

# Nebraska Broadband Office

Initial Proposal to the National Telecommunications  
and Information Agency  
Volume II

CONNECTING

NEBRASKA

## Table of Contents

Introduction .....	5
Initial Proposal Volume 2 .....	8
<b>2.1 Goals and Objectives (Requirement 1).....</b>	<b>9</b>
<i>Goal One: Bolster economic opportunity by connecting every Nebraskan household and business to high-speed internet.....</i>	<i>9</i>
<i>Goal Two: Expand digital inclusion and adoption to achieve affordability, access, and digital literacy.....</i>	<i>10</i>
<i>Goal Three: Enable Nebraska to thrive by fostering and supporting a digital economy.....</i>	<i>10</i>
<i>Goal Four: Develop robust collaboration across Nebraskan communities through strategic planning of broadband and digital equity to ensure that all unserved, underserved, and underrepresented communities are connected. ....</i>	<i>11</i>
<b>2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2) .....</b>	<b>11</b>
<i>Strategic Engagement Plan Timing and Objectives .....</i>	<i>13</i>
<b>2.3 Local Coordination (Requirement 4) .....</b>	<b>14</b>
<i>Tribal Coordination.....</i>	<i>18</i>
<b>2.4 Deployment Subgrantee Selection (Requirement 8).....</b>	<b>20</b>
<i>Program Overview.....</i>	<i>20</i>
<i>Create Defined Project Areas.....</i>	<i>21</i>
<i>RFA Development .....</i>	<i>22</i>
<i>Initiating the Subgrantee Selection Process and Scoring Approach.....</i>	<i>23</i>
<i>Fairness.....</i>	<i>26</i>
<i>Openness.....</i>	<i>27</i>
<i>Competitiveness.....</i>	<i>27</i>
<i>Subgrantee Accountability Procedures .....</i>	<i>28</i>
<i>Prioritization and Scoring.....</i>	<i>31</i>
<i>Project Category Selection Criteria.....</i>	<i>31</i>
<i>Scoring Methodology.....</i>	<i>31</i>
<i>Priority Broadband Projects Scoring.....</i>	<i>31</i>
<i>Primary Criteria for Priority Broadband Projects- Maximum 300 Points.....</i>	<i>32</i>
<i>Secondary Criteria for Priority Broadband Projects- Maximum 100 Points...35</i>	<i>35</i>
<i>Other Last-Mile Broadband Deployment Projects .....</i>	<i>41</i>
<i>Primary Criteria for Other Last Mile Deployments- Maximum 300 Points .....</i>	<i>41</i>
<i>Scoring Rubric.....</i>	<i>51</i>

Waiver of Matching Funds .....	52
<i>Prioritization of Unserved locations</i> .....	52
<i>Non-Deployment Use of Funds</i> .....	53
<i>Compliance with all Federal Build Regulations</i> .....	53
<i>Process for Defining Project Areas</i> .....	55
<i>If No Proposals Are Received</i> .....	58
Modifying The Defined Project Areas .....	59
Targeted Outreach to Service Providers .....	59
Tribal Governments' Consent .....	60
Extremely High Cost Per Location Threshold.....	60
Utilization of the EHCT .....	62
Financial Capability .....	63
Managerial Capability.....	67
Technical Capability .....	69
<i>Speed Test Requirements</i> .....	72
Compliance with Applicable Laws .....	72
Operational Capability.....	73
Ownership Information.....	75
Public Funding Information .....	76
<b>2.5 Non-Deployment Subgrantee Selection (Requirement 9) .....</b>	<b>78</b>
<b>2.6 Eligible Entity Implementation Activities (Requirement 10) .....</b>	<b>78</b>
<b>2.7 Labor Standards and Protection (Requirement 11).....</b>	<b>78</b>
<i>Applicant Proposal Scoring</i> .....	80
<i>Labor Regulations</i> .....	81
<b>2.8 Workforce Readiness (Requirement 12).....</b>	<b>83</b>
<i>Skilled and Credentialed Workforce Plan</i> .....	91
<b>2.9 Minority Business Enterprises (MBEs) / Women's Business Enterprises (WBEs) /</b>	
<b>Labor Surplus Area Firms Inclusion (Requirement 13) .....</b>	<b>93</b>
<i>Ensure MBEs, WBEs, and Labor Surplus Area Firms are Used</i> .....	95
<b>2.10 Cost and Barrier Reduction (Requirement 14) .....</b>	<b>96</b>
<b>2.11 Climate Assessment (Requirement 15) .....</b>	<b>98</b>
<i>Geographic Area Focus:</i> .....	99
<i>Flooding</i> .....	101
<i>Storms and Blizzards</i> .....	103
<i>Tornadoes</i> .....	104
<i>Wildfires</i> .....	105

