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Sent via Email to [broadband@commerce.idaho.gov](mailto:broadband@commerce.idaho.gov)



Tom Kealey  
Director, Idaho Department of Commerce  
700 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0093

## **RE: Request for Comments on Idaho Broadband Grant Application and Guidance**

**The Previous Comments Submitted by NCC, While Acknowledged, Remain Almost Fully Untouched.** On June 19, 2020, Next Century Cities submitted [comments](#) to the Idaho Department of Commerce in reference to the Idaho Broadband Grant Application and Guidance. Our comments outlined specific changes to funding eligibility requirements that would elevate the needs of Idaho residents and, importantly, expand their access to digital opportunities.

In response, the Idaho Department of Commerce designated 20% of the CARES Act funding for “Public Safety and Local Government,” an allocation that is simply inadequate. The changes that accompany this designation work to contradict other positions within the three new guidance documents. The State of Idaho must go further to address future-proof minimum speeds, remove arbitrary and damaging “overbuilding” language, and provide the people of Idaho with sufficient and constructive public comment periods.

**Funding Continues to Exclude Network Upgrades and Advancements.** Section iii of the proposed grant application for “Households” and Section iv of the proposed grant application for “Public Safety and Local Government” specify that grant funds are to be used in areas that do not “overbuild” on existing infrastructure. For the purposes of the “Household” application, an underbuilt area is defined as one where “less than 50% of households have access to broadband service.” In short, this definition is underinclusive. That coupled with flawed Federal Communications Commission data locks too many Idaho residents out of viable options to get connected. To develop future-proof infrastructure, the state must fund network expansion alongside network upgrades to performance and resiliency. Again, we strongly urge the Department of Commerce to re-evaluate the language in these sections. It undermines universal connectivity goals.

**Three Tiered Speeds Acknowledge that Gig Speeds are Both Necessary and Possible.** In this iteration of the Idaho Broadband Grant Applications, the three application types, “Household,” “Public Safety and Local Government,” and “Telehealth” are required to meet three variable minimum broadband speeds to qualify for this funding. Under this tiered speed approach, the state openly acknowledged that gigabit speeds are not only necessary for future-proofing Idaho’s broadband networks, but are actively being deployed across the state through public-private partnerships.



Notably, the Department of Commerce specifically ignores this standard within the “Household” designation where only the minimum benchmark speeds of 25/3Mbps are required.

In a deliberate decision to hold private for-profit internet service providers to a lower standard, officials are accepting the politically expedient option rather than preparing Idaho for decades of future growth. These taxpayer funds, provided by Congress, should work in favor of the public interest and ensure that future generations of Idahoans can benefit. Allowing any provider to continue building on outdated speed tiers fails to consider educational, economic, and telehealth network demands while working in direct opposition to the public interest.

**Good Rulemaking Demands A Meaningful Public Comment Process.** The right to petition our government is fundamental for the people of Idaho and every citizen of the United States. Otherwise, our government would fail to be of and for the people. That right is incorporated in the rulemaking process at every level of government by allowing the public to comment on the policies that govern them as well as how limited resources should be assigned for redress.

Here, public comment could help identify which Idaho communities have the greatest need for funding in addition to the many ways in which state and federal support could help accelerate broadband deployment in communities that remain unserved and underserved. However, the Department of Commerce, in their announcement of the two most recent public comment periods, three days and one day respectively, have ignored the current crisis impacting our communities.

In affront to principles of good policymaking, the public comment timeline for this program demonstrates a complete disregard for public participation in the process. It denies Idaho residents and the local officials charged with implementing connectivity solutions any meaningful opportunity to weigh-in on how grant funding should be distributed. Requiring rapid response periods to complex and high-dollar programs undermines the program’s utility. It also ignores the current economic and public health crisis challenges that have hamstrung local governments across the state.

Previously, multiple branches of the Idaho government, including the [governor](#) and Idaho’s [supreme court](#), have provided lengthy public comment periods that allow all stakeholders to adequately research and respond to programs that impact their well-being. However, in these unprecedented times, the Department of Commerce has parted with precedent.

Like municipalities nationwide, responding to the COVID-19 outbreak and aiding in their community’s recovery has depleted already limited resources for municipal leadership to participate in this proceeding. While many are struggling to come up with connectivity solutions for which this grant funding could be useful, they simply do not have the capacity to document their concerns for the record with less than 72 hours notice.



We agree that these funds need to be distributed quickly and effectively, but this program deserves the same level of scrutiny as other state programs. Circumventing the public comment process subverts that goal. Moving forward the Department of Commerce should provide an adequate comment period that will allow stakeholders to sufficiently articulate the ways in which proposed programs will impact them and can be improved.

On behalf of our member cities, **Emmett**, **Ammon**, and **Boise**, and the many communities across Idaho, we urge you to reconsider the guidelines in place. Making the aforementioned amendments to the Broadband Grant Application and Guidance will help secure a robust digital future for communities throughout Idaho.

Respectfully submitted,  
Next Century Cities

