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Total Changes

967

Text only comparison

Content

337 Replacements

317 Insertions

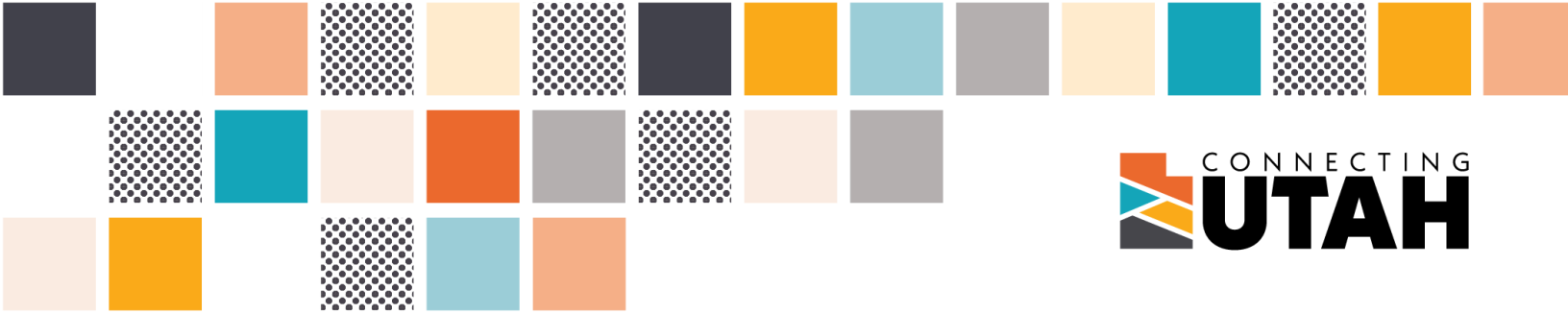
313 Deletions

Styling and Annotations

0 Styling

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Utah's Initial Proposal

Volume 2

Subject to change. Pending NTIA approval



INTRODUCTION

The relationship between broadband and other priorities for Utahns — such as employment, education, health, civic engagement, technology innovation, and entrepreneurship— is and will become increasingly important. Broadband infrastructure deployment and adoption is a key component in accomplishing economic growth, increasing educational innovation, expanding access to health care, and increasing personal connection.

The State of Utah wants to ensure every resident has access to reliable and affordable broadband internet to enhance their quality of life. The [Broadband Equity, Access, and Deployment \(BEAD\) program](#), established by the [Infrastructure Investment and Jobs Act](#), allocated more than \$317.3 million to Utah. Our goal as a state is to strategically use these funds in conjunction with other state, federal, educational or non-profit programs to narrow and close the remaining digital divides among our population.

The purpose of this Initial Proposal (IP) is to outline the process of the Utah Broadband Center (UBC) for:

- Identifying all unserved and underserved locations and Community Anchor Institutions (CAIs) eligible for BEAD-funded projects¹
- Accepting, reviewing, and awarding BEAD grants to eligible applicants
- Plans to adhere to all additional requirements for the BEAD program

Volume 2 of the Initial Proposal outlines the process of UBC for:

- Accepting and reviewing grant applications for BEAD funding
- Awarding BEAD grants to eligible projects
- Plans to adhere to all additional requirements for the BEAD program

Information regarding UBC’s process to identify all unserved and underserved locations and Community Anchor Institutions eligible for BEAD-funded projects can be found in [Volume 1 of the Initial Proposal](#).

For the purposes of this proposal, “Eligible Entity” refers to the State of Utah and Utah Broadband Center (UBC).

¹ The Infrastructure Investment and Jobs Act (IIJA) defines an “unserved” location as one without any broadband service at all or with internet service offering speeds below 25/3 Mbps. It defines an “underserved” location as one without broadband service offering speeds of at least 100/20 Mbps.



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2.1 OBJECTIVES (REQUIREMENT 1)

2.1.1 LONG-TERM OBJECTIVES

Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

The relationship between broadband and other priorities for Utahns — such as employment, education, health, civic engagement, technology innovation, and entrepreneurship — is and will become increasingly important. Broadband infrastructure deployment and adoption is a key component in accomplishing these priorities.

Over the years, internet service providers (ISPs) in Utah as well as state agencies and municipalities have been very proactive at expanding broadband availability throughout the state through various programs and significant infrastructure investments. These investments have come from various federally funded projects, as well as investment from the private sector. However, according to the Federal Communications Commission (FCC) [National Broadband Map](#), there are still approximately 41,559 unserved (available speeds less than 25 Mbps download/3 Mbps upload) locations and 28,108 underserved (available speeds less than 100 Mbps download/20 Mbps upload) locations throughout the state (as of October 24, 2023).²

To guide the state in facilitating increased availability, accessibility, and affordability of high-speed internet for the benefit of all Utahns, Utah has the following goals, objectives and strategies as detailed in Section 4.4 of the Utah Digital Connectivity Plan³:

GOAL 1: EXPAND BROADBAND TO UNSERVED AND UNDERSERVED AREAS THROUGHOUT THE STATE TO PROVIDE ACCESS TO EMPLOYMENT, HEALTH CARE, EDUCATION, SOCIAL NETWORKS, AND OTHER NEEDED RESOURCES

Objective	Strategy
Develop the Initial Proposal that outlines the specific project areas and proposed distribution of federal broadband funds.	Define factors for scoring project applications and awarding BEAD funds to subgrantees.
Align new funding opportunities with existing projects to optimize broadband deployment objectives.	Ensure there are no overlaps of funding awarded to the same areas.
Develop broadband investment and deployment strategies for unserved and underserved areas.	Establish priorities for statewide broadband grant program utilizing BEAD funds. Explore opportunities for apartment Wi-Fi programs to serve multi-dwelling units in high poverty areas.

² FCC. National Broadband Map. <https://broadbandmap.fcc.gov/home> (accessed July 20, 2023)

³ Connecting Utah. Digital Connectivity Plan. <https://www.connectingutah.com/digital-connectivity-plan> (accessed September 20, 2023)

Objective	Strategy
<p>Develop the Final Proposal that reviews the final process for subgrantee selection and fund distribution.</p>	<p>Finalize subgrantee selection and award BEAD funds for deployment and access projects.</p>
<p>Develop a middle mile strategy to reach all unserved and underserved areas of the state.</p>	<p>Work with UDOT and ISPs to close middle mile gaps through program funds or sharing of existing or new infrastructure.</p>
<p>Create a subgrantee selection process to distribute federal broadband funds transparently and efficiently</p>	<p>Work with providers and other agency partners to increase access and availability.</p>
<p>Collaborate with potential subgrantees – ISPs and communities – to identify areas in need of increased broadband infrastructure.</p>	<p>Challenge existing availability maps that overrepresent coverage levels.</p>
<p>Identify and utilize public/private partnership models, such as the Utah Department of Transportation (UDOT) fiber backbone and middle mile broadband infrastructure programs.</p>	<p>Prioritize the establishment of public/private partnerships through sharing of financial, logistical, and other resources.</p>
<p>Update and collaborate with key stakeholders and communities throughout the implementation process</p>	<p>Create and distribute ongoing content for stakeholders to stay informed throughout the process.</p>
<p>Increase awareness among policymakers and members of the public of important milestones and announcements for funding and deployment.</p>	<p>Develop press announcements and stakeholder content regarding significant announcements and milestones and distribute to respective audiences.</p>

GOAL 2: IDENTIFY AND MITIGATE OBSTACLES AND BARRIERS PREVENTING BROADBAND EXPANSION AND ADOPTION.

Objective	Strategy
<p>Coordinate with ISPs to understand current and potential challenges to deployment and develop proposed solutions to those challenges.</p>	<p>Hold one-on-one discussions with each ISP as well as ISP organizations.</p>
<p>Identify any potential challenges for small businesses to apply for and utilize federal funding for broadband deployment.</p>	<p>Engage with communities and chambers of commerce.</p>

Objective	Strategy
Support various entities by developing recommendations for streamlining permitting processes in order to reduce costs and delays.	Create a recommendations and benefits guide for streamlining the permitting process.
Identify areas where fiber optic broadband networks are not feasible and utilize other technologies to bridge those deployment gaps.	Evaluate all types of construction methods and hardware technologies.
Streamline permitting review processes for local agencies.	Create best practices and checklists for cities and towns to ensure consistency, certainty, and adherence to a process for the review and approval of permits or other required documents, including timelines and deadlines.
Increase skilled workforce availability.	Create workforce recommendations for potential subgrantees to adopt as part of deployment funding.
Ensure robust cybersecurity for users, ISPs, and subgrantees.	Work with ISPs to implement cybersecurity measures.

GOAL 3: EXPEDITE THE GRANT PROCESS BY SUPPORTING ISPS IN NAVIGATING FEDERAL FUNDING REQUIREMENTS.

Objective	Strategy
Develop requirements for ISPs, municipalities, and other applicants to ensure contracts and plans are flexible, fair, and easily understood.	Develop BEAD-specific checklists and guidelines to distribute to all applicants.

GOAL 4: MAXIMIZE THE USE OF FUNDING TO PROVIDE THE MOST VALUE TO UNSERVED AND UNDERSERVED COMMUNITIES.

Objective	Strategy
Develop a low-cost and no-cost framework for the broadband plans.	Collaborate with the providers and representatives from ISP organizations to develop metrics.
Define both the high-cost and extremely high-cost thresholds to inform the use of BEAD funds.	Analyze the threshold for ISPs to recoup construction costs and possibly set a variable threshold for high-cost and extremely high-cost areas
Explore possibilities for ISPs to lower costs.	Collaborate with ISPs to understand challenges to lowering costs.

Objective	Strategy
Future-proof broadband technology.	✖️✖️ Prioritize fiber-based networks, given their distinct advantages of being sustainable long-term, being “future ready,” and having lower recurring expenses relative to other technologies.
Optimize project funds for broadband deployment.✖️	Develop fiber alternatives for high-cost rural areas for broadband deployment.

GOAL 5: FACILITATE THE DEPLOYMENT OF BROADBAND TO COMMUNITY ANCHOR INSTITUTIONS.

Objective	Strategy
Improve broadband availability for community anchor institutions.	Develop priorities for expansion to community anchor institutions, including a minimum speed of 1 Gbps symmetrical.

GOAL 6: STRENGTHEN UTAH’S ECONOMY FOR NEW AND EXISTING BUSINESS OPPORTUNITIES

Objective	Strategy
Promote funding milestones and communicate the benefits of investment in Utah.	Work with state agencies and chambers of commerce to disseminate program specifics.
Provide deployment details to economic development officials within the state to utilize in attracting businesses and promoting availability of the workforce.	Disseminate information to the State Office of Economic Opportunity, chambers of commerce, EDCUtah, local economic development officials, and other public officials.

Aligning Utah's Digital Equity Vision with BEAD’s Framework

Utah’s Statewide Digital Equity Plan is crafted to complement and enhance the Broadband Equity, Access, and Deployment (BEAD) Program’s objectives, fostering an ecosystem where every Utahn has the opportunity to connect and thrive in an increasingly digital world. This alignment is pivotal as we embark on the ambitious path of not only expanding broadband infrastructure but also ensuring its equitable access and adoption across diverse communities.

Digital Equity Goal 1: Community Coordination & Resource Discoverability.

Aligned with BEAD’s objective to expand broadband to underserved areas, Utah aims to establish a comprehensive digital inclusion community. By maximizing the discoverability of programs through a centralized directory, Utah will ensure that the deployment of broadband translates into meaningful use, aiding employment, healthcare, education, and civic engagement.



Digital Equity Goal 2: Training for Digital Independence

Utah is dedicated to creating multiple pathways for digital literacy, echoing BEAD’s strategy to address access, affordability, equity, and adoption issues. The expansion of digital skill-building programs is critical to ensuring that the adoption of broadband infrastructure results in enhanced economic growth and job creation.

Digital Equity Goal 3: Support for Sustainable Community Programs

This goal ensures the longevity of digital equity programs, a principle that resonates with BEAD’s long-term objective of closing the digital divide. Utah is set to responsibly utilize diverse funding sources, thereby reducing reliance on BEAD funds and ensuring sustainable investment in digital inclusion.

Digital Equity Goal 4: Increased Availability of Safe and Reliable Devices

Utah’s plan to support programs that refurbish and distribute devices is a direct response to BEAD’s mandate to enhance access. By promoting basic cybersecurity measures and broadening public computer access, Utah is preparing its residents to participate fully in a digital society.

Digital Equity Goal 5: Affordable Connectivity for Everyone

Defining true affordability and ensuring that every Utahn has access to affordable internet plans is a cornerstone of Utah’s digital equity plan. This goal underpins BEAD’s emphasis on affordability and will be instrumental in increasing the adoption of broadband services, especially among vulnerable populations.

The outlined goals of the Utah Statewide Digital Equity Plan strategically align with the objectives of the BEAD Program to ensure a cohesive approach to bridging the digital divide. The plan is tailored to address the unique challenges of Utah’s diverse landscape and population, with a focus on fostering long-term economic growth, enhancing job creation, and ensuring equitable access to technology for all Utahns. <https://www.connectingutah.com/digital-connectivity-plan>

2.2 LOCAL, TRIBAL, AND REGIONAL BROADBAND PLANNING PROCESSES (REQUIREMENT 2)

2.2.1 ALIGNMENT WITH EXISTING PLANNING EFFORTS

Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

UBC developed the following steps to align with local, Tribal, and regional broadband planning processes during the creation of Utah’s Five-Year Action Plan. Most of the steps listed below are now completed.

TRIBAL PLANNING PROCESS:

- The UBC, in coordination with the Utah Division of Indian Affairs and the office of the Lt. Governor, hosted a Tribal consultation at the Utah Governor’s Office of Economic Opportunity as

a preliminary to individual outreach consultations to be held on Tribal lands. The initial consultation was held in January 2023. All of the state's federally recognized tribes were invited to attend the event in conjunction with the Utah Division of Indian Affairs Native American Tribal Caucus meeting.

- UBC presented at the Utah Governor's Native American Summit regarding the BEAD and Digital Equity programs. UBC also provided information about the Affordable Connectivity Plan to attendees at the Summit.
- UBC sent Dear Tribal Leaders letters with the Lt. Governor's signature to each of the Tribes to set up individual consultations.
- Tribal leaders were included in all correspondence sent out to stakeholders. This has and will include information regarding BEAD initial proposals, the state challenge process, grant opportunities, and digital access information. This correspondence also includes seeking feedback from Tribal nations, as well as invitations to attend Utah Alliance meetings and monthly Connecting Utah meetings.
- UBC invited all of the Tribes to the Utah Broadband Confluence and provided travel and lodging stipends for Tribal attendees upon request. Some Tribal representatives presented at the event.

LOCAL & REGIONAL PLANNING PROCESS:

- UBC administered a local broadband planning grant using BEAD planning funds. This grant was awarded to local organizations and Tribes to facilitate the development of local and/or regional broadband plans. The information gathered from these plans was included in the state's five-year plan.
- UBC has and continues to host monthly cohort calls with planning grant subgrantees to collaborate, share ideas, and learn from each other. This regular meeting also provides updates on BEAD timelines and program progress in Utah. Any local government and community stakeholders are invited to join the calls.

2.3 LOCAL COORDINATION (REQUIREMENT 4)

2.3.1 PLAN FOR ONGOING COORDINATION

Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfill the coordination associated with its Final Proposal.

The UBC planning team conducted extensive public outreach and engagement throughout the state over seven months through the Connecting Utah initiative. The purpose of this outreach was to learn about and understand broadband needs in the local communities and Tribal areas, and to identify gaps in broadband availability, accessibility, and affordability. The planning team developed an outreach strategy that focused on engaging with stakeholders such as Associations of Governments (AOGs), Tribal Nations, state agency partners, municipalities, and community-based organizations.

Outreach performed includes the following:



- The planning team conducted workshops with various stakeholders throughout Utah. This includes all 29 Utah counties, all of the Tribal Nations in Utah, internet service providers, non-profit organizations that serve the covered populations identified in the Utah Statewide Digital Equity Plan, and other statewide stakeholder groups. The team educated stakeholders about the Connecting Utah initiative and learned the specific needs of each community or group. More information regarding the Tribal consultations is specified in section 2.3.2 of this document.

A list of local stakeholders can be found in [Appendix A: Local Coordination Documentation Tracker](#)

- The planning team conducted statewide outreach through email campaigns, social media, and press releases to notify the general public of the UBC's planning effort and to encourage participation in the Connecting Utah Survey and the Utah Internet Speed Test. In March 2023, another press release was distributed to remind the public of the Connecting Utah initiative and ask for more participation with the survey and Utah Internet Speed Test. Between October 2022 and March 2023, 14 state and national publications covered these planning efforts.
- The planning team developed a Connecting Utah website, including English⁴ and Spanish⁵ versions, as the central place for providing information about the planning effort for the public and stakeholders, as well as conducting surveys to gather input. The website includes resources such as a phone and an email hotline to track and answer public comments. As of November 13, 2023, the website has been viewed 11,178 times.
- The planning team worked with Governor Spencer Cox to record an informational video and PSA in both English⁶ and Spanish⁷ to encourage Utahns to participate in the effort to help expand high-speed internet throughout the state. The video was posted on the Connecting Utah website, and the PSA was pushed to radio stations across the state.
- UBC awarded \$650,000 to 15 local entities to develop local broadband plans to be included in the state's five-year plan.
- The Utah Broadband Center (UBC) established partnerships with the International Brotherhood of Electrical Workers (IBEW) and The Mill, a business incubator, to address workforce development in the broadband sector, focusing on training and employing underrepresented groups including women and historically marginalized communities.
- Meetings were held with the Governor's Office of Economic Opportunity (GOEO) to discuss strategies for integrating new immigrants into Utah's workforce. This is in line with the initiatives led by the Director of Immigration and New American Integration, who is developing a statewide New Americans initiative. The efforts are aligned with H.B. 404, which created the Utah Immigration Assistance Center, aiming to facilitate the integration of immigrants into Utah's economic and social fabric.
- The Utah Digital Opportunity Network conducted meetings to ensure outreach to diverse stakeholders, emphasizing the importance of digital equity and inclusion for all Utahns, particularly those in underserved and rural communities.

⁴ <https://www.connectingutah.com>

⁵ <https://www.connectingutah.com/es>

⁶ https://video.wixstatic.com/vid_eo/ceee1c_4ce86019d1064dc6a1500cc3f8b28f22/1080p/mp4/file.mp4

⁷ https://video.wixstatic.com/video/94874d_fabbbb932c924d53adfa5e27c11fa2b3/1080p/mp4/file.mp4

- The Utah Advanced Materials and Manufacturing Initiative (UAMMI) held its annual meeting focusing on expanding manufacturing jobs, with a particular emphasis on fostering diversity in the sector and promoting opportunities for historically underrepresented groups.
- Collaboration with the Utah Women & Leadership Project, which aims to strengthen the impact of Utah girls and women through research, resources, and training events. Aligning with the 'Bolder Way Forward' Statewide Initiative, these efforts contribute to the broader goal of inclusive workforce development in the state.
- Engagement in rural workforce initiative meetings, addressing the specific needs and opportunities in Utah's rural areas, ensuring that broadband access and digital equity plans are inclusive of these communities.
- The UBC awarded local planning grants to various organizations, including Salt Lake County Corrections focusing on incarcerated individuals, Salt Lake Community College for individuals with disabilities, and the Center for Economic Opportunity and Belonging, which hosts the Utah Digital Opportunity Network. This network is a coalition of community organizations serving Utah's covered populations, emphasizing inclusivity and diversity in digital access and workforce development.
- These examples demonstrate the UBC's commitment to meaningful engagement with diverse stakeholder groups, including labor organizations and community organizations, in line with the requirements outlined by the NTIA. The focus on promoting recruitment and inclusion of women and historically marginalized populations in BEAD-funded activities is evident through these diverse outreach and coordination efforts.

Coordination conducted to date:

- **Internet for All: Utah Broadband Confluence** - Held June 7, 2023. [The Utah Broadband Confluence](#) was a statewide conference for Utah stakeholders. This event brought together local governments; Tribal governments; community leaders; industry, state and federal representatives; and other critical partners from around the state to learn about and discuss key programs designed to expand broadband infrastructure and promote digital equity for Utah residents. Information tables were provided at the Confluence for any interested internet service provider (ISP), community organization, non-profit, local city or county, or other stakeholder entity as a networking platform for their organization. Participating vendors were encouraged to share their efforts to expand high-speed internet accessibility, availability and affordability across the state of Utah. This event was a great opportunity for participating vendors to connect with municipalities, organizations and the general public about their services relating to high-speed internet expansion in Utah.



- **Quarterly Broadband Alliance Meetings** - Created in 2011, the [Utah Broadband Alliance](#) coordinates the collaborative statewide effort on broadband adoption and deployment efforts. Members of the council represent a diverse group of interests, including legislators, economic opportunity agencies, state and local government agencies, healthcare organizations, education organizations, libraries, public safety agencies, and Tribal entities. The Utah Broadband Center holds hybrid (an in-person meeting with a virtual option) Utah Broadband Alliance meetings each quarter. These quarterly meetings have shown to be beneficial to the broadband community as they address pressing issues, present useful solutions, and network with community leaders to create a successful future for broadband.

- **Monthly Connecting Utah Virtual Call** - The Utah Broadband Center has been holding virtual monthly calls since Tuesday, April 18, 2023. These [Connecting Utah Virtual Monthly Calls](#) are held in the months between the quarterly Utah Broadband Alliance meetings. These monthly calls provide important broadband program updates and allow stakeholders to receive answers to their pertinent questions on a frequent basis. These calls will continue to be held on a monthly basis for as long as they are needed.
- **Utah Broadband Center's Newsletter** - The Utah Broadband Center publishes a [monthly newsletter](#) for the broadband community and other stakeholders. This newsletter includes key insights about Utah's broadband deployment, news, announcements, outreach, and grant application process updates when applicable.

Summarize the impact such coordination has on the content of the Initial Proposal:

- ISPs provided input during the drafting process of the Initial Proposal and submitted comments for Volume 1 that were taken into **consideration**.
- Areas around the state were confirmed to be unconnected during the local planning process. One example of this success came as the Utah Education and Telehealth Network successfully collected data regarding unserved and underserved households by running background speed tests on chromebooks sent home with students.
- Data from community surveys was analyzed and included in the five year action **plan**.

Ongoing engagement efforts:

UBC plans to continue the following engagement efforts:

- Statewide Outreach
 - Email Campaigns, Social Media, and Press Releases: Continuous dissemination of information through these channels to keep the public informed and engaged with the state's broadband initiatives. Specific metrics for success will include measurable increases in survey participation, website traffic, and media coverage.
 - Connecting Utah Website: A hub for comprehensive information on broadband expansion in Utah, which will serve as a central platform for surveys and public feedback. Success will be measured by reach, with a current goal to surpass 10,000 views by the end of 2023.
 - Informational Video and PSA: Leveraging the Governor's Office to promote the Connecting Utah initiative, with a goal to reach wider audiences through varied media outlets and drive engagement on the website and surveys.
- Direct Communication Channels
 - Email and Phone Hotline: Dedicated hotlines for real-time public engagement, aiming to address and resolve issues promptly and improve customer satisfaction rates.
 - Newsletter: A monthly publication to provide stakeholders with updates on broadband deployment, grant application processes, and key announcements, targeting a consistent open rate of over 30%.

