

**Before the  
National Telecommunications and Information Administration  
Washington, DC 20230**

In the Matter of	)	
	)	
Infrastructure Investment and Jobs Act	)	Docket No. 220105-0002
Implementation	)	
	)	

**COMMENTS OF BROADBAND CONNECTS AMERICA**

February 4, 2022

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**COMMENTS OF BROADBAND CONNECTS AMERICA**

**I. INTRODUCTION**

Broadband Connects America is a coalition of diverse national, state-based, and local nonprofit organizations, as well as state agencies, that advocate for policies to promote broadband access and adoption in underserved rural areas. We believe that if implemented with a mind towards protecting consumers and encouraging localities, states, and tribes to build upon National Telecommunications and Information Administration’s (“NTIA” or “the Agency”) work, we can make a significant leap towards closing the digital divide.

The success of the Infrastructure, Investment and Jobs Act (“IIJA”) programs hinge on the NTIA’s ability to forge new partnerships and collect feedback from communities and Tribal partners nationwide. Engaging in these types of partnerships will give the NTIA the best view of the broadband landscape. Using this information, the agency can better prioritize the construction of high quality, affordable and open broadband networks to meet consumer needs. NTIA must ensure that any new networks are built so they can easily scale to meet the broadband speed needs of tomorrow. Only building for what is essential in the present guarantees that new network deployments will be obsolete as soon as they are switched on. Additionally, NTIA must

ensure that it does not fail to connect those areas which already have prior build-out commitments. Given the widespread acceptance of the inaccuracy of federal broadband mapping data, utilizing this tool to determine where service is and is not is unreliable at best. The NTIA should give communities that have prior build-out commitments the opportunity to show that work isn't complete and is not actually serving their community. This allows areas that won't be served the ability to remain eligible for BEAD funding to connect their residents.

Affordability must also be a top priority for the NTIA. Aligning the BEAD program's required low-cost program eligibility with that of the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP). In doing so, NTIA will help connect those for whom broadband is unaffordable.

The NTIA is in the process of creating one of the most consequential broadband funding programs in history. The agency must take every step it can to ensure that it is meaningfully addressing the unique challenges that communities face when deploying and providing broadband to their residents. If this is achieved, these new funding programs will have a significant impact on closing the digital divide. However, if the status quo is maintained, we risk continuing the slow, incremental progress that has kept so many households disconnected.

## **II. NTIA SHOULD PRIORITIZE HIGH QUALITY, AFFORDABLE AND OPEN NETWORKS**

Although Congress has given priority to some projects, it has also authorized NTIA to create additional priority criteria.<sup>1</sup> While rural and Tribal communities need broadband quickly – they also need networks that meet consumer needs now and into the future, are affordable, reliable, and open. To build slow, low-quality, or closed networks would waste billions of dollars

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<sup>1</sup> See, 47 USC 1702 Sec. 60102(a)(I) and (h)(1)(B).

without closing the digital divide for rural and Tribal consumers. NTIA can achieve near universal high quality connectivity by requiring states to prioritize projects that (1) offer future-proof symmetrical speeds of at least 100/100 Mbps; (2) offer open access networks; (3) are built by municipalities or cooperatives; and (4) promise to abide by the principles of net neutrality. These criteria should be floors for states, instead of ceilings. States that wish to should feel free to create additional priority projects or require even higher quality projects.

### **A. NTIA Should Prioritize Future Proof Symmetrical Networks**

To date, the FCC and other federal and state agencies have spent billions of dollars deploying slow broadband networks that don't meet consumer needs today, let alone in the future.<sup>2</sup> If NTIA were to allow BEAD money to support slow networks, Congress would be forced to allocate billions more money towards closing the digital divide in the near future, when those networks no longer meet even basic household needs. To avoid wasting the \$42.5 billion dollars allocated to the BEAD program, NTIA should prioritize funding projects that will offer symmetrical speeds of at least 100/100 Mbps and are scalable.<sup>3</sup>

