



# Change Summary: Initial Proposal Volume II Public Comment and Final Versions

**Project Name: Broadband Equity, Access, and Deployment**

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**August 1, 2024**

## **Project Abstract/Update**

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The Wyoming Broadband Office (WBO), part of the Wyoming Business Council (WBC), submitted an Initial Proposal Volume II (IPv2) for 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. The IPv2 was approved by NTIA on **July XX, 2024**. The IPv2 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 published its draft IPv2 to the public on January 31, 2024. The final version, approved by NTIA and published on the WBO website, reflects updates and changes based on stakeholder feedback and the NTIA curing process. This document summarizes the changes between the version released on January 31 and the final version approved by NTIA.



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## Summary

Wyoming's Initial Proposal Volume II (IPv2) for the federal Broadband Equity, Access, and Deployment (BEAD) Program was approved in its final version by the National Telecommunications and Information Administration (NTIA) in **July 2024**. **This document summarizes the changes between the most recent document released to the public in January 2024 and the version that was approved in July** after several rounds of requested revisions from NTIA. This report focuses on updates to the IPv2 that are relevant to prospective applicants for BEAD funding and that change policy decisions for the Program.

In the **subgrantee selection process** section, the Wyoming Broadband Office (WBO) changed the point allocations for certain scoring criteria, specifically removing the "Service in Wyoming" criteria and increasing the weight for the "Unserved BSLs" and "Local and tribal government coordination" criteria. Other criteria were described in greater detail to allow for more transparent application and scoring. WBO's processes for project application awards in certain cost and competition scenarios were updated with greater detail.

The **labor standards** section was updated to clarify the legal opinion and other qualification requirements, most relevantly that a template would be provided for the legal opinion requirement.

For the mandatory **low-cost service offering** section, WBO provided clarification on how the expiration of the Affordable Connectivity Program (ACP) impacts affordability in Wyoming and the low-cost offering. Specifically, it details that in the case that the ACP does not continue, the low-cost offering's eligibility will be equivalent to any similar relevant federal program (e.g., Lifeline). It also extends the lifetime of the low-cost offering to ten years after service begins.



## Sections with minimal or no changes

Most of the sections of the IPv2 were not changed or were only changed minimally, for example to include more background information or adjust language or phrasing. Sections that were not changed or were changed with minimal impact to the Program's policies include:

- Objectives
- Local, Tribal, and Regional Broadband Planning Processes
- Local Coordination<sup>1</sup>
- Non-Deployment Subgrantee Selection<sup>2</sup>
- Eligible Entity Implementation Activities
- Workforce Readiness
- Minority Business Enterprises (MBEs) / Women's Business Enterprises (WBEs) / Labor Surplus Firms Inclusion
- Cost and Barrier Reduction
- Climate Assessment
- Use of 20 Percent of Funding
- Eligible Entity Regulatory Approach
- Certification of Compliance with BEAD Requirements
- Volume II Public Comment

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<sup>1</sup> The final version contains more descriptions of the content of engagements, as well as prospective engagement strategies and helpful organizations to promote job and workforce opportunities for underrepresented groups.

<sup>2</sup> This section noted more specifically that "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."



# Deployment Subgrantee Selection

The greatest number of relevant changes to the IPv2 for prospective subgrantees occurred in the Deployment Subgrantee Selection.

Scoring criteria were adjusted, according to stakeholder feedback and NTIA comments. The weighting of criteria was changed in the following ways:<sup>3</sup>

- The **“Service in Wyoming”** criterion was **removed**. It had originally awarded points to applicants according to experience in Wyoming.
- The **“Unserved BSLs”**<sup>4</sup> criterion **increased** in weighting:
  - For Priority Projects, it increased from 6 to 9 points.
  - For Other Last-Mile Projects, it increased from 3 to 6 points.
- For Priority Projects, **“Local and tribal government coordination”**<sup>5</sup> criterion **increased** in weighting from 3 to 4 points.