- Community Engagement Meetings
 - Monthly Connecting Utah Virtual Calls: Virtual meetings to facilitate discussion on current initiatives and address challenges in broadband expansion, with an emphasis on increasing stakeholder participation by 20%.
 - Quarterly Broadband Alliance Meetings: In-person and virtual meetings to discuss broadband adoption and deployment with representatives from diverse sectors, focusing on implementing actionable solutions from these gatherings.
- Stakeholder Collaboration
 - Ongoing 1:1 Meetings: Regular, personalized meetings with future grantees to track progress and address specific needs, aiming for a 100% engagement rate with all grantee organizations.
 - Ongoing Cohort Calls: Group calls with grantees and other collective impact stakeholders to share best practices and foster a collaborative environment, striving for at least one significant Digital Equity collaborative project to emerge from these calls annually.
 - These efforts are designed to bolster local coordination and ensure that engagement remains dynamic, effective, and inclusive, aligning with the strategic objectives set forth in the Initial Proposal.

Plan for Final Proposal coordination:

UBC plans to provide the following coordination for the Final Proposal:

- Challenge Process Coordination
 - Training Video: The Utah Broadband Center (UBC) will develop a comprehensive training video illustrating the challenge process in a step-by-step manner, ensuring clarity and ease of understanding for all potential challengers.
 - Virtual Training Sessions: To supplement the training video, UBC will conduct live virtual training sessions targeting internet service providers, local and Tribal governments, and nonprofits, complete with Q&A segments for real-time clarification.
 - Written Guidance: In addition to digital resources, UBC will produce detailed written guidance on the challenge process, which will be distributed widely and made accessible for all eligible challengers.
 - Live “town hall” info meetings and training sessions throughout the state. UBC will host separate training meetings as well as reserve slots on existing local government and nonprofit meeting agendas..
 - Utah Digital Opportunity Network extended outreach to nonprofit and DE groups statewide
 - Conduct electronic communications via regular email blasts to target audiences and through the UBC monthly newsletter leading up to, and throughout the challenge process

- Disseminate articles, press releases, and other publications to expand outreach and knowledge of the challenge process
- Subgrantee Selection Process Coordination
 - Application Process Training: Virtual sessions will be organized to guide eligible applicants through the application process. These sessions will be recorded for those who cannot attend live, ensuring no one is left without access to this crucial information.
 - Scoring Process Information: In these sessions, UBC will also elucidate the application scoring process, helping applicants understand how to better position their proposals for success.
 - Comprehensive Written Guidance: Written materials will be provided to outline the subgrantee selection process, offering a reference that can be consulted at any time by potential applicants.
- Awards and Monitoring Coordination
 - Compliance Review Sessions: UBC will hold review sessions with all proposed awardees to go through BEAD award compliance requirements in detail during the contracting process.
 - Monitoring Expectations Clarification: These sessions will emphasize the monitoring expectations and award requirements to ensure all awardees are fully informed and prepared to comply.
 - Contracting Process Guide: A clear and concise guide will be developed to accompany these sessions, offering a written record of compliance and monitoring procedures to reinforce understanding and adherence.

In implementing these coordinated efforts for the Final Proposal, UBC aims to ensure a transparent, efficient, and equitable selection process that aligns with BEAD objectives. The comprehensive approach is designed to empower stakeholders through knowledge and support, fostering a collaborative environment conducive to achieving Utah's broadband expansion goals.

2.3.1.1 Supporting Documentation for Local Coordination Tracker Tool

Attachment: As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

UBC has documented the coordination it has conducted in [Appendix A, "Local Coordination Documentation Tracker."](#)

2.3.2 FEDERALLY RECOGNIZED TRIBAL CONSULTATION

Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If

the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

Utah is home to eight federally-recognized Tribal Nations, some of which expand across the borders of Colorado, Arizona, Idaho, and Nevada. Tribal entities within Utah include the following and their chapters, bands, or sub-tribal government entities:

- Navajo Nation
 - Aneth Chapter
 - Navajo Mountain Chapter
 - Oljato Chapter
 - Red Mesa Chapter
 - Teec Nos Pos Chapter
 - Navajo Northern Agency Council
 - Navajo Utah Commission
- Northwest Band of Shoshone Nation
- Paiute Indian Tribe of Utah. Representing
 - Cedar Band
 - Indian Peaks Band
 - Kanosh Band
 - Koosharem Band
 - Shivwits Band
- San Juan Southern Paiute Tribe
- Ute Mountain Ute Tribe
 - White Mesa Community
- Confederated Tribes of Goshute
- Skull Valley Band of Goshute
- Ute Indian Tribe of the Uintah and Ouray Reservation

UBC conducted Tribal consultations with all the local tribal groups during the development of the Digital Connectivity Plan. The planning effort began with UBC sending a Dear Tribal Leader Letter and an invitation to attend a formal consultation with the Lieutenant Governor and State staff members. The purpose of this consultation was to understand current Tribal high-speed internet initiatives; current needs in relation to broadband in Tribal Nations; and how Utah and Tribal Nations can work jointly to expand access to affordable, reliable, and accessible high-speed internet.

The initial Tribal consultation was held on January 31, 2023 at the Governor’s Office of Economic Opportunity. The majority of participants attended in-person, with a few attending virtually. Thirteen Tribal leaders attended this consultation, representing the Northwestern Band of Shoshone Nation, the Paiute Indian Tribe of Utah, the Ute Mountain Ute Tribe, the Ute Indian Tribe, and the San Juan Southern Paiute Tribe.

UBC then followed up to host individual consultations, individual meetings, or attend council meetings with each of the tribes. UBC provided outreach and informational materials about the Connecting Utah initiative (fliers and surveys), as well as information on the ACP benefit for households on Tribal land.

2.3.2.1 Supporting Documentation for Tribal-Coordination

See the Tribal Consultation Tracking tab on [Appendix A, Local Coordination Documentation Tracker](#).

2.4 DEPLOYMENT SUBGRANTEE SELECTION (REQUIREMENT 8)

Deployment Projects Subgrantee Selection Process & Scoring Approach (Sections 2.4.1 through 2.4.5):

2.4.1 PLAN FOR FAIR, OPEN, AND COMPETITIVE PROCESS

Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

The subgrantee selection process for BEAD will begin following approval by NTIA of Volume 2 of Utah’s Initial Proposal and the completion of the BEAD state challenge process. By 30 days following the Challenge Process completion, including adjudication, UBC shall perform the final deduplication of BSLs and publish the list of unserved and underserved BSLs that are grant eligible, along with the identified CAIs for 1 Gbps provisioning. **Utah Project Funding Areas (UPFA)** for the purpose of the grant process will then be created using the process identified below. UBC will not accept challenges on the UPFA or BSLs.

The Challenge Process results with the grant eligible BSLs divided into Census Block Groups (CBG) will be posted for 60 calendar days during which the preregistration portal will open and applicants will be permitted to pre register prior to the grant application period. Preregistration will be required for any entity intending to apply for the BEAD funds before the application window opens. Additionally, UBC shall publish a .csv submission template format that must be utilized for location data submitted during the application process.

UBC will host a webinar to answer any questions on the posted information and the preregistration process. Eligible entities for BEAD-funded projects include the following:

- Telecommunications provider or an internet service provider;
- Cooperatives
- Nonprofit organizations
- Public or private utilities/ Public utility districts
- Public-private partnerships

- Local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding affordable broadband access in the state or⁸
- Tribal government entity

Preregistration

If the entity has previously applied for a grant through the Governor’s Office of Economic Opportunity (GOEO), they will use their same GOEO registration information to complete any additional BEAD preregistration information.

In addition to contact information and Federal Registration Number (FRN), if appropriate, the preregistration information may include but not be limited to the following categories. Additional information about each of these categories may be found at the listed reference:

Category Guidance Reference

- Financial Capability 2.4.11
- Managerial Capability 2.4.12
- Operational Capability 2.4.15
- Technical Capability 2.4.13
- Ownership Information 2.4.16
- Public Funding Information 2.4.17
- A .csv file in a provided template of census block groups for which the applicant intends to serve BSLs and submit application through the BEAD Infrastructure Grant (BIG) process. Each preregistration must propose to serve all unserved locations within one or more CBG, and may include contiguous CBGs in the same pre-registration if all planning details outlined in this document are separately included for each CBG. The preregistration can include how the provider additionally proposes to serve underserved areas in the same CBG, but the priority is unserved. The preregistration can also include alternative solutions to providing broadband access to all eligible BSL locations within a CBG.

(Note: Applicants will be allowed to apply for additional locations during the application process other than those they submitted at preregistration, but at the time of the application process they will be required to apply for entire Utah Project Funding Areas (UPFA) as designated by UBC based on the preregistration activity and other criteria described below. Likewise, applicants will not be required to apply for areas they projected to apply for in the preregistration process, but every area excluded from an application without prior discussion with or consent from UBC prior to the closing of the application window, can result in a penalty in the scoring against the applicant’s application.)

- If applicable, a signed request to exempt the preliminary location information from disclosure and identify the information as privileged or confidential to the extent allowed pursuant to the Utah Open Records Act, Utah Code 63D-2-101 et seq (Governmental Internet Information Privacy

⁸ "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project. (HB348, 5634 (3))

Act)⁹.

Additional requirements

All eligible prospective subgrantees must also adhere to the following requirements:

- Do not impose data usage caps on any plans offered over a Funded Network or impose unjust or unreasonable network management practices (see BEAD NOFO IV.C. 2.c.ii)
- Provide broadband service to each customer served by the project who desires broadband service on reasonable and non-discriminatory terms and conditions (see BEAD NOFO IV.C. 2.c.iii)
- Carry out public awareness campaigns in their service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers (see BEAD NOFO IV.C. 2.c.iv)
- Adhere to interconnection and wholesale access middle mile requirements per BEAD NOFO IV.C. 2.c.v
- Prospective applicants telecommunications or internet service providers who have been offering broadband service for more than two years must demonstrate that they have filed data to the FCC during the most recent Broadband Data Collection window

Prospective applicants who do not preregister and adhere to these guidelines will not be considered eligible to submit applications for BEAD-funded projects. A list of applicants that preregister will be made publicly available.

Excluding the response to Financial Capability, responses to each category shall not exceed two (2) pages in length, using single-spaced, and 11-point font formatting.

Project Funding Areas

From the BEAD NOFO: “The term “project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service. A “project” may constitute a single unserved or underserved broadband-serviceable location, or a grouping of broadband-serviceable locations in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.”

The Utah Project Funding Areas (UPFA) will be defined by UBC beginning with Census Block Groups (CBG) based on the preregistration outcome as well as taking into consideration existing ISP infrastructure and capabilities; high-cost areas; smaller unserved areas with not less than 80 percent of broadband-serviceable locations that are unserved or underserved; locations with significant geographic or topographic concerns; areas including sovereign lands; areas not applied for; and local area exchanges. Locations that were included in multiple preregistrations will be identified and deconflicted to avoid duplication of UPFAs. This process of deconflicting project areas allows for direct comparison of competing proposals. For example, areas proposed during the preregistration process that overlap where two or more providers have expressed interest in building and serving but are not proposing to serve the same overall area, the overlapping CBG, similar to a Venn diagram, will be designated a separate project area to allow for the direct comparison of a competing proposal. In the case where within a CBG that one provider desires to apply for a portion of the CBG and another provider desires to serve the remaining portion of the CBG discovered through discussion between providers and UBC following the preregistration, CBGs areas may be carved up into smaller portions to be applied for separately or may be

⁹ See also Utah Code sections 63G-2-102, 63-G-2-302, 63G-2-305, 63G-2-309, and 13-61-101 et seq.

added to larger project areas.

Application Process

Within 30 calendar days after the preregistration deadline, UBC will publish defined Project Funding Areas. Applications will allow for multiple proposals which will be reviewed and awarded separately. Applicants, when submitting a proposal, must show how they intend to serve all unserved locations within a UPFA. Applicants may and are encouraged to serve underserved locations in the UPFA, but should provide separate project costs as much as possible between the two as the priority is unserved locations to be served. UBC will not entertain proposals which do not seek to provide broadband access or a solution to provide access to all unserved within a UPFA provide access to all unserved locations.

Locations that were not included in any applicant's pre-registration will be evaluated by UBC to determine the reason. If it is found that the ROI for even a fully-funded project is not worth the investment to a sub-grantee, these locations will be incentivized by offering points and potentially a reduced match for another UPFA for which an applicant applies and includes the "Costly" UPFA, or CUPFA, as part of their application if the original application costs are within reason. These CUPFA locations will be identified following the preregistration process and designated as "bonus" areas in the application process. If these locations still are not chosen they will be considered for alternative technologies including satellite. If an eligible applicant is willing to pick up undesirable areas without another project area to utilize a reduced match, there will be no match required and other cost considerations will be made such as easement, permits, and ROW costs, etc.

In the event there are remaining unclaimed, unsought for UPFA or individual BSLs, UBC may hold a "Miss Congeniality" round for the remaining locations. Interested applicants who have not previously participated in the application process will be allowed to register and apply for these locations. The scoring and incentivizing will remain the same as previously described

If an UPFA is in a Tribal area, the Tribe will be included in the evaluation of the associated applications and awarding process unless one of the applicants is the Tribe itself.

As described previously in the Preregistration Process, applicants are not required to submit applications for areas they included during their preregistration but their subsequent applications may be subject to penalty. Applicants are permitted to submit applications for areas that contain locations the applicant did not include during their preregistration, but they are limited to the designated UPFAs and must commit to serving the entire designated UPFA for which they apply.

Complete grant applications will be due 60 calendar days following the publishing of Project Funding Areas. Applications received following that date will not be considered eligible for BEAD funding. UBC will invite applications through the same UBC Grant Portal as the preregistration. Prior to and throughout this application period, UBC will issue clarifying guidance regarding the application process for applicants.

UBC will work to streamline the application process for applicants under the BEAD program. Each applicant applying under BEAD will be required to complete an application narrative to satisfy the requirements outlined in this document, as well as the BEAD Notice of Funding Opportunity.

Along with this narrative component of the application, applicants must submit cost estimates to serve application areas and type of technology(ies) to be used in the UPFA. UBC will provide a submission template to streamline and coordinate this process. This template will require applicants to outline the requested dollar amount to serve all unserved locations, underserved locations, and potentially unserved Community Anchor Institutions in that application area, as well as the matching funds slated to be

contributed to the build. The cost estimate section must be completed for each separate project area if the applicant is submitting proposals for multiple projects.

UBC will communicate the application requirements, which are outlined throughout the rest of this document, to all prospective subgrantees prior to the selection process. This communication will include outreach to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the Connecting Utah website, grant application training sessions, and the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

UBC will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and state law. If any of these responses do contain information or data the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential to the extent allowed pursuant to Utah Open Records Act. If information is identified by the entity as privileged or confidential, the entity must indicate such in their application(s) requesting such exemption. Otherwise, the responses will be made publicly available. All exempted information will be securely maintained and accessed by UBC and confidential contractors only.

Once the submission window has closed, UBC will review the applications to ensure all required documentation has been submitted. Any missing or incomplete documentation will be documented, and UBC will work with the applicant and mutually agree on what will be a reasonable time frame for compliance to cure the application.

Following the submission of complete applications, a review committee convened by UBC will evaluate all submitted proposals against the UBC BEAD Scoring Rubric. This committee will consist of UBC staff members and subcontractors, subject matter experts, state agency staff members, and other experienced stakeholders. Review committee members will be required to disclose any potential conflicts of interest and will be recused from reviewing any applications to which they may have a conflict of interest. Each application will be reviewed by a minimum of three reviewers before a final score is determined and a recommendation for each application is made.

UBC's process in selecting subgrantees for last-mile broadband deployment projects will first assess which locations or sets of locations under consideration are subject to one or more proposals that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements set out in this NOFO with respect to subgrantees. In the event there is just one proposed Priority Broadband Project in a location or set of locations, and that proposal does not exceed the state's High Cost Per Location Threshold, if the applicant demonstrates sufficient operational capacity, and if the technology solution provides qualifying broadband service, that proposal is the default winner, unless UBC requests, and the NTIA Assistant Secretary grants a waiver allowing UBC to select an alternative project. To the extent there are multiple proposals in a location or set of locations that (1) constitute Priority Broadband Projects and (2) satisfy all other requirements with respect to subgrantees, UBC will competitively select a project based on the criteria set by the BEAD NOFO and outlined in this document.

If an existing award commitment (i.e. from state general funds or another federal infrastructure program) is found within a Project Funding Area, or if a new award commitment from such funding sources is made during the subgrantee selection process, all applications for that Project Funding Area will be notified and given 14 calendar days to resubmit, withdraw, or attest that no BEAD funds will be used for BSLs covered by the enforceable commitment. UBC will deduplicate the locations and provide the evidence of these other funding commitments to the BSLS in the Final Proposal to NTIA.

Following the review process, UBC will submit a list of proposed awards to NTIA through the BEAD

Final Proposal. Once the proposed awards have been **approved** by NTIA, awards will be announced. Stakeholders may be **apprised** of anticipated evaluation and announcement timelines as this process takes place.

UBC will notify applicants and other interested stakeholders of the stages of the process outlined above by publishing timelines on the Connecting Utah website, as well as communicating to stakeholders through existing email channels. UBC, in this document, has established a fair, open, equitable, and competitive subgrantee selection process and has ensured that adequate safeguards are in place to protect the integrity of the competition, including safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that could undermine confidence in the process outlined above.

2.4.2 PRIORITIZATION AND SCORING PROCESS

Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

UBC adopts the scoring criteria and weight of each respective criterion laid out below to evaluate proposals for Priority Broadband Projects and Other Last-Mile Broadband Deployment Projects. Evaluation criteria, which are compliant with the guidelines set forth for project scoring in the BEAD NOFO, are outlined for each scoring category below.

Selection Criteria for Project Category

Applications that propose to construct end-to-end fiber-optic facilities to all BSLs in a Project Funding Area will be defined as a “Priority Broadband Project.” Applications that do not propose to construct end-to-end fiber optic facilities to all BSLs in a Project Funding Area will be defined as an “Other Last-Mile Broadband Deployment Project.”

Scoring Process

For all applications (i.e., Priority Broadband Projects and Other Last-Mile Broadband Projects), 100 points is the maximum allotted points. The evaluation criteria are broken down into primary and secondary categories, with a maximum of 75 points for the primary category and 25 points for the secondary category. Each category consists of multiple items to be evaluated and for which points are awarded.

Priority Broadband Projects

Applications that propose to construct end-to-end fiber-optic facilities to all BSLs in a Project Funding Area will be defined as a “Priority Broadband Project.”

Primary Criteria for Priority Broadband Projects- Maximum 75 Points

Primary Criteria				
Criteria	Weight	Description	Maximum Points	Scoring
Minimal BEAD Outlay	50%	The total amount of funding required to prioritize serving unserved locations and secondary prioritization for underserved locations for each project application	50	The most cost-efficient applications determined by evaluating the total funding requested to provide broadband access to a defined application area will

Primary Criteria				
Criteria	Weight	Description	Maximum Points	Scoring
		accounting for both the total projected cost and the applicant's proposed match, which must, without a waiver or adding a "bonus" CUPFA cover at least 25% of the project cost, with the specific points awarded increasing as the BEAD expenditure decreases for each location served while taking into account the cost per location that might increase the overall project cost but improve the project areas scalability and resilience.		receive most points under this section including giving more points for a higher match. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.
Affordability	15%	The applicant's commitment to provide 1Gbps/1Gbps symmetrical services within the project areas in the application at the most affordable price for customers.	15	An application will receive 15 points if the cost of 1Gbps/1Gbps symmetrical service is \$70.00 or less per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 1Gbps/1Gbps symmetrical services from the FCC urban benchmark rate of \$ 142.75 or less per month, including all taxes, fees, and charges, including rental of modem, to the customer.
Fair Labor Practices	10%	Applicants must narratively demonstrate a record of and plans to follow federal labor and employment laws. Applicants who do not have a record of compliance with labor and employment laws can make forward looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	10	UBC will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points in this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points.

Minimal BEAD Program Outlay– 50 points

UBC shall examine all sources of funding, planning, and collaborators to achieve universal coverage. Potential solutions outlined in this document to increase the match requirement include public/private partnerships, enforceable commitments, Universal Service Fund and Local Exchange Areas, and Enhanced Alternative Connect America Cost Model (EACAM). Thus, UBC awards the most categorical points to Minimal BEAD Program Outlay in the scoring criteria. This will optimize every BEAD dollar.

Description: The total amount of funding required to complete the project area in the application, accounting for the total projected cost and the applicant's proposed match. Specific points will be awarded, increasing as the BEAD expenditure decreases for each location serviced in Project Funding Areas. UBC reserves the right to modify the minimum grant match requirements based on the preregistration outcome.

Clarification on Cost-Efficiency: Cost-efficiency, in the context of our proposal, refers to the optimal use of funds to achieve maximum broadband coverage and quality. This means prioritizing projects that offer the highest impact in terms of service expansion or improvement, relative to the amount of funding requested.

Total Funding and BEAD Fund Prioritization: Total funding is a key consideration to ensure the judicious use of BEAD funds. Our approach aims to prioritize projects that leverage minimal BEAD funds to achieve significant broadband access improvements. This not only ensures efficient use of federal funds but also encourages investment from other sources.

Point Allocation for Cost Efficiency: Points will be assigned on a sliding scale based on the cost per location. Projects with the lowest cost per location will receive the maximum points. However, to acknowledge the challenges of providing broadband in more remote or underserved areas, which may have a higher cost per location, a proportional number of points will be allocated to such projects. This ensures a balanced consideration of both cost-efficiency and the need to service all areas, regardless of their geographical and economic constraints.

Incorporating Different Levels of Match: We recognize the opportunity to incentivize higher levels of matching funds from applicants. Additional points will be awarded to applications that demonstrate a higher level of non-federal matching funds. This approach encourages greater investment from state, local, or private entities, thus leveraging the federal funding more effectively.

Scoring: The most cost-efficient application project areas based on cost per location and match provided. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.

Average Cost per Location - Project Area on Priority Broadband Projects

Average cost per location	Points
\$0 - 3000	5
\$3001 - 5000	4
\$5001 - 7000	3
\$7001 - \$9000	2
\$9001 - EHCPLT	0

Project Match Percentage on Priority Projects

Project applications will be scored based on the subgrantee’s match percentage, using the Match Percentage - Project Area table. Subgrantees can use existing infrastructure factors as part of their match percentage, such as:

- Right of way that the subgrantee already owns or has privileged access to.
- Aerial pole attachments that the subgrantee owns.
- Any infrastructure privileges or access that the subgrantee can show would lower project construction costs and speed up deployment time.

Additional guidance regarding the rate at which these existing infrastructure factors may be counted towards the match may be provided at a future time. Each match percentage above 30% will be worth 1 point for a maximum of 45 points.

Applications submitted for Project Funding Areas in designated high-cost areas will be scored using the NTIA Defined High Costs Areas Only Match Percentage table. A point will be awarded for every percentage match proposed.

Match Percentage - Project Area on Priority Broadband Projects

Project Match Percentage	Points
65%+	45
60%	40
55%	35
50%	30
45%	25
40%	20
35%	15
30%	10
25%	5

NTIA Defined High Cost Area Match Percentage - Project Area on Priority Broadband Projects

Project Match Percentage	Points
45%+	45
40%	40

Project Match Percentage	Points
45%+	45
35%	35
30%	30
25%	25
20%	20
15%	15
10%	10
5%	5

Affordability– 15 points

Description: For full points, an affordable price to subscribers for 1Gbps/1Gbps symmetrical service set at a \$70 monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.

Scoring: An application will receive 15 points if the cost of 1Gbps/1Gbps symmetrical service is less than \$70.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 1Gbps/1Gbps symmetrical services from less than \$142.75 or the current urban benchmark rate to less per month, including all taxes, fees, and charges to the customer. See section 2.1.3, Middle Class Affordability, for more information. To spur middle class affordability, all providers are encouraged to use these competitive rates across all of their networks in the state.