High speed symmetrical networks are critical for the average rural or Tribal household to stay connected today. For example, rural and Tribal consumers rely on telehealth; a high bandwidth activity to access high quality medical care without driving for hours. Moreover, on a typical day for a household of four, two children could be streaming online classes simultaneously, while both parents are on a video conference for work. These types of activities

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<sup>2</sup> See Federal Communications Commission, *Connect America Fund Phase II FAQ*, <https://www.fcc.gov/consumers/guides/connect-america-fund-phase-ii-faqs> (last visited Feb. 3, 2022) (noting that the baseline speed tier is only required to be 25/3 Mbps); Federal Communications Commission, *Auction 904: Rural Digital Opportunity Fund Fact Sheet*, <https://www.fcc.gov/auction/904/factsheet#deployment> (last visited Feb. 3, 2022) (Providing that the minimum speed required to be deployed is 25/3 Mbps); ReConnect Pilot Program, 84 Fed. Reg. 67,916 (Dec. 12, 2019) (noting that ReConnect applicants are only required to provide service at 25/3 Mbps).

<sup>3</sup> See Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. at sec. 60501(a)(2)(I) (2021).

require higher upstream speeds than were needed even a few years ago, making it unlikely that the Congressionally mandated minimum speed of 100/20 Mbps will meet the needs of high use households.<sup>4</sup>

The Congressionally mandated minimum speed of 100/20 Mbps also won't meet future needs. According to the Electronic Frontier Foundation analysis, if this rate of upload speed growth continues, upload demand will exceed 100 Mbps by 2026.<sup>5</sup> Additionally, the Fiber Broadband Association estimates that households of four will need 2,141/2,044 Mbps by 2030.<sup>6</sup> To ensure that networks meet future needs, NTIA should require states to prioritize networks that offer *at least* 100/100 Mbps and are scalable.

## **B. NTIA Should Prioritize Open Access Networks**

Competition can give consumers more affordable and high quality broadband options. For example, AT&T customers with gigabit connections in areas without competitive providers pay \$60 more than those in areas with competition.<sup>7</sup> However rural consumers are unlikely to have access to multiple broadband providers. NTIA can create competition, even in difficult to serve areas, by prioritizing open access networks. Open access networks are built and owned by one entity, but leased out to multiple service providers who can offer service to the community. Many rural communities are not served because they are not profitable to serve. Serving them requires providers to build networks through often difficult terrain without the promise of a large

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<sup>4</sup> *Id.* at § 60501(a)(C)(ii)(I).

<sup>5</sup> Ernesto Falcon and Katharine Trendacosta, *The Future Is in Symmetrical, High-Speed Internet Speeds* (July 2, 2021), <https://www.eff.org/deeplinks/2021/07/future-symmetrical-high-speed-internet-speeds>.

<sup>6</sup> Press Release, Fiber Broadband Association, New FBA Research Reveals Fiber Can Close the Rural Digital Divide (June 21, 2021), <https://www.fiberbroadband.org/blog/new-fba-research-reveals-fiber-can-close-the-rural-digital-divide>

<sup>7</sup> Karl Bode, Harvard Study Shows Why Big Telecom Is Terrified of Community-Run Broadband (Jan. 12, 2018), [https://www.vice.com/en\\_us/article/d345pv/harvard-study-shows-why-big-telecom-is-terrified-ofcommunity-run-broadband](https://www.vice.com/en_us/article/d345pv/harvard-study-shows-why-big-telecom-is-terrified-ofcommunity-run-broadband).

number of consumers to make the investment profitable. Thus, without building open access networks, rural and Tribal communities relying on federal funding to incentivize ISPs to build in their communities, could be left with just one federally-subsidized network.

Open access projects can give rural and Tribal consumers choice in broadband providers when they would otherwise be left with a monopoly. It also helps small providers looking to expand their service area compete for new customers, even if they cannot afford to build a new network. These networks have helped rural consumers access affordable broadband. For example, the municipally-owned open access network launched in Ammon, Idaho, "reduced the cost of a 1 Gbps connection available via one of the ISPs from \$99 a month... to \$9.99 a month."<sup>8</sup> In Utah, the Utopia fiber open access network gave consumers a significantly better experience by giving them 16 providers to choose from.<sup>9</sup>

When prioritizing open access networks, NTIA should make sure that these open networks are nondiscriminatory. If open networks don't offer access to any provider at the same price they cannot really be considered open access networks and will continue to keep competitive providers out of rural and Tribal communities.