*Weather and Climate Risks to New Infrastructure*..... 106

*Weather and Climate Risk Mitigation*..... 106

*Plans to Remain Up to Date on Evolving Risks*..... 107

**2.12 Low-Cost Broadband Service Option (Requirement 16)**.....108

*Ensure Participation in the ACP Program*.....110

**2.13 Middle Class Affordability Plans (Requirement 20)** .....110

**2.14 Use of 20 Percent of Funding (Requirement 17)** .....111

*Initial Proposal Funding Request (IPFR)*..... 112

*BEAD Program Requirements Certification*..... 112

**2.15 Eligible Entity Regulatory Approach (Requirement 18)**..... 113

**2.16 Certification of Compliance with BEAD Requirements (Requirement 19)** ..... 113

*Subgrantee Accountability Procedures* ..... 113

*Civil Rights and Nondiscrimination Certification* ..... 116

*Cybersecurity Compliance Certification* ..... 117

**Appendices** ..... 119

**Appendix A: Local Coordination Tracker**..... 120

**Appendix B: Tribal Coordination Notes** ..... 122

**Appendix C: Grant Scoring Rubric**..... 127

**Appendix D: SFHMP Plan Executive Summary**..... 129

**Appendix E: Public Comments** ..... 131



# Introduction

## Nebraska's Initial Proposal Volume 2

The Nebraska Broadband Office (NBO) is pleased to present its Initial Proposal Volume 2 (IPV2) for the Broadband Equity, Access, and Deployment (BEAD) program sponsored by the National Telecommunications and Information Administration (NTIA). This document includes NBO's plan for using the \$405 million of BEAD funding allocated to increase broadband deployment in Nebraska.

The following are requirements for the IPV2, as outlined in the BEAD Notice of Funding Opportunity (NOFO). Please note that Requirements 3, 5, 6, and 7 were addressed in Volume 1 of the Initial Proposal:

- [Requirement 1](#): Outline of 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.
- [Requirement 2](#): Identification and outline of steps to support local, Tribal, and regional broadband planning processes and ongoing efforts to deploy broadband.
- [Requirement 4](#): Description and certification of local coordination efforts.
- [Requirement 8](#): Detailed description of deployment subgrantee selection, including:
  - Pre-Application Intake Process, which includes public comment on both a Project Area Map and the BEAD grant program guidelines.
  - Application Intake Process, which includes the rollout of the application portal and how-to webinars.
  - Application Review Process, which includes the eligibility, compliance, and completeness review, as well as the administrative and scoring review and award recommendations.
  - Post Application Review Process, which includes the subgrantee award announcements and the appeals process.
- [Requirement 9](#): Plan for any non-deployment subgrantee selection.
- [Requirement 10](#): Description of initiatives NBO proposes to implement without making a subgrant.
- [Requirement 11](#): Description of how NBO will ensure subgrantees, contractors and subcontractors use strong labor standards and protections.
- [Requirement 12](#): Description of how NBO will ensure an available, diverse and highly skilled workforce.

- [Requirement 13](#): Description of how NBO will ensure that minority businesses, women-owned business enterprises and labor surplus area firms are recruited, used, and retained.
- [Requirement 14](#): Steps NBO will take to reduce costs and barriers to deployment.
- [Requirement 15](#): Assessment of climate threats within Nebraska and proposed mitigation methods.
- [Requirement 16](#): Description of the low-cost broadband service option that must be offered by subgrantees.
- [Requirement 20](#): Description of middle-class affordability plan.
- [Requirement 17](#): Description of planned use of 20% of funding allocation, if any.
- [Requirement 18](#): Description of NBO's regulatory approach.
- [Requirement 19](#): Certification of NBO's intent to comply with all applicable requirements of the program, including the reporting requirements.

After a 30-day public comment period from November 13, 2023, to December 13, 2023, NBO considered all comments received and updated this document. NBO will submit this document to NTIA for approval, and once secured, Nebraska will be eligible to initiate the BEAD Challenge Process, marking a significant step toward addressing digital disparities in Nebraska.