Some scoring criteria descriptions were clarified in the following ways:<sup>6</sup>

- For all criteria using **ranking based on quantiles**, it was clarified that “in the event of a tie that falls between two quantile ranges, applicants will receive the higher of the two scores.”
- For the **“Affordability”** criterion, it was clarified that for the plans applicants submit pricing for, the “latency must be less than 100ms per the requirement of the BEAD NOFO.”
- For the **“Fair Labor Practices”** criterion, the way to earn points for the forward-looking component of the criterion was clarified and simplified to state that applicants would be awarded the additional points “by making a

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<sup>3</sup> See Sections 2.4.2.5 and 2.4.2.6 in the Initial Proposal Volume II, pp. 53-57.

<sup>4</sup> This criterion allocates points based on the ratio of unserved BSLs to served BSLs in an applicant’s project area compared to the ratios of other applicants’ project areas. Applicants with proportionally more unserved BSLs in their project areas will receive more points.

<sup>5</sup> This criterion allocates points based on the support of local and/or tribal governments with jurisdictions in the proposed project area. The subcriterion with increased points is for support from additional units of government other than the municipal government from the jurisdiction with the most BSLs in the project area.

<sup>6</sup> See Sections 2.4.2.3 and 2.4.2.4 in the Initial Proposal Volume II, pp. 50-53.



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forward-looking commitment to adhere to all state and federal fair labor laws.”

Changes to the IPv2 also provided additional detail regarding the process of negotiating costs and determining awardees. Section 2.4.7 now contains greater detail about how WBO will engage with prospective subgrantees to **address project areas with no proposals**, specifically through engaging with adjacent project area bidders, negotiating cost, and/or utilizing alternate technologies.<sup>7</sup>

Similarly, detail has been added to the utilization process of the Extremely High Cost per Location Threshold (EHCPLT). Section 2.4.10 details how WBO will **ensure winning applicants do not exceed the EHCPLT or benchmark allocation**. The process will entail engaging with high-scoring bidders to lower costs, then engaging with progressively decreasing scoring applications and alternate technologies. WBO also added that it “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.”<sup>8</sup>

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<sup>7</sup> See Section 2.4.7 in the Initial Proposal Volume II for more details, pp. 65-66.

<sup>8</sup> See Section 2.4.10 in the Initial Proposal Volume II for more details, pp. 67-68.



## Labor Standards and Protection

The legal opinion requirement for all applicants was reworded, most notably to state that WBO will provide a template legal opinion for applicants to use to satisfy the requirement, and to clarify the requirements of the legal opinion letter and WBO's standards.<sup>9</sup>

Wording was also adjusted for some prequalification certification requirements regarding labor laws to more clearly align the IPv2 with requirements from NTIA.<sup>10</sup>

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<sup>9</sup> See Section 2.7.1.1 for more details, p. 88.

<sup>10</sup> See Section 2.7.1.2 for more details, pp. 88-89.



## Low-cost service offering

WBO added language regarding the discontinuation of the Affordable Connectivity Program to its description of affordability and the low-cost service offering.

The changed language updates the requirements for the low-cost service offering to state that the eligibility for the offering “will be the same as the ACP or another relevant federal program (e.g., Lifeline) in the event the ACP does not continue.”<sup>11</sup>

The length of time that the low-cost service must be offered was changed to “ten years after service begins.”<sup>12</sup>

The not-to-exceed cost remains the same, at \$70 per month, exclusive of all taxes, fees, and charges, for those that do not reside on Tribal Lands, with no additional non-recurring fees or costs. Note that the IPv2 states that “in the event ACP is discontinued... 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.”<sup>13</sup>

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<sup>11</sup> See Section 2.12.1.1 of the Initial Proposal Volume II, p. 125.

<sup>12</sup> See Section 2.12.1.1 of the Initial Proposal Volume II, p. 126.

<sup>13</sup> See Section 2.12.1.1 of the Initial Proposal Volume II, p. 126.

