February 4, 2022

National Telecommunications and Information Administration
Attn: Evelyn Remaley Hasch, Acting Assistant Secretary for Communications and Information
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Notice and Request for Comment, NTIA-2021-0002

Dear Acting Assistant Secretary Hasch:

On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties in the commonwealth, I write to submit our comments to the National Telecommunications and Information Administration (NTIA) request for comments on their Bipartisan Infrastructure Law (BIL) implementation efforts that was published January 10, 2022 in the Federal Register (Volume 87, No. 6). We thank you for the opportunity to provide input on the wide range of policy and program considerations associated with new broadband grant programs authorized and funded by the Infrastructure Investment and Jobs Act, also known as Bipartisan Infrastructure Law (BIL), including the Broadband Equity, Access, and Deployment (BEAD) Program, the Enabling Middle Mile Broadband Infrastructure Program and the State Digital Equity Planning Grant Program.

Although the need for internet access continues to increase across the nation – as the backbone of business, and as a tool for education, health care, emergency services and other key parts of our everyday lives – broadband access continues to be recognized at all levels of government as one of the biggest hurdles of the 21st century. The pandemic has further exposed the lack of availability and the need for high speed and reliable internet access for key parts of our everyday lives, especially with schools and businesses constantly adapting to changing norms as counties continue to navigate life after COVID-19. Even in places with access to broadband, counties are using the technology more than before, often leading to capacity issues.

But high speed and reliable internet access has become a necessity, and our communities cannot continue to wait for infrastructure that is critical to economic vitality and personal quality of life. Even agricultural work has become increasingly dependent on connectivity as technology is added to traditional farm equipment and new tools, such as drones, help improve productivity. Without broadband, a significant number of Americans are missing access to opportunities, while rural areas in particular find it increasingly difficult to attract and retain residents and encourage business development.

In their request for comments, NTIA outlines over thirty questions to consider for roll out and implementation of the BIL broadband grant programs to be administered by NTIA: The BEAD program, the Middle-Mile Broadband Infrastructure Program and the Digital Equity Planning Grant Program. While counties in Pennsylvania cannot directly provide broadband service, we have continued to work with other stakeholders and industry partners to aid in bridging the digital divide. Each question laid out by NTIA in the request for comments is equally important, but we wanted to highlight several points under specific question categories that are critical to the county role in expanding reliable, adequate and affordable broadband across the nation.

General Questions

Bringing Reliable, Affordable, High-Speed Broadband to All Americans
It is critical that the nation's counties are considered a major stakeholder in determining not only how funding for broadband infrastructure deployment is allocated, but also in terms of affordability programs that can best fit the needs of local communities and circumstances. In Pennsylvania, there are a wide range of roadblocks that have kept residents in the dark ages of technology, including geographic challenges, lack of perceived need or desire for service. As we now know, broadband is essential to not only the daily aspects of life including work, education, public safety and healthcare, but also to the growth and future vitality of our communities. Counties are uniquely positioned to provide on-the-ground data and experience while leveraging the local and regional partnerships to solve even the most challenging issues facing our nation.

Supporting States, Territories, and Sub-Grantees To Achieve the Goal
In Pennsylvania, the General Assembly and Governor recently created the Pennsylvania Broadband Development Authority responsible for strategic planning and funding for broadband development to unserved areas and underserved areas. Not only is this entity tasked with creation of a statewide broadband development plan, but they are also responsible for all subgranting of federal funding for broadband deployment in the commonwealth. Currently, the authority's subgrantee process is loosely modeled off of requirements set forth in the BIL, prioritizing unserved then underserved areas and giving priority to incumbent providers. In Pennsylvania, we have found that some of the smaller providers, cooperatives and non-profits have been critical to broadband expansion over the past several years, filling service gaps and unique needs that were not previously filled by larger incumbent providers. Counties would like to see criteria established that takes into account the professional development of these more non-traditional provider entities and ensures they remain a part of the solution fabric. Additionally, Pennsylvania's criteria focuses heavily on dissuading overbuild of infrastructure. While we understand this is well intentioned, we want to ensure that no provider is monopolizing deployment in various areas due to underlying infrastructure that has not been brought to live functional capacity already. Broadband deployment is not something that should be seen as a competitive game, rather as a cooperative all-hands-on-deck teambuilding exercise to ensure no one is left behind.

One last comment counties have related to broadband funding is the ability to use federal funding for matches required under the BIL program. Counties understand the intent is to have providers have their own capital and vested interest in the infrastructure they are deploying. For counties, we would like to see the ability for other broadband grant funding from previous NTIA or federal programs to be braided in with funding provided from the BIL programs. Additionally, counties would appreciate clarity related to the U.S. Treasury Department released the Final Rule for the State and Local Coronavirus Fiscal Recovery Fund, which was authorized under the American Rescue Plan Act, to ensure counties and municipalities can continue to utilize those funds to invest in their communities to serve areas of greatest need, including access to reliable and affordable internet connections.