Sliding Scale for Priority Broadband Projects for 1Gbps/1Gbps Monthly Cost

Monthly Service Cost 1Gbps/1Gbps	Points
<\$70.00	15
\$70.00 -\$89.99	10
\$90.00 - \$109.99	6
\$110.00 - \$142.75	1
>\$142.75	0

Fair Labor Practices– 10 points

Description: Applicants must provide a narrative and evidence of plans to comply with federal labor and employment laws and of plans to solicit, recruit, and maintain a compliant fair labor workforce. Applicants without a verifiable record of compliance with labor and employment law may mitigate this

fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Scoring: Applications that provide certification of full compliance with all applicable labor laws and demonstrates in its application a record and plans of outstanding labor practices as defined in the BEAD Notice of Funding Opportunity (NOFO) Section IV.C.1.e, showing no violations within the last five years, will receive five points. Applications demonstrating wages paid at more than 100% of the county prevailing wage will receive up to 5 points. Points will be allocated based on the percentage of the prevailing wage, up to 115%. Applications that provide no response will receive 0 points.

Fair Labor Requirements Priority Broadband Projects

Fair Labor Requirements Points	Points
Certification of full compliance with all applicable labor laws and demonstrates in its application a record and plans of outstanding labor practices as defined in NOFO Section IV.C.1.e, including no violations within the last five years	5

Fair Labor Wage Requirements for Priority Broadband Projects

Prevailing wage percentage	Points
115%	5
110%	3
105%	1
100%	0

Secondary Criteria for Priority Broadband Projects - 25 Points

Secondary Criteria - 25 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Speed to Deployment	8%	Applications that commit to the deployment of a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with UBC.	8	UBC will score based on project readiness including preliminary planning efforts, ROW access, easement access, permit process begun, documentation of plans, supply inventory or material bill of sale. One point for each evidence up to 4 points.
Local Coordination	7%	Local and regional collaboration is required to ensure that applicants	7	Applicants shall consult with local and regional authorities. Applications will

Secondary Criteria - 25 Points				
Criteria	Weight	Description	Maximum Points	Scoring
		have properly engaged Utahns to determine their communities' needs.		receive points based on the information submitted demonstrating their level of involvement with local and regional communities.
Community Impact	6%	A high priority of this grant is engagement with the impacted community. The Applicant is to work with the local community to identify an innovative means of providing a public benefit that addresses the community's needs and includes as a component of the proposed project, a long-term public benefit to the impacted community.	6	Detail an innovative means of providing a public benefit that addresses the community's needs and that includes, as a component of the proposed project, a long-term public benefit that addresses the community's needs.
Workforce Development and Job Quality Opportunities	3%	Applicants will give opportunities to hire and utilize minority-owned and women owned enterprises that are considered to be qualified broadband contributors.	3	Applicants who diligently look to create opportunities to utilize minority and women owned enterprises will be given stated scoring.
Open Access Networks	1%	The BEAD program encourages Utah to adopt selection criteria promoting subgrantees' provision of open access wholesale access to last-mile broadband service providers for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers.	1	Applicants that commit to offering wholesale broadband services at reasonable and nondiscriminatory rates and terms for the useful life of the network assets will receive points based on the open access details in the application. Applications will receive points based on the information submitted for each element of the open access category.

Speed to Deployment– Maximum 8 Points

Description: Applicants that can show a project readiness or significant preliminary planning efforts for an increased speed to deployment of a network and provide services to each BSL within the Project Funding Area within a shorter time frame than competitors will receive points during scoring. All funded

projects must be completed within the four-year time frame of a signed award or projects may be subject to clawback provisions if services are not provided within the contracted timeline (section 2.16.2).

Scoring: Speed to deployment will be scored on a sliding scale based on proof of preliminary planning efforts provided in the application. Proof of these efforts may include documentation providing proof of existing rights of way, easements, or pole attachment access in the project area; documentation of permit processes that are underway; documentation showing preliminary engineering designs; documentation showing inventory of bills of sale for project materials; or other convincing documentation showing preliminary project plans. Two points will be awarded for each type of documentation submitted in the application up to eight points.

Documentation	Points
Proof of ROW, Easement, Pole Attachment Access, Towers	2
Documentation of Permit Process Underway	2
Documentation of engineering design	2
Documentation of inventory or bill of sale	2
Other applicable documentation related to speed to deployment	2

Local and Regional Coordination– 7 Points

Definition: Local coordination is required to ensure that applicants have properly engaged Utahns to determine their communities' needs. A priority of this grant is engagement with the impacted community. The applicant is to work with the local community, including regional government organizations such as Associations of Governments as needed, to identify an innovative means of providing a public benefit that addresses the community's needs and includes, as a component of the proposed project, a long-term public benefit to the impacted community. Prospective subgrantees must demonstrate extensive community engagement and local planning.

Scoring: To receive the full six points for this category, prospective subgrantees must demonstrate extensive community engagement, local planning, and demonstrate a long-term benefit to the community as a result of the collaboration between the provider and the community. Examples include:

- Provide service to previously unserved or underserved Community Anchor Institution(s) (libraries, police and fire stations, city/county buildings, public safety buildings, hospitals, healthcare facilities, and educational institutions)
- Serve an economically distressed area
- Digital literacy training
- Low-income assistance
- Partner with or establish co-working space

- Activities planned to increase adoption

Applications that demonstrate meaningful community engagement and local planning, as described below, will receive four points. Two points will be awarded if a resolution, signed Letter of Support or other formal demonstration of consent from local leaders is included with the minutes of the formal local or regional government meeting, and zero points if no documentation is provided.

Community Engagement– 4 Points

Understanding the infrastructure and service needs in the Project Funding Areas requires network planning, design, and the voice of the residents. Applications should include evidence of locally held meetings with residents and businesses from the Project Funding Areas where they are applying. This evidence must consist of meeting minutes of the local or regional government meetings. Furthermore, locally held discussions on permitting, rights of way, pole attachments, or other easement needs are encouraged and noted in the application review. Evidence such as an agenda and minutes or notes from the meetings must be submitted. Lastly, UBC expects applicants to share their rate plans, low-cost service plans, terms and conditions, service commitments, and billing formats to local officials of each Project Funding Area.

Resolution and Letter of Support– 3 Points

Applications will receive two points if they include a signed Letter of Support, resolution, or other formal demonstrations of consent¹⁰ from local government leaders (e.g. county commissioners, city councils, and/or local government officials, including department heads of planning commissions during an open public and noticed meeting etc.) obtained during or as a result of the public meeting. Applications will receive an additional point if they include a signed letter of support from a community organization. These letters must indicate engagement with local leaders and include a long-term benefit to the community as a result of the collaboration between the provider and the community. Zero points will be awarded for applications without this documentation. Local leaders may provide letters of support for one or more applicants for the same Project Funding Area.

Local and Regional Coordination Priority Broadband Projects

Community Engagement	Maximum Points
Application includes evidence of at least one local and/or regional meetings with governments and community organizations	4
Application includes at least one resolution or other formal demonstration of consent from local/regional government leaders	2
Application includes at least one signed letter of support from a community organization such as a nonprofit, community anchor institution, chamber of commerce, etc.	1

Community Impact– 6 Points

Definition: A high priority of this grant is engagement with the impacted community. The Applicant is to work with the local community to identify an innovative means of providing a public benefit that

¹⁰ For Tribal engagement, relevant documents demonstrating holistic coordination between the Tribal Government and applicant, may include but are not limited to, current Tribal Business license and Tribal Access Permits issued by the Tribal Government to applicant or an executed agreement between the Tribal Government and applicant that grants applicant the ability to provide Broadband services on Tribal Lands. This will ensure that the proper documentation is obtained for submission and approval of the Final Proposal.

addresses the community’s needs and includes as a component of the proposed project, a long-term public benefit to the impacted community.

Scoring: To receive the full six points for this category, prospective subgrantees must detail an innovative means of providing a public benefit that addresses the community’s needs and that includes, as a component of the proposed project, a long-term public benefit that addresses the community’s needs.

Examples may include:

- Provide service to previously unserved or underserved Community Anchor Institution(s) (libraries, police and fire stations, city/county buildings, public safety buildings, hospitals, healthcare facilities, and educational institutions)
- Serve an economically distressed area
- Digital literacy training
- Low-income assistance
- Partner with or establish co-working space
- Activities planned to increase adoption
- Open Community Wifi at a public location

Community Impact Priority Broadband Projects

Community Impact	Maximum Points
Application includes evidence of a long-term public benefit that addresses the community’s needs	6

Workforce Development and Job Quality Opportunities – 3 Points

Definition: A priority of this grant is the creation of good jobs and promotion of workforce development, including opportunities for women-owned and minority-owned businesses. Applicants should demonstrate robust outreach and engagement plans to workforce development and/or women- or minority-owned business development agencies.

Scoring: To receive the full three points for this category, prospective subgrantees must detail a comprehensive outreach and engagement plan to share employment and/or subcontracting opportunities with workforce development, and/or women- or minority-owned business development agencies, as well as documentation showing current engagement with such entities. They must also detail a plan to utilize local workforce for deployment, installation and/or maintenance work, etc.

Workforce Development and Job Quality Opportunities Priority Broadband Projects

Documentation	Points
Developed plan of outreach and engagement to workforce development and/or women- or minority-owned business development agencies	1
Letter of support or other documentation showing current engagement with workforce development and/or women- or minority-owned business development agencies	1
Developed plan to utilize local workforce for deployment, installation and/or maintenance work, etc.	1

Open Access Networks – 1 Point

Definition: The BEAD program encourages Utah to adopt selection criteria promoting subgrantees' provision of open access wholesale access to last-mile broadband service providers for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers. Open access is one aspect of the state's middle-class affordability strategy.

Scoring: Recipients that commit to offering wholesale broadband services at reasonable and nondiscriminatory rates and terms for the useful life of the network assets will receive one point based on the open access details in the application.

Open Access Networks Priority Broadband Projects

Documentation	Points
Details regarding open access policy, including description of wholesale services and rates	1

Other Last-Mile Broadband Deployment Projects

Some Project Funding Areas may require deployment of other technology solutions (i.e., non-end-to-end fiber-optic facilities) for several reasons, including geography, topology, or cost considerations. Other Last-Mile Broadband Deployment Projects will use the same primary criteria as Priority Broadband Projects except for some differences in the affordability criteria scoring.

Primary Criteria for Other Last-Mile Broadband Deployment Projects- Maximum 75 points

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Minimal BEAD Outlay	50%	The total amount of funding required to complete the project area in the application, accounting for both the total projected cost and the applicant's proposed match, which must, without a waiver, cover at least 25% of the project cost, with the specific points awarded increasing as the BEAD expenditure decreases for each location serviced in project area in application.	50	The most cost-efficient applications determined by evaluating the total funding requested to provide broadband access to a defined application area will receive most points under this section. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.
Affordability	15%	An affordable price to subscribers for 100/20 Mbps service set at a \$60 monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.	15	An application will receive 15 points if the cost of 100/20 Mbps service is \$60 including all taxes, fees and charges charged to the customer including rental of modem. A sliding scale will be used to score applications that

Primary Criteria - 75 Points				
Criteria	Weight	Description	Maximum Points	Scoring
				provide 100/20 Mbps service from \$60.00 or more per month, including all taxes, fees, and charges to the customer.
Fair Labor Practices	10%	Applicants must narratively demonstrate a record of and plans to follow federal labor and employment laws. Applicants who do not have a record of compliance with labor and employment laws can make forward looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	10	UBC will assess and score narrative responses under this category. Applications that provide all the required information and certify they will comply with existing labor requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) will receive 10 points in this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that provide no response will receive 0 points.

Minimal BEAD Program Outlay– 50 points

Description: The total amount of funding required to complete the project area in the application, accounting for the total projected cost and the applicant's proposed match. Specific points will be awarded, increasing as the BEAD expenditure decreases for each location serviced in Project Funding Areas. UBC reserves the right to modify the minimum grant match requirements based on the preregistration outcome.

Scoring: The most cost-efficient application project areas based on cost per location and match provided. A percentage of the points available will be allocated to applications with an average higher cost per location considering their relative distance from the most cost-effective cost per location projects areas received.

Project Area on Other Last-Mile Broadband Deployment Projects

Cost per location	Points
\$0-3000	5
\$3001-5000	4
\$5001-7000	3

\$7001 - \$9000	2
\$9001 - EHCPLT	0

Project Match Percentage on Other Last-Mile Broadband Deployment Projects

Project applications will be scored based on the subgrantee’s match percentage. Subgrantees can use existing infrastructure factors as part of their match percentage, such as:

- Right of way that the subgrantee already owns or has privileged access to.
- Aerial pole attachments that the subgrantee owns.
- Any infrastructure privileges or access that the subgrantee can show would lower project construction costs and speed up deployment time.

Additional guidance regarding the rate at which these existing infrastructure factors may be counted towards the match may be provided at a future time. Each match percentage above 25% will be worth 1 point for a maximum of 45 points

Project Match Percentage	Points
65%+	45
60%	40
55%	35
50%	30
45%	25
40%	20
35%	15
30%	10
25%	5

Affordability– 15 points

Description: Incentive to provide an affordable price to subscribers for 100/20 Mbps service set at a \$60 monthly rate, inclusive of all taxes, fees, and monthly charges billed to the customer.

Scoring: An application will receive 15 points if the cost of 100/20 Mbps service is less than \$60.00 per month, including all taxes, fees and charges charged to the customer. A sliding scale will be used to score applications that provide 100/20 Mbps service at \$105.03 or less per month, including all taxes, fees, and charges to the customer.

Monthly Service Cost 100Mbps/20Mbps Other Last-Mile Broadband Deployment Projects

Monthly Service Cost 100Mbps/20Mbps	Points
\$60.00 or less	15
\$60.01 - \$70.00	10
\$70.01 - \$80.00	6
\$80.01 - \$105.03	2
>\$105.03	0

Fair Labor Practices– 10 points

Description: Applicants must provide a narrative and evidence of plans to comply with federal labor and employment laws and of plans to solicit, recruit, and maintain a compliant fair labor workforce. Applicants without a verifiable record of compliance with labor and employment law may mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Scoring: Applications that provide certification of full compliance with all applicable labor laws and demonstrates in its application a record and plans of outstanding labor practices as defined in the BEAD Notice of Funding Opportunity (NOFO) Section IV.C.1.e, showing no violations within the last five years, will receive five points. Applications demonstrating wages paid at more than 100% of the county prevailing wage will receive up to 5 points. Points will be allocated based on the percentage of the prevailing wage, up to 115%. Applications that provide no response will receive 0 points.

Fair Labor Requirements for Other Last-Mile Broadband Deployment Projects

Fair Labor Requirements Points	Points
Certification of full compliance with all applicable labor laws and demonstrates in its application a record and plans of outstanding labor practices as defined in NOFO Section IV.C.1.e, including no violations within the last five years	5

Fair Labor Wage Requirements for Other Last-Mile Broadband Deployment Projects

Prevailing wage percentage	Points
115%	5
110%	3
105%	1
100%	0

Secondary Criteria-Other Last-Mile Broadband Deployment Projects- 25 Points

Secondary Criteria - 25 Points				
Criteria	Weight	Description	Maximum Points	Scoring
Speed to Deployment	4%	Applications that can show preliminary preparation and readiness to deploy a network and provide services to each BSL within the Project Funding Area within four years from the date of the grant agreement with UBC.	4	UBC will score based on preliminary community engagement, ROW access, easement access, permit process begun, documentation of plans, supply stockpile or bill of sale.
Speed of Network and Other Technical Capabilities	6%	Applications that propose to use technologies that exhibit scalability with lower future investment. Including climate resiliency.	6	Capital assets with longer usable lives, scalability, and resilience will score higher on this sliding scale, even if they have higher costs.
Local Coordination	7%	Local and regional collaboration is required to ensure that applicants have properly engaged Utahns to determine their communities' needs.	7	Applicants shall consult with local and regional authorities. Applications will receive points based on the information submitted demonstrating their level of involvement with local and regional communities.
Community Impact	7%	A high priority of this grant is engagement with the impacted community. The Applicant is to work with the local community to identify an innovative means of providing a public benefit that addresses the community's needs and includes as a component of the proposed project, a long-term public benefit to the impacted community.	7	Detail an innovative means of providing a public benefit that addresses the community's needs and that includes, as a component of the proposed project, a long-term public benefit that addresses the community's needs.
Open Access Networks	1%	The BEAD program encourages Utah to adopt selection criteria promoting subgrantees' provision of open access wholesale access to last-mile broadband service providers for the life of the subsidized networks, on fair, equal, and neutral terms to all.	1	Applicants that commit to offering wholesale broadband services at reasonable and nondiscriminatory rates and terms for the useful life of the network assets will receive points based on the

		potential retail providers.		open access details in the application. Applications will receive points based on the information submitted for each element of the open access category.
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Speed to Deployment– Maximum 4 Points

Description Applicants that can show a project readiness or significant preliminary planning efforts for an increased speed to deployment of a network and provide services to each BSL within the Project Funding Area within a shorter time frame than competitors will receive points during scoring. All funded projects must be completed within the four-year time frame of a signed award or projects may be subject to clawback provisions if services are not provided within the contracted timeline (section 2.16.2).

Scoring: Speed to deployment will be scored on a sliding scale based on proof of preliminary planning efforts provided in the application. Proof of these efforts may include documentation providing proof of existing rights of way, easements, or pole attachment access in the project area; documentation of permit processes that are underway; documentation showing preliminary engineering designs; documentation showing inventory of bills of sale for project materials; or other convincing documentation showing preliminary project plans. Two points will be awarded for each type of documentation submitted in the application up to eight points.

Speed to Deployment -Other Last-Mile Broadband Deployment Projects - Maximum 4 Points

Documentation	Points
Proof of ROW, Easement, Pole Attachment Access, Towers	1
Documentation of Permit Process Underway	1
Documentation of engineering design	1
Documentation of inventory or bill of sale	1
Other applicable documentation related to speed to deployment	1

Speed of Network and Other Technical Capabilities– 6 points

Description: Applications that propose to use technologies that exhibit scalability with lower future investment and show climate resiliency. UBC intends to comply with NTIA guidance regarding asset lifespans. This section may be updated when that guidance becomes available.

Scoring: Capital assets with longer usable lives, scalability, and resilience will be considered first over unlicensed and satellite technologies, even if they have higher costs. If any proposal for a project funding area has been submitted using reliable broadband technologies (i.e. hybrid fiber coaxial or licensed fixed wireless), all other last mile broadband deployment project applications for that project funding area will

be scored using the Reliable Technology Evaluation Table. If no proposals for a project funding area are submitted that fall under the category of Reliable Broadband Technology, all other last mile broadband deployment project applications for that project funding area will then be scored against other alternative technology applications using the Alternative Technology Evaluation Table.

**Reliable Technology Evaluation -Other Last-Mile Broadband Deployment Projects-
Maximum 6 Points**

Technology Type	Points
Hybrid fiber coaxial	6
Fixed wireless using licensed spectrum	5.5
Alternative technology	0

**Alternative Technology Evaluation -Other Last-Mile Broadband Deployment Projects-
Maximum 2 Points**

Technology Type	Points
Fixed wireless using unlicensed spectrum (symmetrical service)	2
Fixed wireless using unlicensed spectrum	1
Low Earth (LEO) satellite	0

Local and Regional Coordination—7 Points

Definition: Local coordination is required to ensure that applicants have properly engaged Utahns to determine their communities' needs. A priority of this grant is engagement with the impacted community. The applicant is to work with the local community, including regional government organizations such as Associations of Governments as needed, to identify an innovative means of providing a public benefit that addresses the community's needs and includes, as a component of the proposed project, a long-term public benefit to the impacted community. Prospective subgrantees must demonstrate extensive community engagement and local planning.

Scoring: To receive the full six points for this category, prospective subgrantees must demonstrate extensive community engagement, local planning, and demonstrate a long-term benefit to the community as a result of the collaboration between the provider and the community. Examples include:

- Provide service to previously unserved or underserved Community Anchor Institution(s) (libraries, police and fire stations, city/county buildings, public safety buildings, hospitals, healthcare facilities, and educational institutions)
- Serve an economically distressed area

- Digital literacy training
- Low-income assistance
- Partner with or establish co-working space
- Activities planned to increase adoption

Applications that demonstrate meaningful community engagement and local planning, as described below, will receive four points. Two points will be awarded if a resolution, signed Letter of Support or other formal demonstration of consent from local leaders is included with the minutes of the formal local or regional government meeting, and zero points if no documentation is provided.

Community Engagement– 4 Points

Understanding the infrastructure and service needs in the Project Funding Areas requires network planning, design, and the voice of the residents. Applications should include evidence of locally held meetings with residents and businesses from the Project Funding Areas where they are applying. This evidence must consist of meeting minutes of the local or regional government meetings. Furthermore, locally held discussions on permitting, rights of way, pole attachments, or other easement needs are encouraged and noted in the application review. Evidence such as an agenda and minutes or notes from the meetings must be submitted. Lastly, UBC expects applicants to share their rate plans, low-cost service plans, terms and conditions, service commitments, and billing formats to local officials of each Project Funding Area.

Resolution and Letter of Support– 3 Points

Applications will receive two points if they include a signed Letter of Support, resolution, or other formal demonstrations of consent¹¹ from local government leaders (e.g. county commissioners, city councils, and/or local government officials, including department heads of planning commissions during an open public and noticed meeting etc.) obtained during or as a result of the public meeting. Applications will receive an additional point if they include a signed letter of support from a community organization. These letters must indicate engagement with local leaders and include a long-term benefit to the community as a result of the collaboration between the provider and the community. Zero points will be awarded for applications without this documentation. Local leaders may provide letters of support for one or more applicants for the same Project Funding Area.

Local and Regional Coordination Priority Broadband Projects

Community Engagement	Maximum Points
Application includes evidence of at least one local and/or regional meetings with governments and community organizations	4
Application includes at least one resolution or other formal demonstration of consent from local/regional government leaders	2

¹¹ For Tribal engagement, relevant documents demonstrating holistic coordination between the Tribal Government and applicant, may include but are not limited to, current Tribal Business license and Tribal Access Permits issued by the Tribal Government to applicant or an executed agreement between the Tribal Government and applicant that grants applicant the ability to provide Broadband services on Tribal Lands. This will ensure that the proper documentation is obtained for submission and approval of the Final Proposal.

Application includes at least one signed letter of support from a community organization such as a nonprofit, community anchor institution, chamber of commerce, etc.	1
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Community Impact– 7 Points

Definition: A high priority of this grant is engagement with the impacted community. The Applicant is to work with the local community to identify an innovative means of providing a public benefit that addresses the community’s needs and includes as a component of the proposed project, a long-term public benefit to the impacted community.

Scoring: To receive the full seven points for this category, prospective subgrantees must detail an innovative means of providing a public benefit that addresses the community’s needs and that includes, as a component of the proposed project, a long-term public benefit that addresses the community’s needs. Examples may include:

- Provide service to previously unserved or underserved Community Anchor Institution(s) (libraries, police and fire stations, city/county buildings, public safety buildings, hospitals, healthcare facilities, and educational institutions)
- Serve an economically distressed area
- Digital literacy training
- Low-income assistance
- Partner with or establish co-working space
- Activities planned to increase adoption
- Open Community Wifi at a public location

Community Impact Other Broadband Deployment Projects

Community Impact	Maximum Points
Application includes evidence of a long-term public benefit that addresses the community’s needs	7

Open Access Networks – 1 Point

Definition: The BEAD program encourages Utah to adopt selection criteria promoting subgrantees’ provision of open access wholesale access to last-mile broadband service providers for the life of the subsidized networks, on fair, equal, and neutral terms to all potential retail providers. Open access is one aspect of the state’s middle-class affordability strategy.

