

September 9, 2024

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

Subject: The Wyoming Business Council Broadband Office's comments to the National Telecommunications and Information Administration on NTIA's "Proposed BEAD Alternative Broadband Technology Guidance"

Dear Assistant Secretary Davidson:

Thank you for the opportunity to submit comments in response to the "Proposed BEAD Alternative Broadband Technology Guidance" issued by NTIA on August 26, 2024.¹

The Wyoming Business Council Broadband Office (WBO), as the state's Eligible Entity for the BEAD Program, is concerned that NTIA has, at the last minute, imposed new requirements that create new risk to our BEAD deployment timeline.

This proposed policy has been introduced at a very late date, more than two years after the publication of the BEAD Program NOFO and after WBO has completed its timeline planning.

The timing of these new requirements places an extraordinary burden on the state—particularly given that the proposed policy comes after WBO has built and received NTIA's approval for its BEAD budget, processes, and timeline.

The new requirements have been proposed by NTIA more than a month after WBO received approval for its Initial Proposal Volume 2. WBO received approval of its Initial Proposal Volume 1 in January 2024 and approval of its Initial Proposal Volume 2 in July 2024. We were proud to execute our Challenge Process earlier than many states (with the Challenge Rebuttal Phase ending on August 1, 2024). These efforts reflect our commitment to putting our BEAD allocation to work for the benefit of Wyoming residents as quickly as possible.

The proposed policy will impact Wyoming's subgrantee selection process and deployment schedule. WBO anticipates that NTIA's new requirements will require at least two months of additional, unplanned-for effort on the part of WBO and its potential subgrantees: Beyond the planning and implementation efforts we will need to immediately undertake, NTIA's new process and requirements for vetting existing Alternative Technologies involves five weeks for ISPs to submit data – and then WBO will need sufficient time to analyze and vet the data. These are not trivial efforts; WBO will need to conduct significant engineering analysis and validation of the data the providers give us.

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

The proposed policy's time-consuming new requirements put Wyoming and other states with short construction seasons at a particular disadvantage. Unlike in other states with more temperate climates, broadband deployment in Wyoming can only occur in about half the year. During the winter months, freezing temperatures prevent digging and trenching; snowstorms and gusting winds in many locations can prevent aerial and underground construction, delay shipments of materials, and pose acute threats to work crews.

The two months of effort we expect to devote to meeting NTIA's new policy will effectively eliminate one-third of the total construction season in the state. Complying with these new requirements at this late date will thus effectively guarantee that we will miss the 2025 construction season and our subgrantees' use of the BEAD funds will be further delayed.

The proposed new efforts are unfunded. To comply with NTIA's new requirements, WBO will need to redirect funds from our very modest BEAD allocation, which is already woefully insufficient to address the broadband needs of all of Wyoming's eligible locations. This will require changes to our Initial Proposal Funding Request and will require NTIA's approval of those changes—potentially adding additional delay.

We urge NTIA to reconsider the ways in which the new proposed policy create timeline risks and impose costly requirements.

Sincerely,
Chad Bolling
Broadband Manager
Wyoming Business Council Broadband Office