Broadband Equity, Access and Deployment (BEAD) Program

Ensuring Publicly Funded Broadband Networks That Sustain and Scale
There is no question that this significant one-time investment ought to be used to the fullest extent to not only connect residents to broadband now, but to ensure affordable, sustainable connection can exist with the ever-changing needs of our technologically advancing society. Counties agree that unserved and underserved areas need to be prioritized in build-out, but also want to ensure the technology used makes sense for the geographic challenges an area may experience when building middle-mile networks while also taking into account the long-term equity of different technologies to ensure no areas are unintentionally disadvantaged. By requiring state plans to demonstrate connection plans to areas of greatest need along with historically disadvantaged communities, NTIA can better keep track of where people are being served. Additionally, those plans need to consider density of population, keeping in mind that FCC maps may show an area as served, but a single-family household being served at a rate of 100/20 mbps has a very different real-world application that a multi-family unit of ten plus apartments or residences receiving the same speeds. Counties and local governments are critical to help supplement the maps to ensure service is being adequately built out and rendered based on local community needs.

Allocation and Use of BEAD Funds to Achieve Universal, Reliable, Affordable, High-Speed Broadband
Even before the pandemic, counties have been at the forefront of broadband expansion in the commonwealth and are continuing to develop partnerships and creative solutions that work to provide internet connectivity for their residents and better bandwidth capacity statewide. With the increased reliance on use of connectivity alongside federal, state and local investment in bridging the digital divide, counties have been exploring projects and ways to be leaders on expanding access. Counties can share their best practices and innovative ideas, such as regional cooperative models, that have seen success in Pennsylvania and throughout the country, to create and build meaningful collaborative partnerships to ensure no one gets left behind.

Since many of those projects are not in final stages due to the multi-year nature of broadband projects, pre-existing buildouts should be considered in the state plans. While these projects may not directly hit the unserved communities as identified by FCC mapping and speeds of less

than 25/3 mbps, they are typically going to touch the underserved or provide a stepping-stone to further build out networks to those harder to reach areas. NTIA should treat partial build outs and projects underway as eligible projects that can be a part of the bigger picture solution, especially considering the public and private investments that have been made up until this point. Additionally, priority should be given to those providers with projects underway to ensure the project reaches completion instead of leaving those projects unfinished and starting entirely new projects to serve the unserved and underserved populations. In essence, those ongoing projects need to be considered in state plans and ought to be built into achieving the overall goal of connecting the nation to reliable broadband service.

Establishing Strong Partnerships Between State, Local, and Tribal Governments
To counties, partnership with the state and federal government as well as with providers is critical, especially when attempting to solve an issue of this magnitude. Counties appreciate the requirements for states to work with their local governments in informing and creating their state broadband plans. In Pennsylvania, counties have been an ongoing part of this dialogue and look forward to continuing to build on that relationship. As noted in these comments, counties have a critical role to play in informing broadband plans, not only from the perspective of active stakeholders in deployment initiatives, but also as the boots on the ground to better inform real lived experiences. Additionally, counties have invested heavily in data aggregation studies and other community mapping efforts to clearly identify where service is in their local jurisdictions. This investment and information needs to be leveraged in the development of state plans to help supplement FCC map data and better inform areas of greatest need.

Implementation of Middle Mile Broadband Infrastructure (MMBI) Grant Program
Counties see middle mile infrastructure as one of the keys to reaching areas where broadband access is virtually impossible. While the focus of many broadband projects is last mile, the last mile is non-existent without the middle mile infrastructure to connect to. In Pennsylvania, middle mile build out is often expensive and may be delayed or left behind due to the cost associated with bridging those digital gaps. Counties have found that there is not a lack of providers to deploy middle mile infrastructure, rather the issue is the upfront cost paired with the projected revenue for providers. To that end, counties believe middle mile infrastructure should be prioritized where the need is greatest, including areas that may be left behind without that finite infrastructure or fiber. With the grant funding available, providers may finally feel incentivized to deploy that infrastructure, creating a desirable deployment environment that can be profitable where one does not currently exist. This prioritization should also take into account the ability to leverage those built out connections to develop more last mile connections while planning for future service splitting or increased capacity needs.

With the promise of billions of dollars for broadband blended through the programs outlined in BIL and the development of the statewide Pennsylvania Broadband Development Authority, counties have come a long way in addressing internet connectivity, but these steps are just the beginning of implementing strategic, thoughtful approaches to ensuring all Pennsylvanians have the access they need and deserve. Federal, state and local governments, as well as the private sector, must continue to work together to deploy the resources and data needed to make

meaningful progress on broadband expansion to all areas of the commonwealth, rural and urban. The health and future viability of our communities has an impact on the strength of our entire commonwealth. Broadband expansion is critical to move the nation forward together.

CCAP supports moves toward closing the technology access gap and looks forward to working with the state and federal government on issues related to accessing technology more broadly. As we continue to discuss the road forward on deployment of high-speed broadband across the nation, counties must have a seat at the table as a partner in these discussions. Of utmost importance, partnerships among federal, state and local government, as well as the private sector, must be developed to aid in deployment of the resources and data needed to make meaningful progress on broadband expansion. These stakeholders can also learn from county best practices and innovative ideas, such as regional cooperative models, that have seen success in Pennsylvania and throughout the country. With historic investments being made at all levels of government and the private sector for broadband deployment and infrastructure, we are at a critical moment to make meaningful, life-altering change. This issue cannot be tackled unless government and industry partner together to make broadband availability a reality.

We thank you for your attention to these comments. If you have any questions or would like to discuss further, please do not hesitate to contact Melissa Gates, CCAP Government Relations Manager, at mgates@pacounties.org or 717-736-4718.

Sincerely,

Lisa Schaefer
Executive Director