### **C. NTIA Should Prioritize Municipal Networks And Cooperatives**

Like open access networks, networks owned by municipalities and cooperatives also bring competition to local communities, or provide service that is better aligned with community needs. Because these entities are not seeking to profit, they can offer lower prices and serve areas that don't promise a profit. In fact, municipal and cooperative approaches to building electricity

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<sup>8</sup> Jay Woodruff, The City with the Best Fiber-Optic Network in America Might Surprise You, FastCompany (Oct. 21, 2019), <https://www.fastcompany.com/90416863/the-city-with-the-best-fiber-optic-network-in-america-mightsurprise-you>.

<sup>9</sup> Utopia Fiber, Residential Pricing, <https://www.utopiafiber.com/residential-pricing/> (last visited Feb. 2, 2022).

infrastructure are what allowed the United States to achieve universal access rapidly and much more cost effectively than if it had solely relied on for-profit private companies.<sup>10</sup>

In Fort Collins, CO, the municipal broadband network offers a 1,000 Mbps plan for \$40 less than Comcast.<sup>11</sup> Likewise, the municipal network in Chattanooga, Tennessee offers significantly faster service than incumbents at half the price.<sup>12</sup> According to the Open Technology Institute, cities with municipal networks advertise average download speeds of 712.88 and upload speeds of 675.40, as compared to download speeds of 393.59 and upload speeds of 236.83 in cities without a municipal network.<sup>13</sup>

Municipally-owned or cooperative networks can also benefit rural communities in need of economic growth. According to a 10-year study, Chattanooga Tennessee's fiber system has created over \$2.69 billion in economic activity by luring new businesses to the area. Jobs created as a result of the municipal network account for about 40% of all jobs created in the county.<sup>14</sup> Given the clear benefits to communities, NTIA should ask states to prioritize these networks where possible. We are not arguing that there is no role for firms motivated by profit, but that states must strike a balance in spending federal dollars. To create the most bang for the buck, states should prioritize networks not driven by profit.

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<sup>10</sup>National Rural Electric Cooperative Association, *History*, <https://www.electric.coop/our-organization/history> (last visited Feb. 3, 2022).

<sup>11</sup> See, Open Technology Institute, *The Cost of Connectivity 2020* at 52 (2020), <https://www.newamerica.org/oti/reports/cost-connectivity-2020/focus-on-the-united-states>.

<sup>12</sup> P.E, Moskowitz, *Chattanooga Was a Typical Postindustrial City. Then It Began Offering Municipal Broadband* (June 3, 2016), <https://www.thenation.com/article/archive/chattanooga-was-a-typical-post-industrial-city-then-it-began-offering-municipal-broadband/>.

<sup>13</sup> See, Open Technology Institute, *The Cost of Connectivity 2020* at 52 (2020), <https://www.newamerica.org/oti/reports/cost-connectivity-2020/focus-on-the-united-states>.

<sup>14</sup> Bento J. Lobo, *Ten Years of Fiber Optic and Smart Grid Infrastructure in Hamilton County, Tennessee* at 73 (2020), [https://assets.epb.com/media/Lobo%20-%20Ten%20Years%20of%20Fiber%20Infrastructure%20in%20Hamilton%20County%20TN\\_Published.pdf](https://assets.epb.com/media/Lobo%20-%20Ten%20Years%20of%20Fiber%20Infrastructure%20in%20Hamilton%20County%20TN_Published.pdf).