Scoring: Recipients that commit to offering wholesale broadband services at reasonable and nondiscriminatory rates and terms for the useful life of the network assets will receive one point based on the open access details in the application.

Open Access Networks Other Broadband Deployment Projects

Documentation	Points
Details regarding open access policy, including description of wholesale services and rates	1

Scoring for Applications with Multiple Technologies for Broadband Service

Some Project Funding Areas may be optimally served by a combination of fiber optic technology, hybrid fiber coaxial cable (HFC), or fixed wireless. Given the projected shortfall to achieve universal access, applications that include multiple technologies for broadband service will be considered for an award as an Other Last Mile Project if they satisfy the speed of service requirements and can attain a lower cost per location within the applied-for Project Funding Area(s). For these projects, the scores for “Speed of Network and Other Technical Capabilities” will be scored according to the table for Other Last Mile Broadband Deployment Projects, with the different technologies given weights according to the percent of the project that will be served by that technology.

Matching Funds Waiver for Priority and Other Broadband Deployment Projects

UBC may consider a waiver for the matching funds criteria. Determined on a case-by-case basis, a full or partial waiver may be granted. To be eligible for a waiver, an applicant must submit a proposal with more than 80% of BSLs in the project area located in regions defined as [High-Cost Areas by NTIA](#).

If an application’s affordability offering could be improved (i.e., the cost of the match is offset by a higher cost to potential subscribers), a waiver may be granted. Those requesting a waiver must demonstrate the effect of affordability to potential subscribers by submitting pro forma financials with different capex assumptions based on different matching fund requirements, which shows the impact on subscriber rates to achieve average revenue per customer (ARPC). The appropriate Utah affordability threshold will be determined by UBC.

To the extent NTIA shall allow additional waivers, including but not limited to the Extremely High Cost per Location threshold, UBC reserves the right to consider any and all waivers for subgrantees. All waivers will be submitted to NTIA for review and approval.

UBC will work to streamline the application process for applicants under the BEAD program. Each applicant applying under BEAD will be required to complete an application narrative to satisfy the requirements outlined in this document, as well as the BEAD Notice of Funding Opportunity. These include the scored narrative components outlined above, as well as the requirements mandated of all subgrantees for deployment projects under BEAD. Along with this narrative component of the application, applicants must submit cost estimates to serve application areas. UBC will provide a budget template to streamline and coordinate this process, where applicants will outline the requested dollar amount to serve all unserved locations, underserved locations, and Community Anchor Institutions in that application area, as well as the matching funds slated to be contributed to the build.

2.4.2.1 Supporting Documentation for Scoring Rubric

As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA, or use their own format for the scoring rubric.

See [Appendix B, Subgrantee Selection Scoring Rubric](#)

2.4.3 PRIORITIZING UNSERVED SERVICE PROJECTS

Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

UBC is committed to achieving universal service, meaning broadband coverage to all unserved BSLs in Utah notwithstanding projected BEAD funding shortfalls for fiber only, high-cost designations in very low-density locations, and geographical challenges. UBC will prioritize coverage of unserved locations then underserved locations and eligible CAIs as funding permits. UBC understands that broadband networks do not discriminate between unserved, underserved, nor eligible CAI locations, and a mix of these location types may exist in any given proposal optimizing network design, minimizing BEAD outlay costs, and increasing speed to deployment. Construction of the BEAD funded projects require incorporation of Blue Stakes 811 provisions and minimal community disruptions, which is consistent with supporting a mix of location types in any given proposal.

UBC will design Utah Project Funding Areas using entire census block groups as the base, reserving the right to adapt certain UPFAs after taking into consideration existing ISP infrastructure and capabilities; high-cost areas; smaller unserved areas with not less than 80 percent of broadband-serviceable locations that are unserved or underserved; locations with significant geographic or topographic concerns; areas including sovereign lands; areas not applied for; and local area exchanges (see section 2.4.6 Project Areas). As such, UBC is requiring at non-priority proposals to provide at minimum 100/20 Mbps to all unserved and underserved BSLs within a Project Funding Area and prioritize 1 Gbps and 1 Gbps symmetrical broadband service to eligible CAIs.

As outlined in section 2.4.6, if unserved locations exist after the preregistration, UBC will engage with prospective subgrantees to expand their proposed service area into contiguous areas for which a proposal was not received.

If these locations are not picked up through negotiations prior to the grant opening, during the application process incentives will be given for providers to choose these areas in the grant round by adding bonus points or a reduced match to a UPFA area they desire or include it in a larger UPFA with a negotiated fixed amount award or allow for a waiver for an alternative technology

UBC will allow applicants up to 30 calendar days to revise and expand their application to accommodate unserved or underserved locations. If multiple applicants are willing to revise their applications, all are allowed to revise their proposals within 30 calendar days with weighting of the revised proposals in the following order:

- Fiber versus fixed wireless solutions
- Cost per passing
- Preponderance of service locations addressed

In the instance following the application process there are still unserved locations not being applied for, UBC will consider a special Incentive Round to address these service locations. This round would be open to applicants who were previously awarded. For each additional area for which they apply where no less than 80% of the BSLs are unserved, they can be awarded an additional match reduction on their award or awarded with a fixed amount subaward. Additionally, UBC will seek community and government engagement to seek help with the cost of tower placements, permitting, rights of way, or other costs. Engaging with the community and local government officials during the tower siting process is critical to avoid deployment delays and minimize BEAD outlay costs. Access to alternative municipal tower structures such as water towers, public safety radio towers, etc. will minimize construction costs of new towers and speed deployment. Access to infrastructure supporting fiber backhaul, including aerial poles and underground ROW to reach wireless towers, will be more difficult in the remote unserved locations. Engaging with communities and local government is critical to discovering unique opportunities to deploy universal service to all Utahns.

CAIs not covered in applications to provide the 1 Gbps speed requirement must be covered by at least 100/20 Mbps service in the planned Project Funding Areas for any application.

Given the forecast that BEAD funding is not sufficient to address all unserved, underserved and CAI locations, UBC has developed alternatives that address the BEAD funding gap. Engagements with multiple non-profits, providers, and other eligible entities have begun to examine public-private partnerships for match investments. In addition, all technical solutions and coverage areas being equal, UBC will prioritize BEAD applications offering a higher match percentage to help defray BEAD expenses. Historically, UBC has been able to drive an average match rate of 29% vs the 25% required by BEAD.

UBC will take into consideration locations that no provider is willing to serve due to the cost of technology or ongoing high maintenance costs. Project Funding Areas that receive no applications during the subgrantee selection process, which are located in areas where the cost to serve a location is above the Extremely High Cost Per Location Threshold, will be eligible for funding for alternative technologies such as LEO satellites per guidance to come from NTIA. For areas that providers are willing to serve but no technology other than LEO's are the best affordable option shall be open for negotiation. These areas will be available for an open round where property owners, working with eligible ISPs, can propose a bid to receive funding up to \$1000 for equipment to serve the property. To qualify for this funding, households must be eligible for ACP or Lifeline.

Three of nine eligible Utah providers accepted Enhanced A-CAM, estimated to cover approximately 5,000 BSLs. Further deduplication analysis will be conducted prior to the challenge process. UBC continues to explore efficiencies in BEAD outlay, key enablers to broadband network deployment, and alternatives for additional funding to close any gap to universal service.

2.4.4 PRIORITIZING ELIGIBLE CAIs

If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."

Not applicable.

2.4.5 COMPLIANCE WITH EHP AND BABA REQUIREMENTS

The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historical Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

UBC understands the need to ensure that American taxpayer dollars are spent procuring needed products and supplies from American workers and businesses and minimizing the impacts from building in areas where environmental and/or historic preservation may be of concern.

UBC will ensure adherence to the requirements of Build America, Buy America Act (BABA), the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.). UBC will communicate requirements stipulated in the Acts noted above to all prospective subgrantee prior to the selection process. This will be completed by conducting outreach (webinars, in-person meetings, etc.) to participating stakeholders, posting a list of

regulations on the Connecting Utah website, and including these requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

Specific to BABA compliance efforts, UBC will ensure the following key points are highlighted:

- Requirements that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, prospective subgrantees must comply with definitions included in Section 70912 of the Build America, Buy America Act, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- In addition to the provisions above, prospective subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).
- The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary.

UBC will also permit prospective subgrantees to utilize any BEAD Program Build America, Buy America Waiver released by NTIA, such as [the draft waiver released in August 2023](#) if it is approved by NTIA. Additional guidance regarding Build America, Buy America waivers will be provided as it is made available by NTIA.

Specific to NEPA and NHPA compliance efforts, UBC will ensure the following key points are highlighted:

- Prospective subgrantees will describe how they will comply with applicable environmental and national historical preservation requirements.
- Prospective subgrantees will obtain all necessary federal, Eligible Entity, and local governmental permits and approvals necessary for the proposed work to be conducted based on the timeline for implementation for project areas.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

UBC will formulate specific intake questions to evaluate the viability and compliance of a proposed application. Prospective subgrantees will be required to provide plans that show compliance with the Acts noted above and will only be eligible to participate in the subgrant process once compliance is determined.

Because adhering to these requirements is necessary to participate in any BEAD funding grant rounds, engagement with stakeholders is critical for success. UBC will encourage prospective subgrantees to engage with numerous federal, state and local stakeholders, including but not limited the following:

- Federal land and resource managing agencies, including but not limited to the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the U.S. Forest Service and others in order to understand any restrictions or special conditions that may apply to infrastructure proposed on federal land, or that may impact federally managed resources such as wetlands, threatened or endangered species, navigable waterways and others.
- Coordination with state and local agencies that may have a role in EHP requirements, such as the State Historic Preservation Office, as well as state or local agencies that may need to issue their own permits for any proposed projects.

UBC recognizes the importance of compliance with the Acts noted above and ongoing monitoring of the subgrantees to ensure compliance. UBC will ensure preparedness for compliance requirements with BABA once further guidance is finalized by NTIA. The office will ensure preparedness for compliance requirements with NEPA and NHPA through the following steps:

- Review of available resources and requirements:
 - Familiarity with the EHP requirements and additional guidance in the BEAD NOFO.
 - Understanding of the requirements of the NEPA review process and the NHPA review process.
 - Review the NEPA, Historic Preservation, and Climate Resilience Webinar and presentation materials
- Sourcing of EHP focused staff or contractors:
 - Demonstrate the readiness of the broadband team to analyze potential environmental impacts.
 - If necessary, hire additional staff or contractor support to ensure the broadband team has the appropriate capacity and expertise to manage EHP activities.
 - Designate certain individuals to be specifically responsible for EHP activities. Outline their responsibilities associated with managing EHP and NEPA review activities.
 - Invite collaborators or SMEs to support their team.
- Outline an approach for EHP activities:
 - Outline steps and activities necessary to ensure that the prospective subgrantees understand the requirements to comply with NEPA.
 - Coordinate with other state offices that have experience administering federal grants, such as the Utah Department of Transportation, to identify best practices and approaches for managing the NEPA review process.
 - Identify subcontractors they may engage to support with potential environmental assessments.
 - Share best practices for developing a project description that provides enough detail about the potential impacts to the environment to make a preliminary determination about

the level of NEPA review required.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. As needed, UBC will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the requirements noted above. Applications that do not show intent to abide by BABA and EHP requirements, or that explicitly violate the requirements, will not be considered eligible to receive BEAD funding.

Last-Mile Broadband Deployment Project Areas (Sections 2.4.6 through 2.4.8):

2.4.6 DEFINITION OF ELIGIBLE PROJECT AREAS

Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

UBC will deconflict project areas through a pre-registration process required for applicants. This pre-registration must include information about the applicant with documentation and statement of qualification for expanding broadband infrastructure to unserved and underserved areas under the BEAD Program. Attached to this pre-registration application must be an excel spreadsheet file in a format provided by UBC with census block groups (CBGs) for which the applicant intends to apply through the BEAD program. In the event there are overlapping CBGs between one or more applicants, the applicants will be notified to determine the extent of the coverage within the CBG that they desire to serve. Following the 60 calendar days of the pre-registration submission deadline, the UBC will publish the eligible project areas. If there was overlap in the preregistration in a CBG, meaning, multiple prospective subgrantees identified the same CBG in their proposed areas, this CBG will be considered a single project area. For the application process, the remaining CBGs will be grouped by UBC into contiguous project areas as much as possible. If multiple prospective subgrantees identified the same CBG in their proposed areas in the pre-registration, and their proposed projects include different parts of the CBG (meaning, there is no desire to serve the same locations within the CBG), the CBG may be deconflicted by becoming two or more project areas or included in a large UPFA. After the deconfliction process, the Priority and Other Last-Mile Deployment Projects application round shall commence and eligible applicants will submit a .csv file of BSL ids for each project area they desire to serve.

This process of deconflicting project areas – that of identifying where two or more applicants are proposing to serve the same locations and requiring like-applications be submitted to serve those same locations – allows for direct comparison of competing applications. Application areas may be as small as one location.

2.4.7 ENSURING UNIVERSAL COVERAGE IN SUBSEQUENT FUNDING ROUNDS

If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

UBC will be aware if a location is not included in any eligible sub-grantee application at the conclusion of

the pre-registration period. If these unincluded, eligible locations are contiguous to a proposal area submitted by an applicant, UBC may take various steps one of which is to include the location(s) in the defined application area and require applicants to include them in the application for that area and provide in their application a solution for universal coverage. If the location is not contiguous to a proposal area submitted by an applicant, the location will be established as its own application area.

In addition to this process, UBC will engage with broadband service providers in proximity to the location to request a cost estimate to extend broadband access to the location along with the associated information required of applicants to receive funding under the BEAD program. UBC will conduct this process of engaging with broadband providers to serve these locations prior to and in the first few days and weeks of the full application window of 60-calendar days, with the aim of a broadband provider submitting a full application to serve that location.

Broadband service providers in proximity will be determined by UBC according to which broadband providers either (1) have coverage reported in the area on the FCC's National Broadband Map; (2) have a state- or federally-funded project to expand broadband access in the area; or (3) have submitted an application to serve proximate locations under the BEAD program.

In the event there are remaining unclaimed, unsought for UPFA or individual BSLs, UBC may hold a "Miss Congeniality" round for the remaining locations. Interested applicants who have not previously participated in the application process will be allowed to register and apply for these locations. The scoring and incentivizing will remain the same as described in sections 2.4.1 and 2.4.2.

UBC will take into consideration locations that no provider is willing to serve due to the cost of technology or ongoing high maintenance costs. Funding will be reserved for these areas for alternative technologies such as LEO satellites. These areas will be available for an open round where property owners, working with eligible ISPs, can propose a bid to receive funding up to \$1000 for equipment to serve the property. To qualify for this funding, the property owner must demonstrate an economic hardship, and that they are also eligible for ACP.

2.4.8 TRIBAL GOVERNMENT CONSENT

Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

UBC will submit to NTIA in the final proposal a Resolution of Consent, signed Letter of Support, or other formal demonstration of consent from each Tribal Government's Tribal Council or other governing body, upon whose Tribal Lands the infrastructure will be deployed. UBC will require that the resolution of consent, or any substitute document used at request of the Tribal Government, be submitted by the applicant at the time of application along with other relevant documents demonstrating that holistic local coordination occurred. Relevant documents demonstrating holistic coordination between the Tribal Government and applicant, may include but are not limited to, current Tribal Business license and Tribal Access Permits issued by the Tribal Government to applicant or an executed agreement between the Tribal Government and applicant that grants applicant the ability to provide Broadband services on Tribal Lands. This will ensure that the proper documentation is obtained for submission and approval of the Final Proposal.

To ensure compliance and respect for Tribal sovereignty, the Utah Broadband Center (UBC) will adopt a meticulous and collaborative approach when planning projects that include locations on Tribal Lands. Here is an outline of the steps UBC will take to submit proof of Tribal Governments' consent:

1. Engagement with Tribal Governments: UBC will engage directly with each Tribal Government to

discuss the intended projects, ensuring that the projects align with the Tribes' needs and priorities and include the Tribe in the review process when awarding grant funds, unless they are the applicant.

2. **Formal Documentation of Consent:** UBC will request a formal demonstration of consent, such as a Resolution of Consent or a signed Letter of Support, from the Tribal Council or other authorized governing bodies. This documentation will serve as an unequivocal expression of the Tribe's approval of the proposed broadband deployment on their lands.
3. **Submission Requirements for Applicants:** Applicants proposing projects on Tribal Lands will be required to submit the formal demonstration of consent from the relevant Tribal Government at the time of their application. This will be a mandatory part of the application process to ensure all proposed projects have the necessary Tribal approval before any further consideration.
4. **Verification of Holistic Local Coordination:** Alongside the consent documents, applicants will need to submit evidence of holistic local coordination, demonstrating that the project has been developed in consultation with the Tribal Governments and that it addresses their specific broadband needs.
5. **Compilation for Final Proposal:** UBC will compile all resolutions of consent, letters of support, and other relevant documents from each Tribal Government for submission to the National Telecommunications and Information Administration (NTIA) as part of the Final Proposal package.
6. **Continuous Communication:** Throughout the process, UBC will maintain open lines of communication with Tribal Governments to ensure that any feedback or additional requirements are addressed promptly and respectfully.

By following these steps, UBC will confirm that the deployment of broadband infrastructure on Tribal Lands is conducted with full consent and collaboration of Tribal Governments, thereby upholding Tribal sovereignty and ensuring a community-centric approach to broadband expansion.

Extremely High Cost Per Location Threshold (Sections 2.4.9 through 2.4.10):

2.4.9 IDENTIFICATION OF EXTREMELY HIGH COST PER LOCATION THRESHOLD

Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include operational costs for the lifespan of the network.

UBC may consider releasing a preliminary threshold prior to opening applications to guide application proposal, but, the extremely high cost per location threshold (EHCPLT) will not be set until sub grantee applications have been received and will be based on an analysis of the funding requirements for actual subgrant proposals received. The process to determine the EHCPLT will involve the use of cost models that consider not only the capital expenditures but also the operational costs for the lifespan of the network.

UBC will consider the unique characteristics of each application in determining the EHCPLT. Factors like

the amount of funding required, the number of locations served, and the type of technology utilized will be considered in setting the EHCPLT. We will identify the highest cost-per-location values for each type of technology used in the proposals and set the EHCPLT at a level that permits the selection of non-FTTH applications that provide the best available technology for reaching the unserved locations. Additionally, any locations identified as “outliers” will provide critical information on the value for the EHCPLT and which locations may be impacted by the threshold.

UBC has performed location-based Cost Analysis utilizing data from proposals submitted across one grant program awarded and administered by UBC with CPF funds as well as other federal programs that include RDOF, USDA ReConnect and Community Connect grant programs, and E-Rate as submitted in its Five-Year Action Plan and Initial Proposal, Volume 1. In addition, UBC has reviewed the Extremely High-Cost (EHC) model in the NTIA Eligible Entity Planning Toolkit (version as of 9/8/2023) and performed a comparison between the cost model developed by UBC and the preliminary results of the EHC. Due to the extreme difference in geographic features (terrain, ground composition, etc.) across the state of Utah, we may elect to set different EHCPLTs for regions within the state.

The state will focus on maximizing the coverage of unserved locations with the best available technology given the total pool of subgrant proposals. The state will consider the relative scoring of each proposal but will place the greatest emphasis on the goal of maximizing coverage of unserved locations. If any selection decision requires deviation from relative scores to maximize coverage, UBC will provide documentation to NTIA in the Final Proposal.

2.4.10 USE OF EXTREMELY HIGH COST PER LOCATION THRESHOLD

Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe (See headings a, b, and c of Section 2.4.10 below):

Sections 2.4.10.A, 2.4.10.B, and 2.4.10.C below all incorporate by reference the EHCT process description in section 2.4.9 above.

a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.

After defining the Extremely High-Cost Threshold value based on the process in 2.4.9 above, UBC will review all prospective subgrantee applications with an average per-location cost exceeding that threshold value to assess the cost-reasonableness of the award and to determine the cost drivers. UBC will utilize its Cost Analysis Model and the Cost Quest Associates data for per-location cost on Greenfield net present value (NPV) and total investment, as provided by NTIA in the Eligible Entity Planning Tool. However, UBC specifically anticipates certain priority projects with a per-location value above the threshold will still be funded if it is the best, or only, priority project in the area and sufficient BEAD funding remains available. The subgrantee application would only be declined after UBC requests the prospective subgrantee to revise their proposal to serve the identical project area more efficiently with their proposed technology, use a hybrid of technologies, or with a completely different technology. Any revisions must meet Reliable and Qualified Broadband Service standards. The proposal will be declined if the revised subgrantee proposal does not meet these standards.

UBC will then continue this process until the final FTTH provisional award is reviewed, with the

final EHCT level being established at the lowest applicable level given the actual FTTH applications reviewed.

At the end of this process, the final EHCT value will be announced, along with all final selections as reflected by any final changes made during this step 2.4.10.A. As described above in section 2.4.9, it is fully possible that certain FTTH proposals will still be selected even with costs higher than the final EHCT value. In other words, the selection of an alternative technology to FTTH will only be made if the specific result for a given selection decision would be expanded coverage of at least Reliable broadband to include 100% of the BSL's in the given area.

This would also pertain to locations that would not be classified as primary residential locations based on access issues and seasonal road closures. These locations would be candidates for alternate technologies that NTIA deems unreliable broadband service and therefore would not be counted as primary serviceable locations.

In essence, UBC intends to apply the **EHCPLT** value, when chosen, in the most restricted manner to deliver the highest-grade technology to the maximum number of unserved areas. This approach prioritizes top-tier projects wherever feasible, indicating that some priority projects may still proceed.

b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.

Following the determination of the final EHCPLT value through the process outlined, UBC will conduct a review of any projects that have been provisionally awarded and have an average cost per location exceeding that threshold value. This review will assess the reasonableness of the awarded cost, taking into consideration the per-location cost data for Greenfield NPV and Total Investment provided by NTIA in the Eligible Entity Planning Tool. The UBC will consider the possibility that certain priority projects with a per-location cost above the EHCPLT may still receive funding, provided they are deemed the most critical projects in the area, and there is sufficient BEAD funding available. If there is a scenario which the available BEAD budget proves inadequate to cover all unserved locations, meaning that the EHCPLT is applied primarily to reduce funding requirements rather than to assist locations affected by overlapping coverage, provisionally successful FTTH applications that face potential de-selection due to their costs exceeding the selected EHCPLT value will be given the opportunity to adjust their funding requests to fall below the EHCPLT threshold. The key objective is to reduce the necessary funding, thereby addressing the state's requirements that no subsidy is needed to complete construction in the area. The UBC intends to utilize the EHCPLT value, if chosen, in the most precise manner possible to ensure the adoption of the best available technology for as many unserved locations as feasible, while still giving preference to priority projects whenever feasible. It's important to understand that even in cases where per-location costs exceed the threshold, some priority projects may still be selected to advance this overall goal of passing all unserved locations in the state.

c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

The UBC will impartially evaluate technology options proposed by applicants and determine the most cost-effective technology solutions for each area by conducting research in collaboration with local experts. Specifically, Utah will explore licensed fixed wireless and low-earth orbit satellite technologies when no other technology meeting the requirements for reliable broadband

service can be deployed at a lower cost than the EHCPLT for a particular location. While these technologies may not align with the BEAD NOFO's definition of reliable broadband, they will still deliver service with a minimum speed of 100/20 and latency equal to or less than one hundred milliseconds at a reduced cost.

