wanted to make sure you received this email invitation for comment on the State's BEAD broadband grant proposal. This ties back to the "Dear Tribal" letter we sent a few weeks ago regarding this program, and you will likely get another forwarded email from me on this shortly as well. Happy to answer any questions as best I can.

Thank you,
[Quoted text hidden]

2.18.7 Email on August 28 from Governor's Tribal Liaison to ESBC

Subject: FW: Virtual Broadband Info Session August 31

Good Afternoon Chairman [REDACTED], Vice Chair [REDACTED], members of the Council,

Apologies for several emails. Just wanted to forward along the recent WBC notice regarding the opportunity to get more info on how Wyoming is spending money it received from the feds on broadband development under the BEAD program. I know [REDACTED] is the contact on this for the Tribe, so apologies if I am duplicating something he is already on.

Thank you,

2.18.8 Email on August 28 from ESBC Chairman to Governor's Tribal Liaison

Subject: RE: FW: Virtual Broadband Info Session August 31

Thank you for the information!
[Quoted text hidden]



2.18.9 Email on September 5 from Governor's Tribal Liaison to ESBC

Subject: WY State BEAD Program

Afternoon Chairman [REDACTED], Vice Chair [REDACTED], members of the Council,

I just wanted to give you a heads up that the Wyoming Business Council point on Wyoming's Broadband Equity, Access, and Deployment program, Elaina Zempel, would be willing to meet with the Council virtually this month if you have any questions or input on the state funding plan. Happy to connect the dots if that is something of interest. I have cc'd her on this email chain just to keep you all in the loop.

2.18.10 Agenda for September 5 Meeting between Governor's Tribal Liaison and NABC

NABC AGENDA
September 5, 2023
11:00 am
Council Chambers

- . CoC HUD Housing- STATE PRESENTATION AT 11-11:20am via ZOOM
 1. 2 Options and then let NABC decide internally what direction I should take with the state to support NABC and Homelessness
 2. Field trip on September 20, 2023- September 21, 2023
 1. Gillette- 1:30pm to Council on Community Services
 2. Casper- 10:30am to Wyoming Rescue Mission
- . Select Tribal Relations/ Legislative Persons
 1. [REDACTED] - August 30, 2023
 2. [REDACTED] - September 7, 2023
 3. [REDACTED] - September 18, 2023
 4. [REDACTED] - Unable to get a meeting with/ unsure how to proceed
 5. Tax Discussion
 6. Requested Homelessness be put on future agenda
 1. Topics associated Mortgages, increased rent, Homeless Shelters
 7. **Literacy Rates**
 1. [REDACTED] - Education under [REDACTED]
 2. [REDACTED] - decolonizing the classroom
- . NTIA-BEAD/ Broadband mention
- . MMIP on November 6, 2023
 1. BIA hiring process
 2. Ashanti Alert: HUGE SUCCESS!!!
 1. Follow-Up Request-
 1. Additional training for missing person/child
 2. Follow-Up with DCI regarding Fentanyl Education for the Community? Just an honorable mention if there is time.
- . Enbridge Visit on September 12, 2023 at 1:00 pm at the Casino



2.18.11 Tracking Numbers for the October 10 Tribal Consultation Request Sent via Certified Mail

Letters mailed to Tribes October 2023 Northern Arapaho Business Council and Eastern Shoshone Business Council			
	NAME	TRACKING #	DATE RECEIVED
1		70142120000086517798	10/12 at 11:01am
2		70142120000086517781	10/12 at 11:01am
3		70142120000086517774	10/12 at 11:01am
4		70142120000086517767	10/12 at 11:01am
5		70142120000086517750	10/12 at 11:01am
6		70142120000086517743	10/12 at 11:01am
7		70142120000086517736	10/13 at 2:05pm
8		70142120000086517729	10/13 at 2:05pm
9		70142120000086517712	10/13 at 2:05pm
10		70142120000086517705	10/13 at 2:05pm
11		70142120000086517699	10/13 at 2:05pm
12		70142120000086517682	10/13 at 2:05pm
13		70142120000086517675	10/13 at 2:02pm



2.18.12 Resolution of NABC Creating Wind River Internet