#### **D. NTIA Should Prioritize Networks Adhering to Net Neutrality Principles**

Rural and Tribal consumers should have the freedom to go where they want online, without any input from their internet service provider. Absent this ability, it will be difficult to declare the digital divide closed, as some will still be precluded from accessing parts of it. That is why the Broadband Connects America coalition supports the principles of net neutrality. These principles prevent ISPs from blocking, throttling, or offering paid prioritization of certain websites. While the FCC may require ISPs to adhere to the principles of net neutrality when it is fully staffed with a 5th Commissioner, in the meantime NTIA can protect consumers' freedom by prioritizing projects that commit to net neutrality.

#### **III. NTIA SHOULD REQUIRE STATES TO COORDINATE WITH LOCALITIES, TRIBES, AND OTHER STAKEHOLDERS AT THE EARLIEST STAGES OF PLANNING**

Each community has its own set of needs. Successful long term investments in communications infrastructure require effective coordination and engagement with community anchor institutions, local jurisdictions, tribes, community based organizations, and individuals on the wrong side of the digital divide. This communication will shed light upon the existing assets in a community, and its barriers to connectivity. For example, in Lincoln Nebraska, the Public Works Department used a pre-planning process to use over 350 square miles of decommissioned pipelines to lay fiber, ultimately attracting multiple providers.<sup>15</sup> It could also shed light on the reasons a particular community isn't connected – be it a lack of devices, the availability of only high-cost but slow speed internet, or a lack of understanding about available resources for connectivity. Requiring or encouraging states and providers to engage and consult with these

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<sup>15</sup> Community Broadband Networks Podcast, *Transcript: Community Broadband Bits Episode 228* (Nov. 15, 2016), <https://muninetworks.org/content/transcript-community-broadband-bits-episode-228>.

stakeholders when developing grant applications and implementing initiatives provides a level of certainty that new partnerships and collaborations will utilize existing assets and effectively meet community needs.

#### **A. NTIA Should Insist Upon Tribal Coordination at the Earliest Stages of Planning**

Coordination is particularly important in Indian country. NTIA has already found that the need for broadband in Indian Country far exceeds what Congress appropriated directly for those regions. Tribes presented applications in excess of \$5 billion for the \$980 million Tribal Broadband Connectivity Program.<sup>16</sup> What's more is that just half of federally-recognized tribes applied – indicating an even more significant need for broadband in Indian country. Unfortunately, the history of broadband deployment programs suggests that Tribes have difficulty competing against localities, likely because they do not have similar access to banking resources or the consultants needed to compete in those programs.<sup>17</sup>

To overcome these unique Tribal challenges, Tribal governments and/or representative organizations must be engaged during the *earliest* planning stages of any project or policy that may affect their communities or land. By working with Tribal communities early on, non-Tribal entities may be able to form mutually beneficial and lasting relationships. Furthermore, Tribal governments will be empowered to play an active role in the projects and policies that impact their communities.

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<sup>16</sup> Press Release, NTIA, NTIA's Tribal Broadband Connectivity Program Receives More Than 280 Applications, Over \$5 Billion in Funding Requests (Sept. 8, 2021), <https://www.ntia.doc.gov/press-release/2021/ntia-s-Tribal-broadband-connectivity-program-receives-more-280-applications-over>.

<sup>17</sup> Native Nations Communications Task Force, Improving and Increasing Broadband Deployment on Tribal Lands at 18 (2019), [https://www.fcc.gov/sites/default/files/nctf\\_Tribal\\_broadband\\_report.pdf](https://www.fcc.gov/sites/default/files/nctf_Tribal_broadband_report.pdf).

NTIA can promote this coordination by hiring Tribal representatives to serve as liaisons with states, tribes and localities implementing the IJJA. These representatives should also assist communities with their applications for funding and participation in policy processes and serve as a resource for Tribal communities looking for vendors and potential partners.

Moreover, NTIA should confirm that states have coordinated with tribes. For example, NTIA could require states to submit letters from tribes confirming coordination along with the 5-year Broadband Action plan. NTIA could also require states to submit annual letters from Tribes confirming that coordination has continued in an acceptable manner. If Tribes do not feel appropriately consulted, NTIA should set up a reporting mechanism, and consider clawing back funds if complaints are not adequately remedied.

