UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

November 8, 2023

VIA SECURE FILE TRANSFER

Jade Piros de Carvalho
Commerce, Kansas Department of
l000 SW Jackson, STE#l00
Topeka, KS 66612-1354

RE: Posting of Middle Mile Broadband Infrastructure Grant Program Award Application on NTIA's Website

Dear Ms. Piros de Carvalho:

The U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) established the Middle Mile Broadband Infrastructure Grant (MMG) Program pursuant to the Infrastructure Investment and Jobs Act, 2021.[1] As you know, the general purpose of MMG is to expand and extend middle mile infrastructure to reduce the cost of connecting areas that are unserved or underserved to the internet backbone. Due to the nature of these grants, MMG awards are of interest to media, local and state governments, individuals, and companies. Accordingly, NTIA anticipates receiving many requests pursuant to the Freedom of Information Act (FOIA) for access to MMG award maps and therefore is required by the FOIA to proactively disclose such documents.[2] As such, NTIA intends to post MMG award documents on its website.

Enclosed for your review is a copy of your MMG award documents that you submitted or that may contain your business confidential information that are included in grant award No. **20-40-MM844**, and that NTIA intends to post on its website. The law requires that NTIA provide the original submitter of business information (e.g., related application and award documentation) the opportunity to object to disclosure of any specified portion of that information.[3] Any specified portion of the information may include a portion of a page, an entire page, or an entire section of the documents.

NTIA has enclosed the documents it has deemed important for public disclosure as described above and requests that you review them and provide a statement of any objection to

[1] Infrastructure Investment and Jobs Act of 2021, Division F, Title IV, § 60401(f), Public Law 117-58, 135 Stat. 429 (November 15, 2021).

[2] 5 U.S.C. § 552(a)(2)(D)(ii)(I).

[3] 15 C.F.R. § 4.9.

disclosure of any specified portion(s) of the documents. This statement must identify any portion(s) of the information that you request to be withheld under Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4), and a detailed description and explanation of how each qualifies for protection under the exemption. This may include that the information is a trade secret or privileged or confidential commercial or financial information. Under pertinent case law, information is "confidential" if it is kept private or is closely held by the submitter and if the information was communicated to the government with assurances that the government would keep the information private.[4]

Furthermore, NTIA also requests that you review and redact the information enclosed to determine whether it contains personal private information that should not be disclosed publicly in accordance with Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). Please also include an explanation regarding reasons for redactions for personal private information, if any.

Please send your explanation and any redacted documents as follows. NTIA prefers that you email your explanation and any redacted files and/or documents as an attachment to your FPO. Alternatively, you may also return your explanation and redacted documents to the following address:

National Telecommunications and Information Administration
Office of Grants Management and Compliance
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Room 4626
Washington, DC 20230

Please respond within thirty (30) calendar days of the date of this letter. If you do not intend to redact any of the award documents, please indicate this by sending an email confirming you have reviewed and determined no redaction of the grant documentation is necessary. Please contact Sarah Bleau, email [redacted] with any questions related to this matter. Thank you for your cooperation.

Sincerely,

[redacted]

Stephanie Weiner
Chief Counsel

Enclosure(s)

1. SF-424
2. SF-424C
3. CD-511
4. Application, Project, and Budget Info
5. Budget Narrative

[4] *Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356 (2019).

6. Detailed Budget Justification
7. NICRA (if applicable)
8. Network Logical Diagram
9. Template Table of Funded Partners and Unfunded Collaborators
10. Letters of Commitment (if applicable)
11. CD-450
12. Specific Award Conditions
13. Bi-Annual Performance Reporting, when applicable
14. SF-425, when applicable
15. Environmental Assessment, when applicable
16. Finding of No Significant Impact (FONSI), when applicable