



TO: Interested parties
FR: Jim Monahan & Deborah Fournier
RE: Broadband and Human Infrastructure Update
DATE: Dec 30, 2022

ARPA & NH Broadband Deployment

New Hampshire has initiated broadband deployment activities through the Department of Business and Economic Affairs (BEA) under the Broadband Connect Program. BCP is using funds made available through ARPA and as such, its funds are governed by oversight of US Treasury. New Hampshire's Broadband Connect Program was approved by U.S. Treasury on June 7, 2022. The program will serve as the initial program funded by Capital Project Funds in ARPA. The Broadband Contract Program is designed to offer a local internet service provider (ISP) with a financial incentive to bring service to the unserved and underserved addresses of the state - areas/ addresses where it may be financially detrimental for an ISP to attempt to expand.

In 2022, New Hampshire encumbered \$90M of funds made available through ARPA. BEA issued two rounds of RFPs in 2022 focused on broadband deployment that were released in June and September. These grants were designed to fund a local internet service provider (ISP) to provide internet service to the most rural parts of the state lacking internet service. The initial \$50 million grant was awarded to the New Hampshire Electric Cooperative in October, 2022; it was one of 7 proposals received by the state. The second \$40M grant recipient has not yet been announced. The number of proposals received in response to the September RFP has not yet been noted but the due date for the state to receive proposals was November 28, 2022.

The program is designed to fund broadband infrastructure that is designed to deliver reliable internet service that meets or exceeds 100/100 Mbps symmetrical speeds, as required by Treasury. The program also requires that the ISP takes part in the FCC's Affordable Connectivity Program (ACP) - a \$30 per month subsidy for low-income families - and that they provide at least one low-cost option at speeds sufficient for households with multiple users to simultaneously telework and engage in remote learning.

Mapping

NH encumbered \$800,000 in ARPA funds for broadband mapping in 2022. The grant was awarded to UNH. In first quarter of 2023, Commissioner Caswell has stated that New Hampshire is expected to have its own broadband mapping. This broadband mapping will provide 3 benefits: 1) it will develop the connection status of properties across the state,

including those that are served and unserved, 2) locate existing fiber-optic cable across the state, to identify the need for middle mile fiber-optics, which could help the business and economic development, and 3) overlay census data to identify broadband digital equity opportunities throughout the state. This will be an asset for municipalities and ISPs when the state begins its Broadband Matching Grant initiative, as well.

Broadband Matching Grant Initiative

The Broadband Matching Grant Initiative, or BMGI, was approved by U.S. Treasury on Sept. 8, 2022. This is the funding mechanism created by the Legislature in 2021 (Senate Bill 85) and amended by Senate Bill 445 in 2022. The program is designed to provide up to a 75 percent match to applicants to build broadband internet in unserved and underserved parts of a community. Joint Fiscal approved \$25 million for these purposes in early December, 2022. These funds are made available through ARPA. Additional funds available through IJA will be targeted for use once the \$25M is expended.

Infrastructure Investment & Jobs Act

On Nov. 15, 2021 the Infrastructure Investment and Jobs Act (IIJA) became law. This act includes an investment of \$65 billion to close the digital divide and ensure that all Americans have access to reliable, high speed, and affordable broadband. This investment builds upon the funding for broadband deployment provided in the American Rescue Plan, the Consolidated Appropriations Act, 2021, and other federal administration assets.

BEAD

The IIJA broadband dollars are frequently referred to as BEAD funding, standing for Broadband Equity, Access, and Deployment Program.

IIJA BEAD grants for broadband deployment are divided into three general categories of funds. The first category provides a minimum initial allocation to each state, including New Hampshire, of \$100M for broadband deployment.

Through IIJA, there will be additional grants for broadband deployment made available for high-cost areas with no access to 25/3 *mbps* defined as regions that have remote location of area, lack of population density, have unique topography, and high rate of poverty. Additionally, there will be subsequent grant dollars available to regions with no access to 25/3 *mbps* broadband service that are not defined as high cost. The dollars allotted to New Hampshire will be dependent on how much of the state qualifies as high cost and/or no access regions and how much those New Hampshire regions constitute of the high cost and no access regions throughout the US. Commissioner Caswell noted in a November 28 2022 letter to Jt Fiscal that upon exhausting the \$25 million for Broadband Matching Grant Initiative available through APRA funds, BEA plans to seek approval to accept and expend an additional \$40 million from IIJA for BGMI purposes. Presumably the funds would come from the initial BEAD minimum allocation.