#### **B. NTIA Should Encourage Coordination Between BEAD and Digital Equity Planning and Implementation**

NTIA should strongly encourage states to coordinate between their 5-year Broadband Action plan and their State Digital Equity plan because the components of *both* of these plans are necessary to chip away at the digital divide. NTIA can encourage this coordination by asking the teams working on each respective plan to have members in common, or at least to consult *very regularly* throughout the duration of planning and implementation. Ideally, states would even include parts of their Digital Equity plan within their 5-year Broadband Action plan. NTIA should also encourage states to design their efforts to complement other state and federal broadband initiatives (including any state funding, the USDA's Reconnect Program, the FCC's Rural Digital Opportunity Fund and Affordable Connectivity Fund).

### **C. NTIA Should Encourage Coordination with Individuals Impacted by the Digital Divide and Community Based Organizations**

Individuals impacted by the digital divide, and the community organizations that work with them are best positioned to understand what is needed to close the digital divide. Their engagement is critical for ensuring the success of BEAD and the Digital Equity Grant Program. In order to enable stakeholders to influence policy, they should be engaged from the beginning. This will help states and the NTIA use the money in the way most appropriate for a given community.

There are a number of ways NTIA can encourage stakeholder engagement. First and foremost, members of the public without access to the internet, as well as members of community based organizations working with these populations should be included on the planning teams for both the 5-year Broadband Equity plan and the Digital Equity plan. These experts will provide a viewpoint that is otherwise difficult to get, as the reality is that most state employees are connected. Additionally, NTIA should encourage states to host focus groups and large public stakeholder sessions. NTIA and states could also attend established community meetings – such as those led by federal advocacy groups, and those organized by state and local community organizations.

Finally, NTIA should require the annual reevaluation of state broadband and digital equity plans. When states review their plans, they should be required to consult with stakeholders. This will help states to fix any problems with their rollouts in a timely fashion, using on-the ground knowledge of the situation.

### **IV. NTIA MUST NOT PROHIBIT FUNDING DEPLOYMENT IN AREAS WITH INCOMPLETE BUILDOUT REQUIREMENTS**

In question sixteen, NTIA asks how it should treat areas with prior buildout commitments that are not yet complete. One of the biggest problems with existing broadband maps is that they prevent areas with no broadband access from receiving federal funding because they are incorrectly deemed served. Areas could face this same problem again if NTIA is not flexible. We urge NTIA to not automatically make areas with existing funding commitments ineligible for funds. There are numerous examples of ISPs who did not meet their buildout requirements. For example, Frontier and CenturyLink both failed to meet deadlines to deploy 10/1 service funded through the Connect America Fund Phase II grants. CenturyLink failed to meet obligations across 23 states, and Frontier failed to meet obligations across 17 states.<sup>18</sup> Likewise, New York accused Charter of failing to meet its broadband deployment commitments resulting from its 2016 purchase of Time Warner Cable.<sup>19</sup>

Given that a commitment to building broadband does not necessarily mean that broadband will be built, areas that haven't seen significant progress towards their committed deployment projects should be eligible for BEAD funds. To determine whether ISPs have made significant progress towards deployment, NTIA should coordinate with state and federal agencies overseeing these commitments, and certify that the ISP is meeting deadlines or will soon complete deployment. If NTIA does not do this, it will leave some areas incorrectly deemed served without any internet.

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<sup>18</sup> Jon Brodtkin, *Frontier, amid Bankruptcy, is suspected of lying about broadband expansion* (May 1, 2020), <https://arstechnica.com/tech-policy/2020/05/frontier-amid-bankruptcy-is-suspected-of-lying-about-broadband-expansion/>.

<sup>19</sup> Jon Brodtkin, *NY threatens to kick Charter out of the state after broadband failures* (July 26, 2018), <https://arstechnica.com/tech-policy/2018/07/ny-threatens-to-kick-charter-out-of-the-state-after-broadband-failures/>.