Consideration for various broadband technologies will ensure universal service coverage throughout the state, leaving no location unserved, regardless of its remoteness or cost challenges. In cases where a priority broadband project area exceeds the EHCPLT, the UBC will consider non-priority broadband projects, even if they do not meet the criteria for reliable broadband service. Funding will be based on economic need and ACP eligibility per section 2.4.7

Deployment Subgrantee Qualifications (Sections 2.4.11 through 2.4.17)

2.4.11 ENSURING MINIMUM FINANCIAL CAPABILITY

Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72 – 73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a through d of Section 2.4.11 below):

UBC is committed to comprehensive vetting of prospective subgrantees throughout the selection process to ensure that the prospective subgrantees seeking to deploy network facilities meet the qualifications for financial capability as defined in the BEAD NOFO. UBC will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to financial capability.

Documentation related to the requirements below will be collected and reviewed by qualified personnel to ensure minimum financial capability is demonstrated by the prospective subgrantee. If necessary, UBC will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the financial capability of the prospective subgrantee.

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.**

UBC will require prospective subgrantees to certify by an authorized officer of the prospective subgrantee and be approved by their governing board that the Prospective Subgrantee:

- Is qualified to meet all obligations associated with a project
- Has available funds for all project costs that exceed the amount of the grant
- Will comply with all program requirements including service milestones

Prospective subgrantees will be required to submit audited financial statements from the prior fiscal year as well as business plans and related analyses to substantiate project sustainability.

UBC would like to avail subrecipients of the Part 200 exceptions and adjustments NTIA applies to the BEAD program. As such, disbursement of funding to subgrantees will be carried out on a fixed amount award basis, following all requirements of NTIA's modifications to the Uniform Guidance as provided by final rule, with an initial 10% disbursement made upon final grant issuance. The next 10% of the subgrant award being provided based on provider certification and UBC verification that 10% of the eligible locations have been reached; with remaining disbursements at the following thresholds of completion: 35%, 60%, 85% and the final 100% provided only after verification of 100% deployment to eligible locations, all within the mandatory 48 months maximum deployment timeline or another shorter timeline certified by the applicant. UBC will only disburse funds for completed deployments that comply with the terms included in the successful application, and will withhold funds for failure to do so. Subgrantees will be permitted to request disbursement on a quarterly basis, but funds will not be disbursed until completion of such milestones has been verified. It will be required that each subgrantee certifies that it has and will continue to have sufficient financial resources to cover its eligible costs for the project until such time as UBC authorizes additional disbursements.

b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund.

Similar to the model letter of credit established with the [Rural Digital Opportunity Fund \(RDOF\)](#), UBC will require prospective subgrantees to submit a letter from an eligible bank (see 47 C.F.R. § 54.804(c)(2)) in which the bank commits to issuing an irrevocable standby letter of credit to the prospective subgrantee. The letter must include the dollar amount of the letter of credit and the issuing bank's agreement to adhere to BEAD's model letter of credit terms and conditions. Before executing any subgrantee agreements, prospective subgrantees must obtain an irrevocable standby letter of credit, which UBC deems acceptable, and amounts to no less than 25 percent of the subaward amount. An opinion letter from its legal counsel must be included with the letter of credit stating, subject only to customary assumptions, limitations and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

UBC will also permit prospective subgrantees to waive the letter of credit requirement in accordance with the guidelines contained in NTIA's [BEAD Letter of Credit Waiver](#). Prospective subgrantees who opt to adhere to this conditional programmatic waiver will have the option to use a credit union that is insured by the National Credit Union Administration and has a credit union safety rating issued by Weiss of B- or better in lieu of a bank for the letter of credit. They will also have the option to use Performance Bonds in lieu of a letter of credit, as long as the performance bonds adhere to the requirements in the Letter of Credit Waiver. Prospective subgrantees adhering to these guidelines may have the opportunity to receive a reduction of the Letter of Credit or Performance Bond upon completion of project milestones. Under certain circumstances, prospective subgrantees may have the option for an alternative initial Letter of Credit or Performance Bond percentage.

c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

UBC will require that each prospective subgrantee submit financial statements from the prior fiscal year that have been audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant before any grant funds are disbursed to the subgrantee. UBC will not approve any grant for the deployment or upgrading of network facilities unless it is determined that the documents submitted to UBC demonstrate the prospective subgrantee's financial capability with respect to the proposed project.

- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.**

UBC will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections, and should include at least three years of operating cost and cash flow projections post-targeted completion of project.

2.4.11.1 Supporting Documentation for BEAD Subgrantee Selection Process

Optional Attachment: Submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

Not applicable

2.4.12 ENSURING MANAGERIAL CAPABILITY

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a and b of Section 2.4.12 below):

UBC will ensure that all prospective subgrantees seeking to deploy network facilities comply with the managerial capability requirements outlined in the BEAD NOFO and will not approve any grant for the deployment or upgrading of network facilities unless it determines that the applicant can demonstrate managerial capability with respect to the proposed project. As part of the grant application, prospective subgrantees will be required to provide the details listed below related to managerial capability:

- Resumes for all key management personnel. This documentation will be used in part to determine the managerial capabilities of the applicant.
- Project organizational chart(s) and corporate relationships detailing all parents, subsidiaries, and affiliates.
- A narrative describing the prospective subgrantee's readiness to manage a broadband services

network. This narrative should include at a minimum:

- Experience and qualifications of key management set to undertake this project
 - Experience undertaking projects of similar size and scope
 - History of ongoing maintenance/upgrades of those projects
 - Recent and upcoming organizational changes including mergers and acquisitions
 - Relevant organizational policies
- Letters of recommendation from reputable sources to verify the managerial capabilities of the applicant may be included. For example, these can come from an engineering firm, CPA, organization or government agency with which the applicant has shown managerial capabilities. The prospective subgrantee must show without a doubt their current and ongoing managerial capabilities.

2.4.13 ENSURING TECHNICAL CAPABILITY

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a and b of Section 2.4.13 below):

Prospective subgrantees must submit certification to UBC that they are technically qualified to complete and operate the Project and that they can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce (see Section IV.C.1.e of the BEAD NOFO).

a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

- Documentation to be provided by the prospective subgrantee includes, but is not limited to, the following:
 - Documentation of current licensing with governing bodies to operate in Utah.
 - Documentation of current credentials of workforce from school(s) and verification from provider of work-related experience
 - Attestation of current Utah licensing for any engineers who certify design, diagrams, project costs, etc.

UBC will rely on standards of technical capabilities that correspond to industry standards, the BEAD NOFO and best practices. UBC will verify Utah Professional Engineering and Land Surveying and Contractor licensing with the Department of Professional Licensing. Engineers offering services to the public in Utah must be licensed by the Division of Occupational and Professional Licensing (DOPL). Their [Professional Engineering/Professional Land Surveying website](#) offers a quick way to verify that an individual engineer or engineering firm is licensed. Construction companies must be licensed by the Utah Division of Professional Licensing

(DOPL). The [Construction Business Registry](#) offers a quick way to verify that an individual construction contractor is licensed.

b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Prospective subgrantees must submit certification to the UBC that they are technically qualified to complete and operate the Project. Documentation to be provided by the prospective subgrantee includes, but is not limited to, the following:

- Project plan description that clearly identifies the steps (including but not limited to planning, design, implementation and operation) of the capital investment schedule. Project planning should include at a minimum:
 - Network design
 - Diagram
 - Project costs
 - Build-out timeline and milestones for project implementation
 - Capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant
 - Attestation that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Following an award and prior to beginning the project, the network design and plan must be certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

2.4.14 ENSURING COMPLIANCE WITH APPLICABLE LAWS

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a and b of Section 2.4.14 below):

a. Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws.

UBC will require prospective subgrantees to demonstrate capability of fulfilling funded activities competently and complying with all applicable federal, state, territorial, and local laws. The prospective subgrantee will be required to demonstrate compliance, including, but not limited to,

the following legal topics:

- Employment
- Safety and Health (OSHA)
- Underground Plant Protection (Blue Stakes of Utah 811)
- Siting of wireless infrastructure
- Use of Public ROW
- Consumer Privacy
- Cybersecurity (data breach notification)
- FCC (ACP participation)
- Utah Department of Commerce
- Compliance with Utah Code Title 54, Public Utilities Code
- Subgrantee Registrations with regulatory agencies
- Truth in Billing
- Deceptive Trade Practices
- Nondiscrimination in service areas
- Building on Tribal lands
- Lobby laws

Prospective subgrantees may provide written internal procedures, required compliance reports, reports of violations and their remedies, audit reports etc. as evidence of demonstrated compliance with all applicable laws. In addition, the prospective subgrantee must identify the key management personnel responsible for legal compliance, i.e., Chief Compliance Officer.

Any legal actions taken against the subgrantee resulting from non-compliance with any federal, state, territorial, or local laws resulting in judgment or that are pending litigation against the prospective subgrantee in the three (3) years prior to the submission of an application must be disclosed and documented. If the prospective subgrantee operations are unionized, any union actions reaching the Chief Compliance Officer or key management personnel level must be disclosed and documented.

b. Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

Prospective grantees will verify they permit workers to create worker-led health and safety committees that key management personnel will meet upon reasonable request. UBC requires the prospective subgrantee to describe their process for promoting worker-led health and safety committees.

A prospective subgrantee with existing worker-led health and safety programs must describe the program and document past meetings with key management personnel. Prospective subgrantees with union contracts must disclose terms and conditions in the contract applying to worker-led health and safety committees.

A prospective subgrantee must document the reasonable time provided for during working hours for the worker-led health and safety committees to meet independently of key management personnel on prospective subgrantee premises. Key management personnel of the prospective subgrantee must respond to a reasonable request to meet with the worker-led health and safety committees within 10 business days of the request. No retaliation by the prospective subgrantee is permitted to the worker-led health and safety committee or its members.

Under no circumstances does a worker-led health and safety committee mitigate compliance with all applicable federal, state, territorial, and local laws.

2.4.15 ENSURING OPERATIONAL CAPABILITIES

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a through e of Section 2.4.15 below):

Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, UBC will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

Sub grantee applicants will be required to demonstrate their financial, organizational, and technical capabilities to complete a successful broadband project. This includes qualifications for key personnel and evidence of past experience completing similar projects. In addition to those requirements, the UBC will request as part of the subgrantee application that applicants submit evidence of past successful operations including the number of years they have been operating, current subscribers for household, businesses, and community anchor institutions, and any completed federally funded deployment projects with their source of funding and timeframe for completion or non-completion. Prospective subgrantees must also provide details on any penalties paid by themselves, any subsidiaries or affiliates, or the holding company relative to deployment projects. Additionally, they must include any relevant details of prior criminal proceedings or civil litigation in Utah and the number of times they have been a defendant.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.

An prospective subgrantee will be required to provide operational details including but not limited to the following:

- Years providing internet service;
- Current subscribers (households, businesses and community anchor institutions)

- Completed federally-funded deployment projects, with their source of funding and timeframe for completion or non-completion;
- Complete list of services offered and pricing. Pricing and service levels may be different depending on the service area. A complete list is required.

b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.

A prospective subgrantee that has provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of its application submission or one that is a wholly-owned subsidiary of such an entity, must submit a certification that attests to these facts and specifies the number of years the prospective subgrantee or its parent company has been operating.

Evidence supporting the certification may include, but not be limited to:

- Financial Statements
- Form 477 filings
- Federal and/or USF Filings and Disbursements
- Board Meeting Minutes and Resolutions
- Count of Broadband subscribers in Utah including ACP

c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.

During the subgrantee application sub grantees seeking to deploy broadband infrastructure, those who have previously provided voice and/or broadband service must certify that they have filed FCC Form 477s and the Broadband DATA Act submission, as applicable and required and complied with the FCC's rules and regulations. This certification will be done via a checkbox on the application form. To verify these claims, the State Broadband Office will cross-check with public records to confirm the dates of submission. This ensures that prospective subgrantees have complied with FCC regulations before being considered eligible for broadband infrastructure deployment subgrant funding in Utah.

d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

UBC will require prospective subgrantees that have operated only an electric transmission or distribution service to submit qualified operating or financial reports, that it has filed with the relevant financial institution or regulatory agency during the two years prior to the date of its application submission, along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution. The certification must be signed by an officer of the prospective subgrantee (President, CEO, etc.) and a draft certification form will be provided by UBC. Audited financial statements including the auditor's opinion are preferred. In addition, UBC will require the electric transmission or distribution service prospective subgrantee to describe its proposed organizational structure separating the electric transmission or distribution service from its broadband operations to prevent any cross subsidization of electric transmission or distribution operations by broadband operations.

e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

Prospective subgrantees seeking to submit an application for grant funding to deploy broadband infrastructure must provide evidence sufficient to demonstrate that they have obtained, through internal or external resources, sufficient operational capabilities. New entrants seeking to deploy broadband infrastructure will be held to the same threshold as all other applicants and required to provide third-party documentation illustrating their qualifications.

Examples of sufficient evidence of operational capabilities may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors or other partners with relevant operational experience, verification from a reputable consumer or other comparable evidence.

2.4.16 ENSURING OWNERSHIP

Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See heading a of Section 2.4.16 below):

a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

UBC will ensure that any prospective subgrantee deploying network facilities meets the ownership disclosure requirements outlined in 47 C.F.R. § 1.2112(a)(1)-(7). These requirements include:

1. List the real party or parties in interest in the prospective subgrantee or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the prospective subgrantee;
2. List the name, address, and citizenship of any party holding 10% or more of stock in the prospective subgrantee, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;

3. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the prospective subgrantee is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
4. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the prospective subgrantee is 10% or greater;
6. List all parties holding indirect ownership interests in the prospective subgrantee as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the prospective subgrantee, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest; and
7. List any FCC-regulated entity or applicant for an FCC license, in which the prospective subgrantee or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10% or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective subgrantee (e.g., Company A owns 10% of Company B [the prospective subgrantee] and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license prospective subgrantee).

UBC will require prospective subgrantees to provide disclosure of ownership based on (1) through (7) in their grant applications. UBC will validate disclosures of ownership through various sources of information including SEC filings, FCC filings, State Corporate Registrations, and other regulatory bodies. In addition, public record services such as Dun and Bradstreet or audited financial statements may be considered if proper disclosures are made regarding ownership.

2.4.17 DISCLOSURE OF OTHER PUBLICLY FUNDED PROJECTS

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must (See headings a and b of Section 2.4.17 below):

UBC will ensure that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on other public funding as outlined in the BEAD NOFO.

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.**

To submit a grant application, prospective subgrantees will be required to provide the details

listed below related to public funding:

- UBC will require each prospective subgrantee to disclose, for itself and for its affiliates, any application the prospective subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the prospective subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds. These public funds include but are not limited to funds provided under:
 - Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
 - CARES Act (Public Law 116-136; 134 Stat. 281)
 - Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
 - American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
 - Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
 - Any state or local universal service or broadband deployment funding program
 - Other funding sources listed in UBC's [Initial Proposal Volume 1, Appendix E](#)

Documentation related to the requirements above will be collected and reviewed by qualified personnel. UBC will use publicly available information for validation of the broadband deployment projects being undertaken or committed to undertake at the time of the application using public funds and resolve any discrepancies with the applicant.

- b.** At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

UBC will require every prospective subgrantee for each publicly funded broadband deployment project to disclose the following information, along with any supplemental information requested:

- A. The speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules)
- B. The geographic area to be covered
- C. The number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage)
- D. The amount of public funding to be used
- E. The cost of service to the consumer
- F. The matching commitment, if any, provided by the prospective subgrantee or its affiliates

- G. The number of CAIs to serve and speed available
- H. If the CAI served is participating in the FCC E-rate or Rural Health Care programs
- I. The technology being used
- J. The timeline to project completion

UBC will require prospective subgrantees to certify disclosure of the use of public funds by an appropriate officer of the company (i.e. CEO, CFO, President). Failure to disclose may result in rejection of the application or forfeiting of all awarded funds. In addition to BEAD quarterly subgrantee reporting requirements, UBC will require subgrantees to report progress and completion, including but not limited to (A) through (H) above, of every publicly funded broadband deployment project.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1 Fair, Open and Competitive Non-Deployment Selection Process

Describe a fair, open and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

Utah does not anticipate sub-granting Broadband Equity, Access, and Deployment (BEAD) funds for non-deployment activities due to budget constraints. However, should funds remain after primary objectives are met, the Utah Broadband Center (UBC) may support additional nondeployment initiatives such as cybersecurity training, digital literacy, and broadband adoption programs. UBC's subgrantee selection process, compliant with federal guidelines, will prioritize fairness, openness, and competitiveness.

The process includes public announcements, eligibility screening, objective evaluation criteria, a review panel with disclosed interests, and a transparent appeal mechanism. Criteria for subgrantee selection will assess the impact on broadband access, project feasibility, management plans, and cost-effectiveness. The review panel will score applications based on these criteria, with potential adjustments to weights prior to the application period. UBC's transparent process, inclusive outreach, and objective criteria aim to ensure integrity in selecting subgrantees for BEAD's non-deployment activities.

In line with the BEAD Notice of Funding Opportunity, UBC will consider supporting additional nondeployment activities related to the following:

1. User training with respect to cybersecurity, privacy and other digital safety matters.
2. Remote learning or telehealth services/facilities.
3. Digital literacy/upskilling (from beginner level to advanced).
4. Computer science, coding and cybersecurity education programs.

5. Implementation of state digital equity plans (to supplement, but not to duplicate or supplant, planning grant funds received by Utah in connection with the Digital Equity Act of 2021).
6. Broadband sign-up assistance and programs that provide technology support.
7. Multi-lingual outreach to support adoption and digital literacy.
8. Prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills, etc.
9. Digital navigators.
10. Direct subsidies for use toward broadband subscription, where the subsidies will improve affordability for the end user population (and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program).
11. Costs associated with stakeholder engagement, including travel, capacity-building or contract support.
12. Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described in Section V.H.2 of the NOFO.
13. Activities related to the incorporation of “smart” technologies and capabilities into farming practices, due to Utah being an agriculture-producing state and the unique competitive advantage of spearheading specific smart technologies in this sector.
14. Activities related to adaptive technologies and training for individuals with disabilities.

Below is a description of Utah’s proposed process that adheres to these principles:

- **Announcement and Public Notice:** UBC will announce the availability of funding for eligible non-deployment activities through various channels, such as the program website, press releases and public notices. This announcement will include detailed information about the application process, eligibility criteria and evaluation criteria. Notice will be made available for at least a 60-day period.
- **Eligibility Screening:** UBC will conduct an initial screening of the applications to determine their eligibility based on the criteria outlined in the program guidelines. This screening will ensure that the applicants meet the basic requirements for participation.
- **Evaluation Criteria:** UBC will develop a set of objective evaluation criteria that will be used to assess the applications. These criteria will be established in advance and communicated to all potential applicants. Examples of evaluation criteria may include the project's potential effect on broadband availability, the feasibility of the proposed activities, the strength of the project management plan and the applicant's capacity to implement the project successfully. Where needed, state procurement processes will be followed. Priority will be considered for the following:
 - UBC will prioritize applicants with effective models for addressing the existing skill gaps in our labor force as well as other workforce training and readiness initiatives, including those that provide equitable instruction and outreach to all working-age individuals.
 - **Review Panel:** UBC will convene a review panel comprising subject matter experts, industry professionals and other relevant stakeholders, including “lived experts” such as

affected residents, representatives from community anchor institutions or community leaders from faith-based, business based and non-profit organizations. The panel members will have the necessary expertise to evaluate the applications based on the predetermined evaluation criteria. Panel members will be required to disclose any conflicts of interest that may arise from their participation in the process. UBC will ensure that appropriate steps are taken to prevent bias, collusion, arbitrary decisions and any other factors that could undermine the process. If any impropriety is identified, UBC will work with state attorneys to ensure appropriate actions are taken, the issue is mitigated and any awarded funds are rescinded or clawed-back.

- **Evaluation Process:** The review panel will individually review and evaluate each application based on the established criteria. They may use a scoring system or a qualitative assessment to ensure consistency and objectivity in the evaluation process. Appropriate steps will be taken to ensure a fair and transparent evaluation process with objective scoring criteria. The scoring criteria and evaluation process will be documented through a variety of methods in advance of utilization.
- **Transparency and Public Input:** The subgrantee selection process will be transparent, with clear communication throughout. UBC will publish the list of selected subgrantees on their website, along with a summary of the evaluation process.
- **Appeals/Protest Process:** UBC will establish an appeals process that allows applicants to seek a review of the selection decision if they believe there were procedural errors or inconsistencies in the evaluation process. The period for protesting an award shall not exceed seven days from the announcement of awards. The appeals process will provide a fair opportunity for applicants to present their case, and a separate review panel or independent entity may be involved in the appeal evaluation.

By following this process, UBC can ensure a fair, open and competitive subgrantee selection process for eligible non-deployment activities in the BEAD program. To ensure the maximum benefit to the residents of Utah, it's important to ensure timely notice is made to announce the availability of funding for eligible non-deployment activities through various channels such as the program website, press releases and public notices. Detailed announcements that include information about the application process, eligibility criteria and evaluation criteria will ensure that numerous stakeholder groups or potential applicants are aware of the availability of funds and the steps necessary to apply. UBC will also rely on community anchor institutions, state-wide planning commissions, higher education institutions and other key stakeholders to publicize the availability of funding to all Utahns and ensure that historically marginalized/excluded communities and tribal representatives are included in outreach methods. The use of objective evaluation criteria, a diverse review panel, transparency and an appeals process contribute to the integrity and credibility of the selection process. By establishing a 60-day timeframe for the public notice of availability of funds, this will allow all potential participants time to create a plan for participation.

While not final, below is a proposed scoring system that may be used as part of the subgrantee selection process for eligible non-deployment activities in the BEAD program:

1. **Effect on Broadband Access (30 points):** Evaluate the potential effect of the proposed activities on improving broadband availability and access in underserved areas. Consider factors such as the number of households or businesses that will benefit, location within economically disadvantaged areas, the expected increase in broadband speeds and the overall significance of

the project in addressing the digital divide.

2. **Feasibility and Viability (25 points):** Assess the feasibility and viability of the project. Consider the technical and operational aspects, including the proposed timeline, budget and resources required for successful implementation. Evaluate the applicant's capacity to carry out the project effectively, including their track record, partnerships and relevant experience. Specifically, UBC will ensure that prospective subgrantees have the competence, managerial and financial capacity to meet the commitments of the subgrant and any requirements of the program, as well as the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.
3. **Project Management Plan (20 points):** Evaluate the quality of the project management plan presented by the applicant. Consider the clarity and comprehensiveness of the plan, including objectives, milestones, deliverables and risk mitigation strategies. Assess the applicant's ability to execute the project efficiently and effectively.
4. **Partnerships and Collaboration (15 points):** Assess the strength and relevance of the applicant's partnerships and collaborations. Consider the involvement of local community organizations, government entities, educational institutions and other stakeholders. Evaluate how these partnerships contribute to the success and sustainability of the project.
5. **Budget and Cost-Effectiveness (10 points):** Evaluate the proposed budget and cost-effectiveness of the project. Assess the reasonableness of the budget in relation to the proposed activities and expected outcomes. Consider the cost-effectiveness of the project in terms of the number of beneficiaries and the expected impact on broadband access.

The total score for each application will be calculated by summing up the scores from each criterion. It's important to note that the specific weights assigned to each criterion may change before the application cycle is initiated. The scoring system will be developed and communicated to all applicants in advance to ensure transparency and fairness in the evaluation process.

2.5.2 NON-DEPLOYMENT PROJECT PLANS

Describe the Eligible Entity's plan for the following (See heading a through d of Section 2.5.2 below):

a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD program funds.

UBC will employ the following in selecting the type of non-deployment initiatives it intends to support using its BEAD allocation:

1. Return on investment for the state and its residents: the initiative will have a generational effect on residents of the state and will address the digital divide sustainably and permanently.
2. Addresses identified component of the digital divide: the non-deployment initiative addresses a component of the digital divide beyond access to broadband infrastructure that is supported by data from the Utah Digital Equity Plan.
3. Innovative solutions: the non-deployment initiative addresses an aspect of the digital divide without a current solution or supplements an existing solution in an innovative manner.

