



MONTANA DEPARTMENT OF ADMINISTRATION

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Hon. Alan Davidson

NTIA Administrator and Assistant Secretary of Commerce for Communications and Information
Herbert C. Hoover Building

U.S. Department of Commerce

National Telecommunications and Information Administration

1401 Constitution Avenue, N.W.

Washington, D.C. 20230

Via email: bead@ntia.gov

Re: Comments of the Montana Department of Administration on the National
Telecommunications and Information Administration's "Proposed BEAD Alternative
Broadband Technology Guidance"

Dear Assistant Secretary Davidson:

The Montana Department of Administration, as the state's Eligible Entity for the BEAD Program, submits the following comments in response to the "Proposed BEAD Alternative Broadband Technology Guidance" issued by NTIA on August 26, 2024.¹

NTIA has issued this guidance at a remarkably—and unreasonably—late date. NTIA issued the BEAD NOFO² more than two years ago, and Montana has been working tirelessly since then to meet the requirements established in that document, as well as the requirements created in the regular stream of guidance and policy notices NTIA has issued in the intervening period.

As of the date of NTIA's request for comments on the proposed new policy, Montana had already developed its plan and strategy for awarding BEAD funds—and the state had already begun executing its BEAD subgrantee selection processes.

NTIA has approved Montana's BEAD plans but now requires the state to meet new requirements. Montana was allowed to open its subgrantee application because *NTIA has approved the state's processes and deliverables for every preceding requirement*. As of August 25th, the day before NTIA issued this new guidance, Montana was in full compliance with all BEAD Program requirements, had received NTIA's approval for all elements of its program, and was on its way to successfully implement the approved timeline, budget, and processes.

The new technical requirements and processes NTIA has created in its proposed policy will require changes to Montana's plan and timeline for BEAD execution. We note, too, that the

¹ "Proposed BEAD Alternative Broadband Technology Guidance," NTIA, August 26, 2024, <https://www.ntia.gov/other-publication/2024/proposed-bead-alternative-broadband-technology-guidance>.

² BEAD NOFO, NTIA, May 13, 2022, <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

proposed policy's technical guidance is incomplete and insufficient, so as a practical matter, we cannot begin to plan for those requirements. As an example, the policy indicates the state will have to verify that each location can receive at least 5 Mbps service or at least 2 TB of data per month—but NTIA's document does not specify whether the speed is download, upload, or symmetrical. The document is silent on how the network capacity or data usage allowance should be measured. The policy does not explain the level of proof that the NTIA will require.

This new set of requirements challenges not only Montana's timeline but also our BEAD Program outcomes. The fact that Montana was the first state to open its prequalification process—and that our subgrantee selection process is already underway—is a testament to our drive and determination to deploy our BEAD funding allocation as quickly and effectively as possible.

Specifically, regarding the timeline, we have worked hard to implement our subgrant program to begin construction during the 2025 build season. This new guidance will extend our BEAD subgrantee selection process and likely guarantees that we will not be able to achieve as much construction progress in 2025 as we have planned because outdoor construction of fiber optic networks becomes particularly challenging during the winter months due to Montana's extreme cold temperatures and snow accumulation.

Winter conditions cause the ground to freeze, which makes excavation work to lay fiber optic cables more difficult and time-consuming. Concerning materials and construction personnel - heavy snow obstructs work sites. It reduces access to utility poles and some roads, eliminating the potential to access some construction areas during those months. Moreover, Montana's winter weather also brings high winds and icy conditions, posing additional risks and difficulties for network construction.

NTIA's proposed policy imposes new costs on our BEAD program. In addition to the timeline impacts described above, the processes required to comply with the new policy will require the state to invest additional resources to undertake the proposed new activities. Montana will be in the position of redirecting funds from its already limited BEAD allocation to meet these new mandates.

In summary, the State of Montana urgently notes its concern with NTIA's 11th-hour proposal for new processes more than two years after NTIA issued the BEAD Program NOFO and months after NTIA approved Montana's subgrantee selection process.

Sincerely,



Misty Ann Giles
Director, Department of Administration
Chief Operating Officer, State of Montana