## V. NTIA SHOULD ALIGN THE LOW-COST OPTION WITH THE AFFORDABLE CONNECTIVITY PROGRAM

The IJA requires that BEAD funding recipients offer at least one low-cost broadband option. In determining eligibility for this program, the NTIA should align its eligibility definition with that of the FCC's eligibility criteria for the ACP. The BEAD program is intended to connect as many of the unconnected or underserved as possible. For many, affordability is often the largest barrier to getting connected.<sup>20</sup>

The FCC is currently transitioning from the Emergency Broadband Benefit Program to the Affordable Connectivity Program. These programs are targeted at making broadband affordable for low-income consumers.<sup>21</sup> As NTIA considers eligibility criteria for a BEAD supported low-cost program, it should mimic those of the ACP.

Currently, a consumer is eligible for the ACP if they have an income that is at or below 200% of the federal poverty guidelines.<sup>22</sup> A consumer may also participate in the program if they participate in other programs such as Medicaid, WIC, or Lifeline.<sup>23</sup> A consumer is also eligible if they or a household member have received a federal Pell Grant or free and reduced school lunches.<sup>24</sup> Finally, Tribal residents are also eligible if they participate in specific programs such as Tribal TANF or Food Distribution Programs on Indian Reservations.<sup>25</sup> These eligibility criteria cover a wide array of potentially eligible consumers to help as many people sign up as

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<sup>20</sup> Colleen McClain, *34% of lower-income home broadband users have had trouble paying for their service amid COVID-19*, Pew Research Center (June 3, 2021), <https://www.pewresearch.org/fact-tank/2021/06/03/34-of-lower-income-home-broadband-users-have-had-trouble-paying-for-their-service-amid-covid-19/>.

<sup>21</sup> Federal Communications Commission, *Affordable Connectivity Program*, <https://www.fcc.gov/acp> (last visited Jan. 14, 2022).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

possible. This is a fantastic opportunity for the NTIA to use work that has already been completed by a sister agency when determining eligibility.

The NTIA also asks what factors it should consider when guiding states in the design of low-cost programs. In addition, NTIA asks whether it should define a baseline standard for the low-cost broadband service option. NTIA should set a baseline for states that aligns with the ACP. As a first step, NTIA should require BEAD recipients to participate in the ACP. Second, it should ensure that a BEAD-supported low-cost option can be obtained by ACP recipients for free – meaning that NTIA should set a floor for state low-cost options to be \$30 or less in most areas, or \$75 or less in high cost areas.

Concurrently, the NTIA must ensure that the service standards for the low-income program meet consumer needs. The FCC has already found that a 25/3 Mbps connection is insufficient to have multiple family members connect simultaneously.<sup>26</sup> The IIJA has made it clear that new broadband networks, upgrades, or network expansions funded by the BEAD program must provide service that is capable of allowing consumers to work and learn from home simultaneously, and it must be no different for a low-cost program supported by this program.

## **VI. NTIA MUST PROMOTE DIGITAL EQUITY INITIATIVES TO CLOSE THE DIGITAL DIVIDE**

When it passed the IIJA, Congress recognized that access to devices and digital skills are just as critical to broadband adoption as broadband deployment and affordability. This rings true in rural and Tribal communities as well as in urban communities. In order to close the digital divide, NTIA and states must place a significant emphasis on the components of digital equity –

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<sup>26</sup> Federal Communications Commission, *Household Broadband Guide*, <https://www.fcc.gov/consumers/guides/household-broadband-guide> (last visited Jan. 26, 2022).

including affordable connected devices, and digital literacy skills. NTIA can show the value of these programs by encouraging states to use BEAD funding for a connected device voucher program and for digital literacy training programs. NTIA can also allow the use of funds to create state digital equity offices.

#### **A. NTIA Must Encourage The Use Of Bead Funding For A Connected Device Voucher Program**

Across the country, more than 10% of households don't have a connected device.<sup>27</sup> The lack of a device is why 31% of non-broadband users don't have the internet at home.<sup>28</sup> For other families, a shortage of devices prevents them from simultaneous online activity – like two children taking online classes at once. This is a particularly critical issue in rural and Tribal communities, who face greater barriers to accessing community connectivity resources, and who must travel further for medical care, school and work.