4. Capacity and experience: organizations in the prospective pool of subgrantees generally have the experience and organizational capacity necessary to administer a potentially significant program.

b. How the non-deployment initiatives will address the needs of residents within the jurisdiction.

If funding is available, Utah's non-deployment initiatives to address the digital needs of its residents involve a multifaceted approach that focuses on enhancing digital proficiency and ensuring affordable broadband access. These initiatives are designed to meet the needs of residents in various aspects such as healthcare, education, employment, and key services through:

1. **Enhancing Digital Literacy:** By improving digital proficiency through online digital literacy programs, Utah aims to empower its citizens with the skills needed to effectively utilize digital tools and resources. This approach is crucial for fostering an inclusive community where everyone can benefit from digital advancements.
2. **Expanding Telehealth Services:** Leveraging telehealth services is a significant part of Utah's strategy. This will provide residents, especially in remote and underserved areas, with better access to healthcare services, making medical consultation and health monitoring more accessible and efficient.
3. **Promoting Affordable Connectivity Program Enrollment:** Many Utah households qualify for the Affordable Connectivity Program, which offers cost reductions and subsidies for broadband services. By increasing awareness and enrollment in this program, Utah can make broadband more accessible to low-income individuals and families, thereby narrowing the digital divide.
4. **Ensuring Broadband Affordability:** By focusing on making broadband services affordable, Utah aims to enable wider access to high-speed internet. This is essential for residents to fully participate in the digital world, including accessing educational resources, employment opportunities, and essential services.
5. **Investing in Broadband Infrastructure:** As part of its Initial Proposal requirements, Utah is committed to ongoing investments in expanding broadband infrastructure. This expansion is key to ensuring that all residents have access to reliable, high-speed internet, which is indispensable for education, business, healthcare, and communication.
6. **Community Engagement and Feedback:** Engaging with the community to understand their specific needs and incorporating feedback into the design and implementation of these initiatives will ensure that the solutions are tailored and effective.
7. Through these initiatives, Utah is dedicated to creating a digitally inclusive environment where all residents can benefit from improved access to essential services and opportunities offered by the digital world.

c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities.

UBC's stakeholder engagement strategy is integral to identifying suitable non-deployment activities. It facilitates ongoing conversations with a wide array of stakeholders such as faith leaders, nonprofits, industry experts, tribal governments, and the general public. The formation of

the Utah Digital Inclusion Network (UDIN) and regular consultations with stakeholders, representing nine distinct populations identified in Utah's statewide Digital Equity Plan, are key components of this inclusive approach.

UBC employs various methods for engagement, catering to different preferences and ensuring wide accessibility. These methods include stakeholder meetings, both in-person and live-streamed, tribal consultations, and the provision of feedback forms both online and at public libraries. To further inclusivity, focus groups are conducted in both virtual and physical formats. UBC's commitment to transparency is evident in its efforts to disseminate the outcomes of these engagements across multiple platforms, including email, social media, and newsletters, inviting broad public participation and ensuring a range of voices are heard and considered in the decision-making process.

UBC works in tandem with the newly formed UDON to provide organizational and peer support to communities and digital inclusion programs throughout the state. The partnership is focused on the following activities:

1. Policy Guidance: UDON advises the UBC on the creation and implementation of digital inclusion policies, ensuring they meet the diverse needs of Utah's communities.
2. Community Outreach: UDON assists the UBC in engaging with local communities to understand their digital needs, fostering programs that are inclusive and equitable.
3. Sharing Expertise: UDON acts as a repository and conduit for best practices, research, and resources, channeling this knowledge to the UBC and local organizations.
4. Capacity Building: It offers training and support to community organizations, enhancing their ability to deliver digital inclusion initiatives effectively.
5. Data Analysis: UDON collaborates with the UBC to gather and interpret data, which helps in the assessment and enhancement of digital equity strategies.
6. Advocacy: Together, they advocate for digital equity-focused policies and funding to support digital inclusion.
7. Building Partnerships: UDON creates a collaborative ecosystem involving public, private, and nonprofit stakeholders to support the UBC's digital inclusion goals.
8. Program Support: UDON works closely with the UBC to scale successful digital inclusion programs and develop new initiatives that address identified gaps.
9. Awareness and Education: They co-create awareness campaigns to inform the public about digital literacy and inclusion resources available in Utah.
10. Feedback Mechanism: UDON serves as a communication channel for feedback from local entities to the UBC, ensuring that programs remain responsive and effective.
11. Through these collaborative efforts, the UBC and the UDON aim to ensure that all Utahns have the necessary resources and support to participate fully in our digital society.

- d.** How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD program's equity, access and deployment goals.

UBC will consider various approaches to determine if BEAD program funds are more effectively used in non-deployment activities. This evaluation is crucial, especially in the unlikely event that BEAD funds become available for such purposes. The priority for UBC is to ensure the effective implementation and execution of the state's first digital equity plan. Here's a structured approach UBC would use:

1. **Assessment of Community Needs:** Conduct comprehensive assessments to identify specific digital equity and access needs and challenges in diverse communities.
2. **Alignment with BEAD NOFO:** Ensure strategies are in line with the guidelines of the BEAD Notice of Funding Opportunity, targeting activities that advance the program's objectives.
3. **Monitoring and Evaluation:** Employ continuous evaluation, utilizing both qualitative and quantitative data, to measure the impact of non-deployment activities.
4. **Stakeholder Consultation:** Engage with local governments, nonprofits, and community members to gauge the potential impact of various initiatives and ensure community-driven activities.
5. **Pilot Projects:** Test the effectiveness of different non-deployment activities through pilot projects and scale up the most successful ones.
6. **Data-Driven Decision Making:** Base funding decisions on research and evidence, focusing on activities that can most effectively improve digital equity and access.
7. **Feedback Mechanisms:** Implement robust feedback channels to understand the direct impact on target populations and refine approaches accordingly.
8. **Best Practices and Learning:** Look to successful strategies in other states and adapt them to Utah's context, ensuring informed funding decisions.
9. **Flexibility and Adaptability:** Stay adaptable to changing technology and community needs, and be ready to redirect funds to more effective uses.
10. **Strategic Partnerships:** Collaborate with organizations with a strong track record in digital equity initiatives to maximize the effective use of funds.

By integrating these strategies, UBC can ensure that any non-deployment BEAD funds, if available, are utilized in a manner that significantly contributes to achieving equity, access, and deployment goals in Utah. This approach involves a careful consideration of opportunity costs and a focus on maximizing the impact of these funds.

2.5.3 ENSURING THE PRIORITY OF UNIVERSAL COVERAGE

Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

UBC's priority for BEAD funding is to reach the unserved and underserved areas without a funded solution for broadband access. UBC has developed cost projections to reach the remaining unserved and underserved locations without a funded solution for broadband access. In addition to these cost projections, UBC is sequencing the BEAD program to ensure that enough funding availability exists to

address gaps in infrastructure to broadband-serviceable locations, as well as gaps in infrastructure to Community Anchor Institutions, prior to allocating funding for other eligible uses. In other terms, subawards for non-deployment will not be finalized until after subawards for deployment projects have been completed.

This approach will ensure that deployment uses of BEAD funds are prioritized ahead of non-deployment uses. The approach also grants UBC additional time to make thoughtful, transformational non-deployment investments through a subgrantee selection process based on the outcomes, findings, and recommendations of Utah's Digital Equity Plan.

UBC has a strategic plan to prioritize coverage to all unserved and underserved locations in Utah before directing BEAD funding toward non-deployment activities. The plan includes:

1. **Cost Projections:** UBC has created detailed cost estimates for providing broadband access to unserved and underserved areas that currently lack a funded solution.
2. **Sequenced Funding Allocation:** The allocation of BEAD funds is sequenced to address infrastructure gaps for broadband serviceability in communities and at Community Anchor Institutions (CAIs) first.
3. **Prioritized Deployment:** UBC ensures that funding for deployment takes precedence, with non-deployment subawards being withheld until all deployment subawards are finalized.
4. **Data-Driven Investments:** The delay in non-deployment funding allows UBC to utilize findings and recommendations from Utah's Digital Equity Plan to inform future investments, ensuring they are impactful and transformational.
5. **Infrastructure Gaps Assessment:** UBC will continuously assess the infrastructure needs to ensure that the most critical areas are addressed first.
6. **Monitoring and Adjustment:** The funding plan is dynamic, allowing for adjustments based on real-time progress and emerging needs to ensure that deployment remains the priority until all coverage gaps are addressed.
7. Through this carefully structured approach, UBC is committed to fulfilling the core mission of the BEAD program by extending broadband coverage to every unserved and underserved location in Utah before considering funding for non-deployment initiatives.

2.5.4 ENSURING GENERAL QUALIFICATIONS

Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.

Prior to entering into any subgrantee agreement, UBC will ensure that any applicant:

1. Is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state, and local laws.
2. Has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or UBC.
3. Has the technical and operational capability to provide the services promised in the subgrant in

the manner contemplated by the subgrant award.

2.6 ELIGIBLE ENTITY IMPLEMENTATION ACTIVITIES (REQUIREMENT 10)

2.6.1 STATE INITIATIVES WITHOUT SUBGRANTS

Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

UBC's strategy for implementation is described in its Digital Connectivity Plan. In order to ensure effective and efficient management of the BEAD program, UBC intends to carry out certain activities internally. Key activities and initiatives UBC plans to implement without issuing a subgrant include:

- Project management and technical guidance
- Program policies, processes and procedures development
- Ongoing stakeholder engagement
- Grant application process
- Grant portal development
- Grant review process
- Grant agreement and contracting
- Reporting, monitoring and compliance
- Grant disbursement and financial management
- Program evaluation and continuous improvement
- Program closeout
- Supporting the design and implementation of job training and apprenticeship programs, including convening the workforce development working group and networking with employers (especially BEAD subgrantees)
- Ensuring alignment and coordination with the Digital Equity Program

UBC will ensure that administrative and programmatic costs are applied appropriately. A combination of internal staff, staff augmentation and contractor support may be utilized.

2.7 LABOR STANDARDS AND PROTECTION (REQUIREMENT 11)

2.7.1 PROSPECTIVE SUBGRANTEE LABOR REQUIREMENTS

Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its

competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following:

UBC will require applicants to submit the following information during the application period of the competitive subgrantee selection process:

1. Applicants’ record of past compliance with federal labor and employment laws, which:
 - Must address information on these entities’ compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - Should include a certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as all contractors and subcontractors; and
 - Should include written confirmation that the applicant discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.
2. Applicants’ plans for ensuring compliance with federal labor and employment laws, which must address the following:
 - How the applicant will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
 - Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
 - How the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.¹²

New entrants without a three-year record of federal labor and employment law compliance will be permitted to make binding legal commitments to strong labor and employment standards and protections regarding BEAD-funded projects.

If prospective subgrantees, including new entrants, fail to provide certification, confirmation, and/or a binding commitment, the application will be denied.

During the competitive subgrantee selection process, UBC will make the determination that information submitted suffices for the purposes of the federal BEAD requirements. See section 2.4.2 for more information regarding scoring of Fair Labor Practices during the subgrantee selection process.

Act	Summary
Fair Labor Practices	

¹² The Utah Labor Commission, Utah Occupational Safety & Health Office (UOSH), provides free consultation services to employers to help identify safety and health hazards in the workplace and provide recommendations for correction. The goal of UOSH is to educate and assist employers and their employees in promoting safety and health in the workplace to prevent injuries and illnesses. UOSH Consultation helps accomplish this without issuing citations or penalties. UOSH Consultation Services website: <https://laborcommission.utah.gov/divisions/uosh/consultation>

Fair Labor Standards Act	Establishment of minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers across private and public sectors
Occupational Safety and Health Act	Establishment of safe and healthy workplace standards
Service Contract Act	Establishment of standards for contractors and subcontractors performing services on prime contracts in excess of 2,500

Civil Rights and Nondiscrimination	
Title VI of the Civil Rights Act of 1964 (See also 15 C.F.R. Part 8)	Prohibition on discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance, including from the Department of Commerce
Title IX of the Education Amendments of 1972	Prohibition of discrimination on the basis of sex under federally assisted education programs or activities
The Americans with Disabilities Act of 1990	Prohibition of discrimination on the basis of disability under programs, activities, and services provided or made available by Eligible Entities and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide transportation
Section 504 of the Rehabilitation Act of 1973	Prohibition of discrimination on the basis of handicap under any program or activity receiving or benefiting from federal assistance
The Age Discrimination Act of 1975	Programs or activities receiving federal financial assistance

Additional Authorities	
Parts II and III of Executive Order 11246. Equal Employment Opportunity	Requires that federally assisted construction contracts incorporate and fulfill the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b))
Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency	Requires federal agencies to examine the services that they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them
Executive Order 13798, Promoting Free Speech and Religious Liberty (see also OMB M-20-09 Guidance Regarding Federal Grants and Executive Order 13798)	States or other public grantees may not condition sub-awards of federal grant money in a manner that would disadvantage grant applicants based on their religious character

2.7.2 COMPLIANCE WITH FEDERAL LABOR AND EMPLOYMENT LAWS

Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it

will incorporate them into binding legal commitments in the subgrants it makes (See heading a through i of Section 2.7.2 below):

The Governor's Office of Economic Opportunity Grant Contract Standard Terms and Conditions requires compliance with state and federal labor and employment law. Specifically, with regard to Subsection 2.7.2 (i) "Taking steps to prevent the misclassification of workers." The Utah Labor Commission monitors and enforces misclassification of employees (for example, a contractor hires someone to work as a 1099 independent contractor, when in reality that person is working as an employee, and should be classified for payroll taxes as an employee).

UBC encourages applicants to provide the following information to UBC as evidence to support the applicant's operational and managerial capability. These items will not be included in legally binding commitments, nor in the application scoring process.

a. Using a directly employed workforce, as opposed to a subcontracted workforce.

b. Paying county prevailing wages and benefits to workers, including compliance with Davis-Bacon and Related Acts requirements, where applicable, and collecting the required certified payrolls.

c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project).

d. Use of local hire provisions.

e. Commitments to union neutrality.

f. Use of labor peace agreements.

g. Use of an appropriately skilled workforce (e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded).

h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification and licensure).

i. Taking steps to prevent the misclassification of workers.

UBC will ensure subgrantees are aware of these items prior to and throughout the selection process by conducting regulations information webinars, posting a list of regulations on the Connecting Utah website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subrecipient grant monitoring program requirements.

2.8 WORKFORCE READINESS (REQUIREMENT 12)

2.8.1 OBJECTIVES FOR A SKILLED AND DIVERSE WORKFORCE

Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page

59 of the BEAD NOFO (See heading a through d of Section 2.8.1 below):

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.**

Utah is committed to ensuring that subgrantees support the development and utilization of a highly skilled workforce for safe and effective BEAD program implementation. To achieve this, we will collaborate closely with key partners, including Talent Ready, Utah Works, Utah Custom Fit, the Utah Department of Education, Utah Tech Colleges, and the Department of Workforce Services. UBC will provide connections to these programs for subgrantees who may benefit from these resources as needs arrive.

1. Partnerships with Custom Fit, Utah Works and Strategic Workforce Investment through the Utah Talent Ready program administered and funded within the Utah System of Higher Education's Office of the Commission of Higher Education. The UBC has met with Custom Fit and can serve as a resource to direct the ISPs to these resources which are available for potential BEAD subgrantees, including ISPs, to partner with as workforce needs arise. BEAD subgrantees can apply for funding for in-house training with in-house or off-site teachers for short or long-term:

- Custom Fit: For more than forty years, Custom Fit has provided customized training for businesses to support workforce development and enhance Utah's economic vitality. Custom Fit offers customized training to businesses that meets their specific needs. Whether those needs include specific technical training, safety certifications, computer skills, leadership, service improvements, or training in another skill, a Custom Fit institution in regions across the state will work with companies to establish a plan to help. Custom Fit is administered through a dynamic partnership between Utah System of Higher Education Custom Fit institutions, the state of Utah, and local businesses. The Utah Legislature appropriates funds each year to support the program. Custom Fit pays for the training cost, and the company contributes at least 50%, depending on regional funding availability and priorities.
 - Tech Schools and Regions include:
 - Bridgerland Technical College: Box Elder, Cache, & Rich Counties
 - Davis Technical College: Davis & Morgan Counties
 - Dixie Technical College: Washington County
 - Mountainland Technical College: Summit, Wasatch, & Utah Counties
 - Ogden-Weber Technical College: Weber County
 - Salt Lake Community College: Salt Lake County
 - Snow College: Juab, Millard, Piute, Sanpete, Sevier, & Wayne Counties
 - Southwest Tech: Beaver, Garfield, Iron, & Kane Counties
 - Tooele Technical College: Tooele County
 - UBTech: Daggett, Duchesne, & Uintah Counties

■ Utah State University: Carbon, Emery, Grand, & San Juan Counties

- Utah Works: The [Utah Works program](#) provides short-term training for companies needing to hire employees quickly. Industry partners design the program, and they select which courses and training are required. Then, partnering with the Utah System of Higher Education, Talent Ready Utah provides training to fill those in-demand positions. Companies and institutions apply for funding jointly. [Established line-worker, and tower-worker programs are currently available through the Uintah Basin technical program at UBTech, and the Salt Lake Community College.](#)
 - Strategic Workforce Investment: the Strategic Workforce Investment (SWI) fund. This fund aims to provide resources to establish educational pathway partnerships that serve regional and statewide industry workforce needs. In partnership with tech schools and industry, training courses can be established as needed by industry. These partnerships will ensure that the workforce is equipped with the skills necessary for safe and effective program execution.
 - Utah Department of Transportation: [UDOT University](#) offers free training to consultants and contractors of Internet Service Providers working on Utah Right-of-Ways. [This training helps educate and certify the workforce that will be installing fiber conduit systems in Utah roadways.](#)
2. Engagement with Department of Workforce Services: The Department of Workforce Services will play a pivotal role in connecting subgrantees with a skilled workforce. Subgrantees can collaborate with them to facilitate job placements, apprenticeships, and other workforce development opportunities related to BEAD programs.
3. Industry Training Programs:
- International Brotherhood of Electrical Workers in conjunction with the Mountain States Line Constructors Outside Lineman covers a five-state area including Utah, Colorado, Montana, Idaho and Wyoming. There are two training facilities in the state of Utah.✖
 - Wireless Infrastructure Association (WIA) is the USDOL-appointed and contracted national sponsor of the Telecommunications Industry Registered Apprenticeship Program (TIRAP).✖ Since 2017, the TIRAP program has had more than 4,000 apprentices from more than ninety-seven (97) employers nationwide. The suite of approved occupations is currently numbering fifteen (15) and continuing to grow, focusing on high-growth, high-demand occupations, including fiber optic technicians, broadband technicians, and small cell and in-building technicians crucial to broadband deployment. These are intended to meet employers' occupational and skills development needs to create an in-demand workforce ready to support the design, build, and maintenance of telecommunications infrastructure. Re-skilling, upskilling through training, and TIRAP-defined career paths in a growing number of critical occupations enable accelerated local economic growth through good jobs for current and future employment opportunities for the unrepresented and underrepresented population. The education, training, and apprenticeship programs are part of a professional pipeline that allows for continued employment and growth.
4. Utah Tech Schools training [programs](#): We are fortunate to have great industry partners that

are already supporting local tech colleges to provide training programs to develop skilled workforce. For example, every program that is offered at UBTech is a result of industry needs. Primarily, the graduates are employed locally, then statewide after those needs are filled. Current industry-related programs offered at UBTech include Electrical Apprenticeship, Tower Tech, CDL, and IT. Some programs that may be added, depending on need and cost, are Heavy Equipment Operator, Lineman, and Fiber Optic Technicians. Equipment needed for the fiber splicing program alone totals \$189,609.57.

Through these strategic partnerships and collaborative efforts, Utah has many programs the subgrantees can utilize to ensure they are well-equipped to develop and utilize a highly skilled workforce. These programs can be supported by the UBC to facilitate sharing information about these resources to and make connections with providers and the program administrators. Utah has long established workforce programs that will lead to the safe and effective implementation of BEAD programs that benefit the community and covered populations.

b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain or transition to meet local workforce needs and increase high-quality job opportunities;

The Utah Broadband Center (UBC) is dedicated to the development and promotion of sector-based partnerships among a diverse range of stakeholders to address workforce development needs effectively. Our strategy includes fostering collaboration among employers, education and training providers; the Utah Division of Workforce Services; small business development centers, including those specifically for minority-owned and women-owned businesses; worker organizations; community-based organizations; and the Utah System of Higher Education workforce programs. These partnerships aim to support workers in accessing and completing training while meeting local workforce demands and increasing high-quality job opportunities.

Key elements of our approach include:

1. Stakeholder Engagement: UBC has and will continue to actively engage with a broad spectrum of stakeholders. These partnerships will harness the collective expertise and resources of diverse groups to address workforce challenges comprehensively. UBC convenes quarterly Broadband Alliance Meetings to facilitate partnerships, presentations, and connections between these stakeholders, ISPs, non-profits, state agencies and will continue to convene these meetings over the duration of the BEAD program based on the needs of the subgrantees.
2. Leveraging Existing Programs: As stated in **part a.**, we have identified existing programs within the state that are already contributing to workforce development and digital inclusion. These programs will serve as valuable assets and foundations upon which sector-based partnerships can be built. UBC will facilitate convening providers and industry leaders to the various workforce training programs, as well as wrap-around services such as child care, transportation, mentorship, or more as they interface with our office. UBC welcomes all agencies to attend and present at the quarterly Utah Broadband Alliance Meetings.

3. Leveraging Existing Events: Many industry organizations provide local, regional, and national conferences and summits to promote and train a diverse workforce. For example, WIA's annual Supplier Diversity Summit (held during its annual convention) advocates and encourages the inclusion of veteran-, women-, and minority-owned businesses in the wireless broadband infrastructure industry. Procurement officers have an opportunity to participate in one-on-one matchmaking meetings with diverse suppliers. Each procurement professional will have 10+ meetings with potential suppliers – adding up to hundreds of meetings over the year.
4. Alignment with Local Needs: UBC recognizes that local workforce needs vary across regions. We will work closely with local communities to identify specific requirements and direct them to the best resources.
5. Ongoing Evaluation and Improvement: UBC is committed to continuous evaluation of these partnerships to ensure their effectiveness in meeting local workforce needs. We will revisit established services to ensure the needs are met.
6. Working with current state programs and key stakeholders, UBC's collaborative approach will help facilitate evolving needs of Utah's skilled workforce.

c. A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and

Through outreach, effective communication, engagement, and collaboration with various stakeholders, including workers, labor organizations, community-based organizations, and industry partners, the Utah Broadband Center will support the labor and community-based organizations that support workers.

Outreach and established resources include:

1. Partnership Development: UBC will maintain partnerships with key stakeholders, including labor organizations such as the IBEW, community-based organizations such as the Women's and Suazo business centers, industry associations such as Utah Rural Telecom Association, educational institutions such as the Utah Tech Association, and government agencies. These partnerships will be our primary workforce outreach efforts. UBC participates with the Rural Coordinating Council which is an all-state agency, educational, and non-profit coalition to support and address rural needs.
2. Needs Assessment: UBC has conducted a survey with the ISPs to determine their workforce needs and to establish coordination between worker training and needs assessment to understand the specific requirements and preferences of employers and workers in the broadband sector. Meetings have been held and relationships are developing with union and industry organizations. They've been invited to present at our Utah Broadband Alliance to talk about the needs and rights of workers. UBC will continue to meet with industry partners to assess the efforts to train and encourage employment from all sectors of people.
3. Educational Partnerships: UBC will work closely with educational institutions, including universities, community colleges, and technical schools, to support and encourage the

creation of needed training programs that align with the skill labor needs of the broadband sector.