See next page for general outline of timing for state to access BEAD funding:

Program Sequencing	Key Dates
NOFO Release/Application Intake Opening	May 13, 2022
Letter of Intent Due	July 18, 2022, by 11:59 p.m. EDT
Request for Initial Planning Funds Due	August 15, 2022, by 11:59 p.m. EDT
Five-Year Action Plan	Within 270 days of receipt of Initial Planning Funds
Program Fund Allocation and Notice of Available Amounts	On or after the date on which the FCC Broadband DATA Maps are made public
Initial Proposal	180 days to submit after issuance of their Notice of Available Amounts
State Challenge Process	Challenge: Begin after submission of Initial Proposal and before allocating BEAD funds Final Classification: After resolving each challenge and at least 60 days before allocating grant funds for network deployment
20 Percent Funding Release	Assistant Secretary shall make available to the Eligible Entity 20% of the grant funds
Final Proposal and Release of Remaining Funds	No later than twelve (12) months after the date upon which the Assistant Secretary approves the Eligible Entity's Initial Proposal

IIJA, Digital Equity Act Program (DEAP), and Human Infrastructure:

DEAP funds from IIJA include the following funding:

- State Digital Equity Planning Grant Program \$60M nationwide
 - \$525,000 allotted for New Hampshire’s digital equity planning grant, but has not been fully received/accepted yet.
- State Digital Equity Capacity Grant Program
 - \$240M available in FFY2022 and \$300M from FFY23-2026 to support implementation of the digital equity plan and digital equity and inclusion activities throughout the country

- Digital Equity Competitive Grant Program - NTIA

In sum: The state digital equity plan and subgrants made available through IJIA clearly contemplate documenting and funding what NHTA has historically referred to as “human infrastructure” or in other words, the awareness of and skills to navigate and use technology that consumers and patients must possess make engaging in digital life, and telehealth services in particular, meaningful.

The State’s Digital Equity Plan must include how the state plans to document, promote and measure digital literacy and digital inclusion. It must also document barriers to digital equity and permits the state to issue subgrants to key stakeholders engaged in support of digital inclusion activities consistent with the state’s digital equity plan:

- The digital equity plan must include, among other priorities, ways to document and promote digital literacy. DIGITAL LITERACY is defined in IJIA as: *“the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.”*
- The digital equity plan must also support *documenting and promoting technical support for consumer devices.*
- b. The digital equity plan administrator will make subgrants to any entity described as a key stakeholder...in support of—
 - i. the State Digital Equity Plan for the State; and
 - ii. digital inclusion activities in the State generally;

DIGITAL INCLUSION— is defined in IJIA as: *“the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as— (i) reliable fixed and wireless broadband internet service; (ii) internet-enabled devices that meet the needs of the user; and (iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and includes— (i) obtaining access to digital literacy training; (ii) the provision of quality technical support; and (iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.”*

IN DETAIL:

1. **The state digital equity plan must include the following:**
 - a. identification of the barriers to **digital equity** faced by **covered populations** in the State;
 - b. measurable objectives for documenting and promoting, among sub group described as **covered populations**—
 - i. the availability of, and affordability of access to, fixed and wireless broadband technology;
 - ii. the online accessibility and inclusivity of public resources and services;
 - iii. digital literacy;

- iv. awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and
 - v. the availability and affordability of consumer devices and technical support for those devices;
 - c. an assessment of how these objectives will impact and interact with the State’s goals and outcomes with respect to:
 - i. economic and workforce development goals, plans, and outcomes
 - ii. educational outcomes;
 - iii. health outcomes;
 - iv. civic and social engagement; and
 - v. delivery of other essential services;
 - d. a description of how the State plans to collaborate with **key stakeholders** in the State, which may include—
 - i. **community anchor institutions**; defined as: A community anchor institution, other than a school, that is located in the State. Community anchor institution is defined as a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.
 - ii. county and municipal governments;
 - iii. local educational agencies;
 - iv. where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
 - v. nonprofit organizations;
 - vi. organizations that represent—
 - A. individuals with disabilities, including organizations that represent children with disabilities;
 - B. aging individuals;
 - C. individuals with language barriers, including— (aa) individuals who are English learners; and (bb) individuals who have low levels of literacy;
 - D. veterans; and
 - E. (V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
 - vii civil rights organizations;
 - viii entities that carry out workforce development programs;
 - ix agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
 - x public housing authorities in the State; and
 - xi a partnership between any of the entities described in above

e. a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.ⁱ

iiDIGITAL EQUITY.— means the condition in which individuals and communities have the *information technology capacity* that is needed for full participation in the society and economy of the United States.