To make sure that rural and Tribal communities have enough affordable devices to meaningfully engage online, NTIA encourages states to use some of their BEAD funding on connected devices. There is already a strong framework for getting devices to those that need them. In 2021, Senator Warnock and Representative McEachin introduced the Device Access for Every American Act.<sup>29</sup> A program modeled on this legislation would establish a voucher program that enables low-income households to get up to two connected devices directly from a retailer or refurbisher. States could use their funding to create programs based on the Device Access for Every American Act at the state level.

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<sup>27</sup> *The Issue*, Digitunity, <https://digitunity.org/the-issue/> (last accessed Feb 4, 2022) (estimating that 14 million households lack a computer).

<sup>28</sup> Monica Anderson, *Mobile Technology and Home Broadband 2019 (June 13, 2019)*, <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/>.

<sup>29</sup> *See generally*, Device Access for Every American Act, S. 2729, 117th Cong. (2021).

## **B. NTIA Must Encourage the Use of BEAD Funds for Digital Literacy**

Congress has authorized states to use BEAD funds for “broadband adoption.”<sup>30</sup> Because digital literacy is a key component to broadband adoption, NTIA should consider digital literacy programs an eligible use and encourage states to promote digital literacy if deployment is complete. According to the National Skills Coalition, one-third of Americans lack digital skills they need to successfully navigate digital devices.<sup>31</sup> Others lack the skills they need to navigate the web. Universal digital literacy will require more funds than those allocated through the Digital Equity Grant Program and yet many community-based organizations stand ready to assist those in need with learning digital literacy skills. Allowing the use of BEAD funds for this purpose will give consumers the tools they need to meaningfully connect.

## **C. NTIA Should Authorize the Use of Administrative Funds to Support State Digital Equity Offices**

Numerous state broadband offices are members of Broadband Connects America. State broadband offices are critical components of closing the digital divide, giving states the ability to understand the reasons for their digital divide and to coordinate tailored solutions for closing it. Just as states benefit from state broadband offices, they will also benefit from a digital equity office. These offices help states understand their digital equity challenges and implement effective and targeted solutions.

NTIA should allow states to use both BEAD and State Capacity Grant administrative funds to build and maintain these offices. Each office should have at least one full-time

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<sup>30</sup> See Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. at sec 60501(f)(5) (2021).

<sup>31</sup> National Skills Coalition, *Applying a racial equity lens to digital literacy* (March 20, 2020), <https://www.nationalskillscoalition.org/resources/publications/file/Digital-Skills-Racial-Equity-Final.pdf>.

employee – and more if necessary based on the states’ needs. Where possible, NTIA should encourage states to place their digital equity offices within their state broadband offices, to enable better coordination regarding all facets of closing the digital divide.

## **VII. CONCLUSION**

The successful implementation of the new IJJA programs is reliant on broad coordination and establishing funding priorities that result in the development of high quality, affordable, and open networks. Closing the digital divide will require NTIA to foster new and unique partnerships with community and Tribal partners nationwide. Giving the most disconnected stakeholders a prominent voice in how these new programs are developed ensures these unprecedented opportunities meet the goals of the IJJA. Coordination also entails alignment with state and federal partners to create cohesion between programs; especially with the FCC’s efforts to make broadband affordable through the ACP.

This coordination and planning must target the ultimate goal of broadband deployment projects that create high quality, affordable, and open networks that meet the needs of every consumer. This requires prioritizing scalable, future-proof networks with broadband speeds of 100/100 Mbps; open access networks; projects developed by municipalities and cooperatives; and networks committed to net neutrality principles. Additionally, funding must be directed towards digital equity and inclusion to ensure that the newly connected have access to devices and the digital literacy skills they need to fully utilize an Internet connection. Without these essential tools, an Internet connection is little more than a wire into someone’s home. The NTIA stands at a turning point for helping close the digital divide. The agency must be open to exploring new ideas and solutions, or it runs the risk of failing to meet the IJJAs stated connectivity goals.

Sincerely,

Access Humboldt  
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