4. **Labor Organization Collaboration:** UBC will engage with labor organizations representing workers in the broadband industry. This collaboration will include meetings, discussions, and feedback sessions to address labor-related issues and advocate for job quality improvements.
5. **Community-Based Organization Involvement:** UBC will partner with community-based organizations that serve diverse populations, including underrepresented communities, through the Utah Digital Opportunity Network (UDON) recently established in partnership with the UBC and the Center of Economic Opportunity and Belonging. UBC will also share information with organizations such as the Utah Minority Business Development Agency at Salt Lake Community College to disseminate to their partners. These organizations will play a crucial role in outreach efforts, ensuring that information and opportunities reach a wide range of individuals.
6. **Online Resources:** UBC will maintain online platforms, such as websites designed by the UDON and social media channels, to provide information, resources, and updates related to workforce development and job opportunities as the needs arise in Utah in the broadband sector. These platforms will serve as hubs for engagement and communication. UDON is working to recruit everyone, particularly those serving covered populations such as new Americans, English-language learners, aging individuals, low income households, etc.

These outreach procedures aim to foster a collaborative and inclusive approach to workforce development and job quality in the broadband sector. They will ensure that the voices of workers and communities are heard and that initiatives are tailored to meet their unique needs and aspirations.

d. A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD program and other broadband funding programs are available to a diverse pool of workers.

To ensure that job opportunities created by the BEAD program and other broadband funding programs are available to a diverse pool of workers, the Utah Broadband Center (UBC) will require subgrantees to confirm that they have reached out to agencies such as the Minority Business Development Agency to share information regarding job opportunities and subcontracting opportunities to ensure that information is available to a diverse pool of organizations.

UBC's Digital Access team will serve as a conduit for direct engagement with individuals from covered populations, amplifying their voices in the planning and implementation process. This partnership will facilitate the sharing of valuable insights and community-specific perspectives.

The efforts of UBC's Digital Access team in collaboration outreach efforts enhances the capacity to engage with and support covered populations effectively, making the workforce development initiatives more inclusive and impactful.

2.8.2 OBJECTIVES FOR A SKILLED AND CREDENTIALLED WORKFORCE

Describe the information that will be required of prospective subgrantees to demonstrate

a plan for ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce. These plans should include the following (See headings a through e of Section 2.8.2 below):

In order for an application to be considered for an award, UBC will require a prospective subgrantee to submit a plan to ensure the project workforce will be an appropriately skilled and credentialed workforce. The project workforce plan must address each of the following elements.

a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor- management training programs that serve all workers;

Applicants must delineate the strategies they intend to use in order to ensure that the project workforce will be appropriately skilled. These strategies may include collaborations with Registered Apprenticeship programs or other joint labor-management training endeavors designed to benefit all workers. The project workforce plan should include information regarding specific training programs (whether administered by the prospective subgrantee or by a different organization), partnerships, or initiatives that will be implemented to guarantee a skilled workforce. The plan should indicate how these strategies align with the project's requirements and industry norms.

b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;

Applicants will be required to elaborate on the measures they will implement to guarantee that all members of the project workforce hold the requisite qualifications. These measures may include existing occupational training, certification programs, and licensing programs that are pertinent to the project. If the project mandates particular certifications or licenses, the project workforce plan should delineate how support will be provided to workers in obtaining these credentials. Any collaborations or partnerships with training providers, institutions offering relevant certifications, or other training resources should be emphasized.

c. Whether the workforce is unionized;

While UBC does not require applicants to utilize a unionized workforce, applicants must state whether or not they will be utilizing a unionized workforce for the proposed project.

d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and

Applicants will be required to state whether the proposed project workforce will be directly employed or whether work will be performed by a subcontracted workforce. If the proposed project workforce will include both directly employed workers and subcontracted workers, the applicant should specify which elements of the project will be performed by directly employed workers and which elements of the project will be performed by subcontracted workers.

e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the applicant intends to utilize a contracted or subcontracted workforce, the project workforce plan must include the names and business license information of the entities or any contractors

and/or subcontractors performing work on the proposed project. If the applicant has not yet identified these entities, the applicant must include a detailed and competitive procurement policy that will be used to select these entities.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce (See headings f and g of Section 2.8.2 below):

- f. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;**

UBC does not require applicants to utilize a unionized workforce. However, applicants who will not be using a unionized workforce must provide information about each job title for the proposed project as well as the size of the workforce (including contractors and subcontractors) required to carry out the project work. This information must also include the number of full-time equivalent (FTE) positions and the employing entity for each portion of the workforce.

- g. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:**

- i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and**

The proposed workforce plan must also include a description of current safety training, certification, and/or licensure requirements for each job title essential to the project. This may include certifications such as OSHA 10, OSHA 30, confined space, traffic control, or other pertinent training. If any additional training is needed in order to complete the proposed project, the applicant should delineate the specific training needs and resources that could be utilized to provide such training, along with a timeline demonstrating that such training will be completed before project construction. Furthermore, the plan should explicitly state whether there are in-house training programs with well-defined criteria in operation.

- ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.**

For each job title included in the project workforce plan, the applicant should outline details concerning professional certifications and internal training programs aimed at upholding top-tier deployment standards.

UBC will not award BEAD funding to applications that fail to meet the minimum requirements essential to establish a skilled, diverse, and accredited workforce. UBC will ensure that applicants are well-informed about these regulations both before and during the selection process.

2.9 MINORITY BUSINESS ENTERPRISES (MBEs)/ WOMEN'S BUSINESS ENTERPRISES (WBEs)/ LABOR SURPLUS FIRMS INCLUSION (REQUIREMENT 13)

2.9.1 DATA TRACKING METHODS FOR SMALL BUSINESS, DBE AND WBE

Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises, and labor surplus area firms are recruited, used, and retained when possible.

UBC is dedicated to promoting inclusivity and diversity within its procurement processes and broader strategic initiatives by adopting a detailed, action-oriented approach that ensures minority- and women-owned businesses and labor surplus area firms are not only identified but also actively engaged and supported within the BEAD program's scope.

Central to this commitment is the collaboration with and support of MBEs, WBEs, and labor surplus firms. UBC's comprehensive strategy for inclusion is further enhanced by partnerships with the following entities:

- [Utah Minority Business Development Agency Business Center](#)
- [Utah Certified Development Company \(UtahCDC\)](#)
- [Center for Rural Development](#)
- [Suazo Business Center](#)
- [Women's Business Center of Utah \(WBCUtah\)](#) and their [Cedar City office](#), a trailblazer in championing female entrepreneurship across the state through its partnership with the U.S. Small Business Administration and the Salt Lake Chamber.
- [The Utah Veteran Business Resource Center](#), which plays a pivotal role in advising and supporting veteran entrepreneurs, including those from minority and underserved communities.
- [The Utah Veteran Business Resource Center](#) at Salt Lake Community College
- [The Utah Center for Immigration & Integration](#), which contributes expertise on integrating global talent into local economic frameworks, benefiting New Americans in Utah.

These entities serve women, veterans, and socioeconomically disadvantaged groups, fostering a competitive environment for securing contracts.

This outreach strategy aims to foster an inclusive environment where these businesses can not only learn about but also compete effectively for contracts and projects, thereby ensuring a diverse and inclusive business ecosystem. The strategy is structured as follows:

1. **Networking and Directory Maintenance:** The Utah Business Center (UBC) will utilize insights from a supportive network of organizations to maintain an extensive directory of minority-owned, women-owned, and veteran-owned businesses in Utah.
2. **Proactive Outreach:** UBC will conduct targeted outreach to actively engage with minority-owned, women-owned, and veteran-owned businesses in Utah. This approach includes:

- a. Targeted Communication:** Initiating contact with identified entities to inform them about contract opportunities that match their services and capabilities.
- b. Utilizing Established Networks:** Leveraging the networks and reach of organizations like the Women's Business Center of Utah, particularly following their expansion into rural areas and the establishment of their second office in Cedar City.
- c. Involving Veteran-Owned Businesses:** Using resources like the [Utah Veteran Business Registry](#) to involve veteran-owned businesses in BEAD-funded projects.
- d. Support and Guidance:** UBC will provide support and resources to BEAD subgrantees, guiding them towards the recruitment and inclusion of diverse firms, with a concerted effort to support, promote, and invest in minority- and women-owned businesses.

In Utah, we have identified several non-profit partner organizations focused on workforce development to engage in this effort. These organizations contribute to a diverse range of services aimed at enhancing the employability and job-related skills of individuals across Utah.

- [Applied Technology Foundation dba TechCharities](#) (Salt Lake City): Offers technology-related support and training to enable workforce development in tech sectors.
 - [DOVE Center \(St. George\)](#): Provides services including employment support for individuals affected by domestic violence, potentially aiding their re-entry into the workforce.
 - [Salt Lake American Refugee Services \(Sandy\)](#): Works to integrate immigrants and refugees into the community, including through job training and employment services.
 - [Unite Us \(Statewide\)](#): Connects individuals to community services and resources, including those for job training and employment.
 - [UServeUtah \(Salt Lake City\)](#): Engages volunteers in various services, potentially including workforce development initiatives.
3. **Inclusive Bidding Processes:** To make the process more inclusive for firms owned by women, veterans, and New Americans, UBC will design solicitations to allow for partial bids to be submitted during the pre registration period, enabling smaller firms to compete for segments of a project
 4. **Consultation and Expertise Leverage:** UBC will work closely with Utah State Agencies and the expertise of the SBA's Small Business Development Centers to tailor solicitations that encourage broad participation from diverse business entities.
 5. **Subgrantee Support:** UBC will provide comprehensive assistance to BEAD subgrantees to attract and retain MBE/WBE and labor surplus area firms for subcontracting opportunities, ensuring a diverse and inclusive business ecosystem throughout the BEAD program's activities.

2.9.2 CERTIFICATION FOR AFFIRMATIVE ACTION

Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority

businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

UBC hereby certifies that it will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO and listed as items a through f below:

- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;**
- b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;**
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;**
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;**
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and**
- f. Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.**

2.10 COST AND BARRIER REDUCTION (REQUIREMENT 14)

2.10.1 STEPS FOR REDUCING COSTS AND BARRIERS

Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following (See headings a through e of Section 2.10.1 below):

There are various obstacles related to broadband deployment and adoption within Utah which are detailed within Utah’s Digital Connectivity Plan. Some of the strategies the UBC has implemented, or will implement will reduce the costs and barriers to broadband deployment. The following sections (headings a through e) are specific steps Utah is taking to overcome barriers identified by the NTIA.

a. Promoting the use of existing infrastructure

The Utah Department of Transportation (UDOT) owns and administers approximately 3,000 miles of middle mile fiber optic infrastructure along State-owned highways throughout Utah. This infrastructure includes conduit, fiber optic cabling, access points, distribution hubs, and communications equipment. This infrastructure is a publicly-owned asset that UDOT uses to facilitate broadband deployment across state highways. Whenever UDOT builds or expands a roadway, their practice is to install fiber optic conduits as an incremental cost to the project to allow for faster deployment of fiber optic cable. UDOT exchanges sections of their empty conduit to private ISPs to allow them to install their own cabling. This practice has allowed many previously unserved communities to have robust access to high-speed broadband through fiber optics that otherwise would

have taken years to complete. This practice has also allowed UDOT to expand their footprint of fiber optics, which has allowed them to monitor traffic and other transportation-related activities.

b. Promoting and adopting dig-once policies

The UDOT dig-once practice, as explained above, has allowed Utah to expand middle mile fiber optics throughout the state of Utah. UBC has a close partnership with UDOT and often facilitates connections between UDOT and local municipalities or ISPs. UBC intends to continue facilitating these connections to reduce the cost and barriers for broadband deployment. UDOT has adopted the FHWA Final Rule to promote broadband access for 23 years.

Additionally, UBC has promoted dig-once policies throughout the state during the public engagement process while preparing Utah's Digital Connectivity Plan. Various counties and municipalities throughout Utah are considering implementing a dig-once policy at the county or city levels.

c. Streamlining permitting processes

UBC will work with all relevant stakeholders to ensure that permitting applications will be submitted on a consistent and timely basis. UBC will coordinate to streamline the permitting process on the state-owned rights of way, mostly working with UDOT to ensure they approve ROW permitting relevant to their area. UBC will work with state agencies and stakeholders to ensure that common forms and processes, resources for local permitting and standardized project descriptions are made known to all involved parties. On the local level, UBC will work with local governments to establish procedures to streamline the local permitting process for BEAD-funded projects, as well as ensuring all NEPA and Section 106 requirements are followed on the federal side, by working with US Forest Service Broadband Coordinator on Forest Service and BLM permitting. UBC strongly encourages NTIA to work with other relevant federal agencies and issue coordinated requirements and guidelines to all relevant permitting offices to ensure that any federal permits needed for BEAD-funded projects are expedited and streamlined, and that reasonable maximum periods be set, after which permits will be deemed automatically granted if an office has not yet acted.

- **State Agencies Collaboration.** To reduce permitting barriers, UBC is and will increase collaboration with other State agencies to reduce barriers to broadband deployment by streamlining respective permitting processes. For example, the Utah State Historic Preservation Office (SHPO) has been made aware of this grant, and has committed to reviewing any submitted materials in 10 business days, which is one-third the time frame allotted under federal code in [36 CFR 800](#). The Utah SHPO has legally executed streamlining agreements in place with many of the agencies that would interact, permit, and/or authorize future broadband right-of-way or encroachment applications in rural areas including, but not limited to, Utah Department of Transportation, Bureau of Land Management, and Utah School and Institutional Trust Lands Administration. Further, the Utah SHPO has established an online submission system for all compliance cases which has removed the time barriers for mailing and also the extra costs and handling of preparing paper materials.
- **Permitting and Utility Pole Legislation.** UBC will work with legislators and policymakers to develop statutory language for permitting entities and utility pole owners to respond to permit applications. The language will consist of defined review periods and response deadlines after applications are received. The timelines will be developed collaboratively with local governments, third party permitting entities, pole owners, and industry experts.

The UBC also supports improvements in the quality of permit and make ready requests submitted by providers by recommending:

- Establishing a process and framework for expedited resolution.
- Working closely with utility pole owners in unserved and underserved areas to identify the quickest broadband deployment strategies
- Facilitating easement repurposing. By collaborating with stakeholders to optimize the easement, subgrantees can proactively secure rights of way for fiber installations. Furthermore, in cases where a deed or easement is designated solely for utility power, the UBC can encourage subgrantees to expand the scope to include telecommunications usage, thereby transforming it into a viable resource for commercial applications rather than limiting it to private use only.

d. Streamlining cost-effective access to poles, conduits, and easements

- There is currently a Utah state law, enacted in 2019, that caps the fee at \$1,250 for broadband fiber crossing over railroads. See [Utah Code 54-23-105](#).
- A similar bill to cap fees for crossing canals owned by canal companies has been prepared by UBC and will be submitted in the 2025 legislative session prior to the commencement of the BEAD program in Utah.
- In Utah, franchise fees are set at and administered at the city and county level. UBC will communicate with cities and counties the BEAD timeline and the importance of expediting the permitting process as well as not exploiting the BEAD funds for exorbitant franchise fees.

e. Streamlining rights of way, including the imposition of reasonable access requirements

- [Utah Senate Bill 189](#), “Small Wireless Facilities Deployment Act” adopted in 2018 streamlined the permit process statewide for wireless providers.¹³
- Utah is very proactive in accommodating right of way requests in state right of ways. Utah Department of Transportation (UDOT)-owned right of ways across the state are shared with providers whenever there is a need. UDOT accommodates broadband as a utility in its ROW.
- UBC will work with various agencies to establish working groups to address the many permitting issues that will arise with the many BEAD applications grantees. For example, UBC has already begun collaborating with the U.S. Forest Service to facilitate the permitting process through a new broadband coordinator at USFS in preparation for BEAD. USFS has also allowed the ISPs to use contractors to satisfy all the NEPA requirements, therefore streamlining the permitting process by months.

2.11 CLIMATE ASSESSMENT (REQUIREMENT 15)

2.11.1 ASSESSMENT OF CLIMATE THREATS AND PROPOSED MITIGATION METHODS

Describe the Eligible Entity’s assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report

¹³ <https://le.utah.gov/~2018/bills/static/SB0189.html>

meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO (See headings a through e of Section 2.11.1 below):

The state of Utah has identified climate threats and proposed mitigation methods in the Utah State Hazard Mitigation Plan¹⁴ (SHMP), adopted in 2019. There are also regional¹⁵ and local¹⁶ hazard mitigation plans and County Resource Management Plans for specific cities and counties throughout Utah.

The primary risks identified in the SHMP for Utah are:

- Avalanche
- Climate Change
- Dam Failure
- Drought
- Geologic Hazards (Earthquake, Landslides, etc.)
- Flood
- Severe Weather
- Space Weather
- Wildfire

The hazards which have been identified as having the highest hazard probability per year in Utah are floods (4231%), flash floods (3631%), and earthquakes greater than or equal to 3.0 (790%). Additional hazards with high hazard probabilities per year include dense fog events (396%), lightning with injuries (233%), avalanches with fatalities (193%), high wind events (158%), earthquakes greater than or equal to 4.0 (133%), wildfires (131%), and hail events (128%).¹⁷

a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings.

The Utah SHMP has information regarding geographic areas at risk for each of Utah’s primary risk factors. Pages 43 through 46 of the report show the hazards and their locations that have resulted in Presidential Disaster Declarations.

The Utah Hazard Mitigation website has a web page for each of the primary risk factors in Utah. These web pages contain all the maps showing the areas in which the identified hazards pose the highest risk.

¹⁴ Utah Department of Public Safety. Utah Hazard Mitigation Plan. <https://hazards.utah.gov>

¹⁵ Utah Department of Public Safety. Regional Hazard Mitigation Plans. <https://hazards.utah.gov/regional-hazard-mitigation-map/>

¹⁶ Utah Department of Public Safety. Local Hazard Mitigation Plans. <https://hazards.utah.gov/local-hazard-mitigation-plans/>

¹⁷ Utah Department of Public Safety. Utah Hazard Mitigation Plan. <https://hazards.utah.gov/wp-content/uploads/Utah-SHMP-Ch3-Hazard-Identification.pdf> (p. 39).

- Avalanche – <https://hazards.utah.gov/avalanche/>
- Climate Change – <https://hazards.utah.gov/climate-change/>
- Dam Failure – <https://hazards.utah.gov/dam-failure/>
- Drought – <https://hazards.utah.gov/drought/>
- Geologic Hazards (Earthquake, Landslides, etc.) – <https://hazards.utah.gov/geologic-hazards/>
- Flood – <https://hazards.utah.gov/floods/>
- Severe Weather – <https://hazards.utah.gov/severe-weather/>
- Space Weather – <https://hazards.utah.gov/space-weather/>
- Wildfire – <https://hazards.utah.gov/wildfire/>

b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons.

The hazards that pose the greatest risk to broadband infrastructure and deployment are excessive snowpack, avalanches and mudslides, wildland fires, and earthquakes. Sections c and d details the risks these hazards pose to broadband infrastructure and deployment and how to mitigate those risks.

c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment.

Utah has harsh winters that make it very difficult to install buried fiber optics or other broadband infrastructure (such as poles or towers) in the ground during certain seasons. The average temperature lows from November to through mid-March are below freezing. Depending on the city in Utah, snow falls can range from 1.8 - 458 inches.¹⁸ This means that the construction season for deploying increased broadband access is not a year-round activity, but is typically limited from March through November.

Winters in Utah typically bring significant snowpack to Utah’s mountains, thereby creating a risk for avalanches. In the spring when the snow melts, this snow creates a risk for mudslides.²⁰ These risks can both be mitigated by burying the infrastructure in the ground to reduce exposure.

A significant obstacle related to weather/climate is wildland fires. Utah is the second driest state in the nation and has seen a significant increase of wildland fires over the past 20 years.²¹ This is due to a variety of factors, including vegetation drying out, topography, weather, fuel sources, precipitation, and temperature changes. Wildland fires are a significant risk for aerial/above-ground installation of poles and cables as the materials are combustible. To mitigate that risk, ISPs and other entities often prefer to bury their infrastructure in the ground for greater protection.

¹⁸ <https://www.abc4.com/news/snowiest-cities-in-utah/>

¹⁹ <https://rssweather.com/climate/Utah/Salt%20Lake%20City/> Climate for Salt Lake City, Utah

²⁰ <https://hazards.utah.gov/geologic-hazards/>

²¹ <https://hazards.utah.gov/drought/#:~:text=Utah%20is%20the%20second%20driest,aquifers%20are%20refilled%20by%20snowmelt;> <https://hazards.utah.gov/wildfire/>

Another obstacle for weather and climate is the risk of earthquakes. There are many earthquake faults that run through the state, and ISPs and other entities must take preventative measures to protect against damage by ensuring structures are adequately constructed to meet building earthquake codes and utilizing buried conduits for cabling.²²

In the case of all hazards, network redundancy will ensure that broadband connections can remain uninterrupted when a hazard occurs in one area of the network.

d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified.

For the identified weather and climate hazards, during the application review process UBC may require that subgrantees in weather-vulnerable geographic areas of Utah implement some or all of the following mitigation measures.

- Incorporating climate resilience into infrastructure design.
- Developing emergency response plans and communication strategies to ensure timely and effective response to extreme weather events.
- Where feasible, ensure network redundancy

Due to increased costs involved with installation methods that mitigate climate risks, the broadband center will use their discretion when evaluating proposals.

Additional mitigation measures not listed may be required by UBC.

e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized and addressed and that the most up-to-date tools and information resources are utilized.

UBC will continually implement the screening process over the life of the program to ensure that evolving risks are understood, characterized, and addressed. The most up-to-date tools and information resources, including the State Hazard Mitigation Plan, will be utilized to ensure that broadband deployment plans remain effective in addressing climate threats. UBC may update program materials including but not limited to programmatic guidelines and applications. UBC will encourage all subgrantee applications to implement climate-resilient designs and construction methods.

The Utah State Hazard Mitigation Plan²³ outlines a plan for addressing threats of severe weather events within Utah and proposed mitigation methods. By identifying vulnerable areas, hazards, and risks, and implementing mitigation measures, UBC can minimize the impacts of weather risks on infrastructure, human health, and the economy. Annual repetition of the screening process and updates to the plan will ensure that UBC is prepared to address evolving severe weather events.

2.11.1.1 Supporting Documentation for Climate Assessment (Optional Attachment)

As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

²² <https://hazards.utah.gov/geologic-hazards/>

²³ Utah Department of Public Safety. Utah Hazard Mitigation. <https://hazards.utah.gov>

The Utah Department Of Public Safety, Division Of Emergency Management created a Utah State Hazard Mitigation Plan in 2019. It can be found at the following link:

<https://hazards.utah.gov/wp-content/uploads/Utah-State-Hazard-Mitigation-Plan-2019.pdf>

2.12 Low-Cost Broadband Service Option **(Requirement 16)**

2.12.1 Required Subgrantee Low-Cost Broadband Service Option

Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO (See headings a through d of Section 2.12.1 below):

2.12.2 Check Box Response

Yes

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs).**
- b. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices).**
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate.**
- d. Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.**

Adoption and affordability efforts are vital aspects of the success of BEAD projects. Applicants shall demonstrate the affordability of the products and services within the Proposed Funding Areas, addressing current barriers to broadband access in their project proposal. Applicants are encouraged to partner with housing agencies to leverage programs benefiting residents in multi-dwelling units. Applicants are required to participate in the FCC's Affordable Connectivity Program (ACP). An applicant must be a registered ACP participant or have an ACP application submitted prior to the closure of the BEAD application window. Applicants must include the following in their narrative:

1. Describe any activities planned to increase adoption awareness
2. Describe resources the applicant will be contributing to the adoption efforts, such as digital literacy training, marketing campaigns, surveys, and low-cost service options
3. Provide supporting documentation demonstrating the organization's participation in subsidy programs to optimize digital inclusivity and adoption including partnering with school districts to raise awareness of subsidy programs such as Lifeline, Affordable Connectivity Program, or the

Emergency Connectivity Fund

To encourage high subscription and adoption, there shall be no installation fee charged to consumers while providers are installing the infrastructure and until the final inspection by UBC. Thereafter,

installation fees can be no more than \$300. Recurring monthly fees for low-cost options in rural areas shall be no more than \$55/month for eligible households that qualify for ACP (or its successor program) and no more than \$30/month in urban areas (or any area not defined as rural) for eligible households that qualify for ACP.