- **DIGITAL INCLUSION.—** means the *activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies*, such as— (i) reliable fixed and wireless broadband internet service; (ii) internet-enabled devices that meet the needs of the user; and (iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and includes— (i) obtaining access to digital literacy training; (ii) the provision of quality technical support; and (iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.
- **DIGITAL LITERACY.—**The term “*digital literacy*” means the *skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information*
- **COVERED POPULATIONS.—**The term “covered populations” means—
 - (A) individuals who live in covered household (a household with income not more than 150% FPL)
 - (B) aging individuals;
 - (C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
 - (D) veterans;
 - (E) individuals with disabilities;
 - (F) individuals with a language barrier, including individuals who— (i) are English learners; and (ii) have low levels of literacy;
 - (G) individuals who are members of a racial or ethnic minority group; and
 - (H) individuals who primarily reside in a rural area

2. Governor must designate an administering entity to develop the state digital equity plan and administer equity capacity grant funds available through the state digital equity plan. (This will almost definitely be the Broadband Program within Department of Business and Economic Affairs. As previously discussed, BEA will be soliciting support for writing the digital equity plan through an RFP in 2023)

- a. Administering entity can be the following types of organizations:
 - i. The State, a political subdivision, agency, or instrumentality of the State,
 - ii. an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.
 - iii. A foundation, corporation, institution, association, or coalition that is— (i) a not-for-profit entity; (ii) providing services in the State; and (iii) not a school.

- iv. A community anchor institution, other than a school, that is located in the State. Community anchor institution is defined as a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.
- v. A local educational agency that is located in the State.
- vi. An entity located in the State that carries out a workforce development program.
- vii. An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.
- viii. A public or multi-family housing authority that is located in the State.
- ix. A partnership between any of the above.ⁱⁱⁱ

3. The Digital Equity Plan Administrator will perform the following functions:

- a. serve as the recipient of, and administering agent for, any grant awarded to the State for digital equity available through this section of the IJA;
- b. develop, implement, and oversee the State Digital Equity Plan for the State;
 - i. There is \$525,000 available to NH for developing the state’s digital equity plan.
- c. make subgrants to any entity described as a key stakeholder in #1 (d) above that is located in the State in support of—
 - iii. the State Digital Equity Plan for the State; and
 - iv. *digital inclusion activities* in the State generally;
 - v. there will be \$240M available nationwide for implementation of state digital equity plans in FY22 and \$300MM nationwide each fiscal year from FY23-FY26. Note: the state cannot access these additional funds without developing and submitting a state digital equity plan
- d. serve as—
 - vi. an advocate for digital equity policy and digital inclusion activities; and
 - vii. a repository of best practice materials regarding the policies and activities to promote digital equity and digital inclusion.^{iv}

State Digital Equity Capacity Grants

- 4. The SDEP Administrator will administer the State Digital Equity Capacity Grants, the funds which are only available if a state submits a state digital equity plan (\$240M available nationwide in FFY22 and \$300M available nationwide each year from FY23-FY26)**

Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants, the Assistant Secretary shall each year award grants to eligible States.

The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

a. To update or maintain the State Digital Equity Plan of the State. (State can only use 20 percent of grant for this purpose).

b. To implement the State Digital Equity Plan of the State.

c. To award a grant to any entity that is described below that is located in the state:

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is— (A) a not-for-profit entity; and (B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between (A) an entity described in any of paragraphs (1) through (6); and (B) an entity that— (i) the Assistant Secretary, by rule, determines to be in the public interest; and (ii) is not a school^v

d. in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.^{vi}

Competitive Digital Equity Grants through NTIA

5. Competitive Grants from NTIA. No earlier or later than 30 days after the state equity capacity funds begin to be awarded to the states will NTIA establish the Competitive Digital Equity Grant program.^{vii}

6. These grants will support not less than 1 of the following activities:

1. To develop and implement digital inclusion activities that benefit covered populations.

2. To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.
3. To implement, consistent with the purposes of this title— (I) training programs for covered populations that cover basic, advanced, and applied skills; or (II) other workforce development programs.
4. To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.
5. (v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.
6. To undertake any other project and activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established

The recipient of the Competitive Equity Grants cannot have served as the administering entity for the State Digital Equity Plan. Otherwise, any entity listed as a key stakeholder below is eligible:

A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State. (2)

An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6). ,

(8) A partnership between—an entity described in any of paragraphs (1) through (6); and (B) an entity that— (i) the Assistant Secretary, by rule, determines to be in the public interest; and (ii) is not a school.^{viii}

These competitive grants can provide additional resources to ensure communities have adequate awareness of skills to navigate and access to broadband assets.

ⁱ IJJA Section 60304(c)(1).

ⁱⁱ IJJA Section 60302.

ⁱⁱⁱ IJJA Section 60304(b)(2).

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- iv IJA Section 60304(b)(1)
 - v IJA Section 60304(c)(3)(D)(ii)
 - vi IJA Section 60304(c)(3)(D)(iii)
 - vii IJA Section 60305(a)
 - viii IJA Section 60305(b)