Rural is defined by Utah Code 63N-2-103 as:

- i. county of the third, fourth, fifth, or sixth class; or
- ii. municipality that has a population of 10,000 or less and the municipality is in a county of the second class²⁴

Each low cost broadband service option shall provide at a minimum the following:

- 100/20 Mbps consistent speeds
- Latency no more than 100 ms
- No data caps or usage-based throttling
- Allow eligible subscribers to upgrade to a new low-cost plan at no cost if one becomes available
- Access to ACP (Affordable Connectivity Program)
 - Subgrantees are required to show they offer an ACP eligible plan to all locations they serve in the state, not only BEAD awarded locations, prior to applying for BEAD

For rural low-income customers the following support may be used to further lower the monthly cost: \$30/ACP; \$9.25 Federal Lifeline; \$3.50 State Lifeline; \$7.00 state of Utah wholesale low-cost support for rural areas. This would bring the potential monthly cost in rural areas awarded to \$5.25. Subsidies for tribal areas include ACP at \$75/month and/or \$34.24 for FCC Tribal Federal Lifeline. If ACP is defunded, the state of Utah does not have any other options to fund a program similar to the ACP. The low-cost options requirements for BEAD recipients would remain as required in the current program.

The Utah Statewide Digital Equity Plan (Goal 5) aligns with the above low-cost broadband initiatives by advocating for partnerships with ISPs to create affordable plans costing no more than 2% of a household's income, which is in harmony with the low-cost service options, and emphasizing capped installation fees and monthly charges for eligible households.

Over time, providers are likely, and are encouraged, to increase speeds and may need to make price changes in the normal course of business due to, among other things, increased costs. Providers may monitor economic trends and may request the UBC revisit and adjust for inflation and increased costs as needed such as government fees, especially in response to significant economic changes. Consideration for Economic Hardships: Low-income users or those facing economic hardships will be protected from price increases unless the Lifeline program or the ACP increases in equal step with any monthly service increases due directly to inflation.

²⁴ From REDTIF definition Utah Code 63N-2-103
https://le.utah.gov/xcode/Title63N/Chapter2/63N-2-S103.html?v=C63N-2-S103_2021050520210701

Checkbox: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

2.12.2 CERTIFICATION FOR SUBGRANTEE PARTICIPATION IN ACP

Check Box: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

Yes



2.13 MIDDLE-CLASS AFFORDABILITY PLANS (REQUIREMENT 20)

2.13.1 PLAN FOR MIDDLE-CLASS AFFORDABILITY OF HIGH-QUALITY BROADBAND

Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

Each year the FCC publishes a monthly broadband price benchmark for fixed service. This benchmark is used to ensure recipients of high-cost universal service have at least one fixed (non-mobile) broadband service below this rate. For example, the 2023 [FCC Urban Rate Survey Broadband Methodology Report](#) rate for 100/20 Mbps with an unlimited capacity allowance (GB) is \$105.03. The FCC's national urban benchmark for 1Gbps/500Mbps is \$142.75.

Affordability of broadband services is a priority for UBC to fully ensure universal accessibility in addition to universal service for all Utahns. The UBC has established an office of Digital Access to collaborate with stakeholders to strategize ways to overcome barriers to access including affordable service plans. In conjunction with the members of the Utah Broadband Alliance, UBC seeks collaboration regarding ways to ensure universal access. Through the BEAD Infrastructure Grant (BIG) process, we are encouraging a robust competition and invite all interested providers large and small to participate. Entry is open and competitive and our office is open to discussion and negotiations. Utah has more than one successful model of open access that many of our cities have utilized to bring access and affordability to their citizens. UBC supports and encourages this model, but also understands the model will not work in all communities due to remoteness, density, or other factors. One point for open access will be given to applicants who can provide a strong model and show community support for it. UBC will not and does not intend to regulate rates, but as with any grant incentive of the Governor's Office of Economic Opportunity which encourages economic growth, the UBC will provide incentives in the scoring to encourage the economic opportunities and overall wellbeing and quality of life for individuals desiring to participate fully in modern society with online access. The strategy of the UBC includes the following:

- BEAD subgrantee selection scoring criteria for open access in unserved communities where no less than 80% of the UPFA is unserved
- BEAD subgrantee selection scoring criteria for incentivized service plan

- Encourage subgrantees to provide the same middle-class affordability price tiers to all of its service areas within the state of Utah

BEAD Subgrantee Selection Scoring Criteria

While we respect the FCC's urban benchmark, UBC believes the middle-class affordability standard in Utah can be better. To encourage economic growth and prosperity to its citizens while providing another competitive layer to the grant process to ensure a service provider dedicated to the needs of the community, additional points can be obtained through offering lower monthly cost options. The points assigned to affordability in the scoring criteria established in the Subgrantee Selection Scoring are a means to ensure high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices and encourage all service providers to competitively provide similar or better rates to their non-BEAD-funded areas.

Affordability will form 15% of the total available scoring to prospective subgrantees. Researching various providers' websites serving Utah in both rural and urban, UBC was encouraged and pleased to find that many provided Gig symmetrical speed for \$70 per month and has based the incentive on this benchmark. For each Project Funding Area, and based on the FCC's national urban benchmark for 1Gbps/500Mbps, each applicant offering symmetrical gigabit service for \$70, or less, per month, inclusive of all taxes, fees, and charges billed to the customer, will receive the full 15% scoring, while other applications will receive a percentage of points up to the urban benchmark of \$142.75 reflective of the distance from the target price of \$70 or less.

Recommended Service Plan

To be eligible to receive maximum points for affordability, the prospective subgrantees must provide the recommended service plan to the entire proposed Project Funding Area (i.e., the affordable low-cost option must be made available to all prospective customers anywhere within the Project Funding Area as well).

The recommended service plan must meet, at a minimum, the following criteria:

- Total package costs \$70 per month or less, inclusive of all taxes, fees, and charges billed to the customer, for 1 Gbps service that consistently, verifiably, and reliably provides 1 Gbps download and upload speeds
- Total package costs \$30 per month or less in urban areas and \$60 or less in areas defined as rural, inclusive of all taxes, fees, and charges billed to the customer, for 100/20 Mbps service that consistently, verifiably, and reliably provides 100 Mbps download and 20 Mbps upload speeds
- Must provide service installation within 10 business days of service request. Waivers for high cost, remote, seasonal homes will be considered. In areas where no technology other than LEO satellites are available or economically feasible, the monthly fee will be no more than \$110/month.
- Provides latency measurements of no more than 100 milliseconds
- Is not subject to data caps, surcharges, or usage-based throttling, and is subject to the same acceptable use policies offered to other home subscribers of other internet access service plans
- Enforceable commitment to not raise the \$60 per month for the 100/20 Mbps service for five

years from the infrastructure deployment date for each BSL²⁵

- Enforceable commitment not to raise the Middle Class Affordability offering per month for the 1 Gbps symmetrical service for five years from the infrastructure deployment date for each BSL
- UBC recommends to provide service outage credits, measured at 1/30 of the monthly rate per day for an outage of over 12 hours
 - Will waive installation charges for any service installation that exceeds the 10-business day commitment
 - The plan is well-marketed, publicly available, and easily accessible

This recommended service plan applies to Priority Broadband Projects, Other Broadband Deployment Projects, and Hybrid Broadband Deployment Projects.

For middle-class affordability, Goal 5 of Utah's Statewide Digital Equity Plan supports the adoption of affordable plans through coordinated outreach and digital navigator programs. This aligns with the middle-class affordability plans that require ISPs to provide plans meeting or exceeding the FCC's high-speed internet definition, which is crucial for households above the low-income threshold but still in need of affordable options.

The low-cost option, as well as all other offered plans, must be available for any ACP subsidy toward the plan's rate. In High-Cost areas, as defined by the BEAD program, the maximum ACP subsidy may be up to \$75. (ISPs serving those areas must apply to the FCC to offer the higher ACP and aren't guaranteed to be approved for it.) Assuming a \$70 per month plan in these areas, a refundable credit to the subscriber will not be allowed, in accordance with the regulations contained in 47 CFR §54.1808. The low-cost option and ACP subsidy description and subscriber application must be offered in all contracts with potential subscribers including monthly bills, calls or emails to customer service representatives and prominently displayed on the provider website for online inquiry.



2.14 USE OF 20 PERCENT OF FUNDING (REQUIREMENT 17)

2.14.1 PLANNED USE OF 20 PERCENT OF FUNDING

Describe the Eligible Entity's planned use of any funds being requested, which must address the following: If the Eligible Entity is requesting more than 20% (up to 100%) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations and provide rationale for requesting funds greater than 20% of the funding allocation.

UBC requests 100% of Utah's BEAD funding allocation upon approval of the Initial Proposal.



²⁵ Over time, providers are likely, and are encouraged, to increase speeds and may need to make price changes in the normal course of business due to, among other things, increased costs. Providers may monitor economic trends and may request the UBC revisit and adjust for inflation and increased costs such as government fees as needed, especially in response to significant economic changes. Consideration for Economic Hardships: Low-income users or those facing economic hardships will be protected from price increases unless the Lifeline program or the ACP increases in equal step with any monthly service increases due directly to inflation.

 Intended Use of Funds		
<i>Category</i>	<i>Budget Allocation</i>	<i>Budget Percentage</i>
Deployment Costs	\$301,529,754	96.52%
Programmatic Expenses	\$8,351,170	2.67%
Administrative Expenses	\$2,518,818	0.81% 
Non-Deployment Expenses	\$0	0%

UBC believes that it is in the best interest of Utahns to have immediate access to the full allocation as it will provide greater certainty for potential subgrantees. By having access to the full allocation of funds, cost savings can be achieved by avoiding delays and providing for implementation of broadband infrastructure projects as soon as subgrantee contracts are finalized. Therefore, UBC requests the full allocation, as it will enable the state to deliver on BEAD’s statutory objectives while ensuring the successful deployment of broadband infrastructure projects in an efficient and timely manner.

Deployment Costs

UBC is seeking an allocation of 96.52% of the total BEAD funds to support implementation and deployment activities, in accordance with the NTIA guidance for “Eligible Entity Deployment Activities.” Examples of activities that will be supported by the deployment cost allocation include the following:

-  • Construction and deployment of broadband infrastructure projects in unserved areas, underserved areas, and eligible CAIs identified in the project areas.
-  • Design, engineering, and installation of equipment and systems needed to deliver broadband services in the identified unserved and underserved areas.
- Conducting environmental and historical preservation compliance reviews for the broadband infrastructure projects.
- Conducting feasibility studies to determine the cost and effectiveness of deploying broadband infrastructure projects in the identified unserved and underserved areas.
- Monitoring progress and ensuring compliance with all applicable state and federal regulations.
- Performing testing and acceptance of broadband infrastructure projects.
- Project management and supervision of broadband infrastructure project construction.
- Integrating broadband networks into existing systems.

UBC believes this allocation is necessary to ensure efficient implementation and deployment of broadband infrastructure projects, enabling the state to accomplish the objectives of the BEAD program.

Programmatic Expenses

UBC is seeking an allocation of 2.67% of the total BEAD funding allocation to support programmatic activities. Examples of activities that will be supported by the programmatic cost allocation include the

following:

- Planning and development of the Final Proposal
- Design and implementation of state challenge process
- Local broadband plan development
- Development, management, and implementation of the subgrantee selection process, including pre-registration, selection, challenge, rebuttal, and adjudicative processes.
- Deduplication procedures (pre- and post-challenge process).
- Development and refinement of cost models for the Extremely High Cost (EHC) threshold and BEAD minimal outlay calculations.
- Grant development, administration, management, reporting, monitoring, and compliance specific to BEAD subgrantee awards.
- Monitoring subgrantee performance through grant agreements and enforceable commitments.
- Local coordination focused on infrastructure planning with local, regional, and Tribal entities.
- Data collection to support mapping, analysis, and program development.
- Mapping including funding areas, public-facing maps, and dashboards.
- Efficient disbursement of funds and fiscal management processes.
- Travel necessary for BEAD activities

Administrative Expenses

UBC recognizes that accomplishing the objectives of the BEAD Program will require significant administrative resources to achieve universal broadband coverage in Utah. As such, we are requesting 0.81% of the total BEAD funding allocation to support additional administrative resources to ensure the successful implementation of the BEAD Program. Additional administrative resources are needed to process, evaluate, and accomplish the rigorous timelines of the BEAD Program. These administrative resources will comprise the UBC and Governor's Office of Economic Opportunity employees and third-party personnel required to supervise and oversee the selection process, deployment, and reporting of subgrantee awards through the following activities:

- Staffing requirements
- Project management and administration
- Reporting necessities and coordination with other federal, state, and local programs.
- Agency coordination

Non-Deployment Expenses

At this time, UBC does not anticipate any funding availability for non-deployment expenses. If funds are available after the deployment subgrantee selection process, UBC will fund non-deployment expenses according to the process described in section 2.5 of this document.

2.14.2 INITIAL PROPOSAL FUNDING REQUEST

Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter '\$0.00.'

UBC will request \$312,399,741.54.

2.14.3 CERTIFICATION TO ADHERENCE OF BEAD REQUIREMENTS

Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable."

UBC certifies that they will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 ELIGIBLE ENTITY REGULATORY APPROACH (REQUIREMENT 18)

2.15.1 WAIVER OF LAWS FOR ELIGIBLE ENTITIES

- a.** Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

At this time, there are no plans to waive any Utah laws concerning broadband, utility services, or similar subjects.

- b.** If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

See [Appendix C, Eligible Entity Regulatory Approach](#).

2.15.1.1 Supporting Documentation for Applicable Laws (Optional Attachment)

Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

2.16 CERTIFICATION OF COMPLIANCE WITH BEAD REQUIREMENTS (REQUIREMENT 19)

2.16.1 CERTIFICATION FOR INTENT TO COMPLY WITH BEAD PROGRAM

Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

UBC certifies that it intends to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 CERTIFICATION FOR INTENT TO COMPLY WITH BEAD PROGRAM

Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO (See headings a through d of Section 2.16.2 below)

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize).**

BEAD subgrantees will submit documentation for reimbursement of eligible expenses on a quarterly basis, in conjunction with their regular report cadence and upon verification that project milestones have been completed. Before reimbursement is released to subgrantees, their semiannual reports will be reviewed by UBC. If the reports are deemed insufficient or incomplete, funds will be withheld until the issues are resolved. The final grant payment will be withheld until after project completion and network activation is verified by UBC.

- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee.**

Contracts with subgrantees receiving BEAD funds will include clawback provisions in the case that the subgrantee has not delivered the agreed-upon service, which may include a failure to complete the project within the agreed-upon timeline. Clawback provisions such as the following may be included.:

To the extent that an inspection or a future audit shows: (i) that Grantee has not expended Grant funds in accordance with the Broadband Equity, Access, and Deployment Grant Program requirements, the terms of the subgrant agreement, or Federal requirements, as applicable (i.e., Final Treasury Rule), or (ii) the Grantee has used the Grant to pay for ineligible costs; then Grantee shall be required to repay those funds to the State. Grantee agrees to pay any associated collection fees, court, attorney's fees and costs, incurred by the State in collection efforts or caused by the Grantee's breach of this Agreement

- c. Timely subgrantee reporting mandates.**

Subgrantees will be required to submit quarterly reports on project progress. These reports will be reviewed for technical and programmatic compliance by qualified reviewers and project milestone completion will be reviewed before releasing additional funds to the subgrantees.

d. Robust subgrantee monitoring practices.

In addition to the quarterly reports, BEAD project subgrantees will be subject to regular monitoring activities such as site visits or desk audits to verify that projects are completed in accordance with the contract and with BEAD program requirements. These site visits may happen at least once a year during project construction. Any project changes must be approved by UBC in advance.

2.16.3 CERTIFICATION FOR SUBGRANTEE CIVIL RIGHTS AND NON-DISCRIMINATION

Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

UBC certifies that they will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees. In addition to other BEAD requirements which will be included in the grant contract, the grant contract will contain this standard provision in the Standard Terms and Conditions:

EMPLOYMENT PRACTICES: Grantee agrees to abide by federal and State employment laws, including: (i) Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e) which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; (ii) Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; (iii) 45 CFR 90 which prohibits discrimination on the basis of age; (iv) Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disabilities; and (v) Utah's Executive Order, dated December 13, 2006, which prohibits unlawful harassment in the workplace.

Grantee further agrees to abide by any other laws, regulations, or orders that prohibit the discrimination of any kind by any of Grantee's employees.

2.16.4 CERTIFICATION FOR MANAGEMENT OF CYBERSECURITY AND SUPPLY CHAIN RISK

Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

1. The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either:
 - a. Operational, if the prospective subgrantee is providing service prior to the award of the grant; or
 - b. Ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
2. The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth

in Executive Order 14028 and specifies the security and privacy controls being implemented;

3. The plan will be reevaluated and updated on a periodic basis and as events warrant; and
4. The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

1. The prospective subgrantee has a SCRM plan in place that is either:
 - a. Operational, if the prospective subgrantee is already providing service at the time of the grant; or
 - b. Ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
2. The plan is based upon the key practices discussed in the [NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations](#) and specifies the supply chain risk management controls being implemented;
3. The plan will be reevaluated and updated on a periodic basis and as events warrant; and
4. The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

2.16.4 Checkbox Response: Yes

2.17 VOLUME II PUBLIC COMMENT

2.17.1 PUBLIC COMMENT PERIOD PROCESS

Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

A high-level summary of the comments received during the public comment period and how UBC addressed them in this document will be added following the completion of the public comment period.

- a. The public comment period was no less than 30 days.**

The public comment period was held from November 15, 2023 to December 15, 2023.

- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.**

Outreach and Engagement Activities for BEAD Initial Proposal Volume 2 Public Comment Period: November 15 - December 15, 2023

To ensure a comprehensive and inclusive approach to gathering feedback on the BEAD Initial Proposal Volume 2, the Utah Broadband Center (UBC) expanded its outreach and engagement activities to include a wider array of stakeholders, each with unique perspectives on broadband access and digital equity in Utah. The following summarizes these efforts:

1. **Press Release:** Issued by the Governor's Office of Economic Opportunity to publicize the draft document and invite public comments.
2. **Email Newsletter Communications:**
3. **To Counties and Cities:** Targeted newsletters to local government bodies for participation encouragement.
4. **To ISPs and Stakeholders:** Communications to ISPs and stakeholders to emphasize the importance of their input.
5. **Governor's Office Newsletter:** Circulated to highlight the BEAD Initial Proposal's significance and call for public feedback.
6. **Outreach Meetings with Stakeholders:** Engaging directly with key groups to discuss the BEAD proposal.
7. **Utah Digital Opportunity Network:** Meetings focused on gathering feedback from Digital Equity practitioners.
8. **Rural Communities and Representatives:** Phone calls and outreach presentations to rural leaders and organizations.
9. **Navajo Nation Tour:** Engaging with Utah Chapters in October 2023.
10. **Meetings with Rural County Commissioners and City Managers:** Involving areas like San Juan County, Bear River AOG, and Vernal City.
11. **Educational Institutions and Libraries:** Collaboration with Utah State Library staff and local libraries.
12. **Healthcare Providers and Telehealth Services:** Regular meetings with entities like the Northwest Regional Telehealth Resource Center and UETN.
13. **Business and Economic Development Organizations:** Partnership with the New American Task Force for workforce development initiatives.
14. **Tribal Governments and Native American Communities:** Collaborating with the Utah Division of Indian Affairs for effective tribal outreach.
15. **Seniors and Organizations Serving Older Adults:** Partnership with the Utah Commission on Aging for input on improving digital access for aging individuals.
16. **Disability Advocacy Groups:** Meetings to discuss accessibility requirements and encourage participation in the comment period.
17. **Technology and Innovation Sectors:** Engagements with Silicon Slopes, Transcend International, and other tech leaders supporting digital equity projects in Utah.

18. Utility Companies and Infrastructure Providers: Meetings with groups like the Navajo Tribal Utilities Administration and the Utah Rural Telecom Association.

These efforts represent UBC's commitment to incorporating diverse viewpoints and ensuring that the final BEAD proposal effectively addresses the broadband and digital equity needs of all Utahns.

Public Comment Period for BEAD Initial Proposal Volume 2: November 15 - December 15, 2023

A copy of the draft document for Volume 2 of the BEAD Initial Proposal was available for public comment from November 15 to December 15, 2023. This followed the precedent set by the public comment period for Volume 1, which was held from September 14 to October 14, 2023.

During the comment period for Volume 2, extensive outreach efforts were undertaken to encourage stakeholder engagement. This included a press release from the Governor's Office of Economic Opportunity, targeted email communications to various stakeholder groups throughout Utah, and announcements at key meetings, such as the Connecting Utah meeting, the Statewide Online Education Program meeting, the Broadband Infrastructure Collaboration Cohort meeting, and the Utah Technology Coordinators Council meeting.

Summary of Public Comments and Recommendations on Volume 2 of the BEAD Initial Proposal:

The public comment period for Volume 2 generated a total of 87 comments, reflecting a diverse range of perspectives and concerns. The dominant themes among these comments, after omitting and reorganizing repeated comments, were:

1. Bulk Managed WIFI System (2 comments)
2. Marketing and Public Awareness Campaigns for Awardees (2 comments)
3. Dissatisfaction with the Plan (1 comment)
4. Support for "Broadband-Ready Communities" (1 comment)
5. Comments Referenced from a Previous Contributor, Benjamin (1 comment)
6. Human-I-T Digital Equity Services and Gratitude Expression for UBC (1 comment)
7. Suggestions on Evaluation of Eligible Locations, Flexible Project Areas, Fiber Deployment, Scoring Criteria, Middle Mile Funding, and More (1 comment)
8. Technical Neutrality and the Relation of Mobile Broadband (5G) to BEAD (1 comment)
9. Focus on Primary Residencies and Questions for UBC (1 comment)
10. Proposal for Utah HQ Businesses to be Given Preferential Bidding Rights for BEAD Projects (1 comment)

These themes represent the main areas of feedback, concerns, and suggestions from the public regarding the BEAD Initial Proposal, with each theme reflecting a specific area of interest or concern.

Consideration of Comments and Recommendations:

All comments and recommendations received during the public comment period were closely reviewed and considered. However, not all suggestions could be incorporated into the final plan. The primary reasons for exclusion were:

1. Variance from the Initial Proposal model.

2. Modifications set forth by NTIA that could not be adjusted.
3. Suggestions not applicable to Volume II.

Acknowledgement and Next Steps:

The Utah Broadband Center appreciates the feedback and input from stakeholders across the state. This engagement is invaluable as we move forward in the process to bring reliable, high-speed internet to every Utahn. We look forward to the next phase, leveraging the insights and recommendations from our community to enhance broadband connectivity throughout Utah.

2.17.2 SUPPLEMENTAL MATERIALS TO THE VOLUME II SUBMISSION **(OPTIONAL)**

Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

Subject to change. Pending NTIA Approval