# Initial Proposal Volume 2



## 2.1 Goals and Objectives (Requirement 1)

2.1.1 *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.*

Based on June 2023 data, 12% -15% of Nebraska's addresses are unserved or underserved by broadband service, which means that approximately 104,000 households lack acceptable access to the internet. One significant driver of limited broadband access is an unfavorable business case for investment, especially in rural areas. Key drivers of the adoption gap are affordability, devices, and literacy. The goals and objectives below were first published in the Five-Year Action Plan and were designed to address gaps to expand access and close the digital divide.

### ***Goal One: Bolster economic opportunity by connecting every Nebraskan household and business to high-speed internet.***

Universal access to broadband will bring significant economic opportunities. Developing high-speed networks, however, is an expensive proposition. Network deployment should maximize the scalability of that network to minimize future investments required to meet evolving consumer needs. This concept is referred to as the deployment of a "future proof" network. The State's broadband policies give preference to symmetrical speeds of 100/100Mbps or higher. The grant program design must be nimble and competitive as Nebraska is a high-cost state and criteria will include incentives for investment in rural areas with critical need. Successful grant applicants will include both last and middle mile infrastructure and where necessary, may involve the use of alternative technologies.

#### **Supporting Objectives:**

- Target State grants and programs to unserved or underserved areas where private investment alone cannot sustain the investment needed to provide 100/100 Mbps broadband service.
  - Maximize private funding and investment in broadband buildouts to provide broadband service of 100/100Mbps and, where not practical, 100/20Mbps scalable to 100/100Mbps in Nebraska's most hard-to-serve areas.
  - Utilize the best available location-level mapping and analytics to assess areas of critical need and to target areas that require subsidies.

## ***Goal Two: Expand digital inclusion and adoption to achieve affordability, access, and digital literacy.***

Connecting all Nebraskan households to high-speed internet access requires investment in digital equity. Nebraska's digital equity efforts are focusing on affordable access to service, access to internet-enabled devices, and digital literacy. The Nebraska State Digital Equity Plan will support the digital equity strategies of the Nebraska Strategic Broadband Plan and provide more detail.

### **Supporting Objectives:**

- Conduct a landscape analysis of existing digital literacy programs and develop strategies to address any gaps.
- Leverage E-rate special construction and ensure that connectivity to network infrastructure is available during emergencies.
- Address broadband affordability.
- Expand digital literacy training and support throughout Nebraska.
- Expand access to digital devices.

## ***Goal Three: Enable Nebraska to thrive by fostering and supporting a digital economy.***

The state plays an important role in supporting the digital economy. Supporting and funding programs that address labor shortages, implementing digital government strategies, removing administrative barriers, increasing efficiencies, and aligning broadband efforts with existing programs will all help foster the digital economy.

### **Supporting Objectives:**

- Encourage the utilization of broadband technology to create efficiencies for key industries and constituencies within the state.
- Grow workforce development programs to prepare and support industry to address labor shortages in targeted industries.
- Improve delivery of government services by leveraging technology and facilitating a culture of innovation and efficiency among government agencies.
- Leverage strategies and public-private partnerships to improve the digital economy within Nebraska to maximize broadband investment.

## ***Goal Four: Develop robust collaboration across Nebraskan communities through strategic planning of broadband and digital equity to ensure that all unserved, underserved, and underrepresented communities are connected.***

Community resiliency is the ability to use available resources over the long-term to respond to needs. This can happen if there are systems in place to connect individuals and groups and allow them to coalesce to meet collective needs. Broadband is essential to enabling that interconnection. NBO will develop a model that encourages and empowers stakeholders to convene around shared goals and values to find solutions that will reduce the existence of the digital divide.

### **Supporting Objectives:**

- Develop regular forums by which broadband policy and decision making can be promulgated and feedback for such policy and decision making can be provided.
- Utilize robust collaboration to create local engagement by proactively developing local leadership capacity so that transparent informed local policy making can assist in providing broadband access to all Nebraskans.

## **2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)**

*2.2.1 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.*

The Nebraska Broadband Director identified stakeholders and stakeholder groups to develop an engagement model. Monthly meetings have been held with interested stakeholders; and those meetings will continue through 2023 and for the foreseeable future.

Formal tribal consultations began in February of 2023. Lines of communication are open with all four federally recognized tribes in Nebraska in addition to the three tribes not federally recognized in Nebraska but with land in the state. In-person meetings were held with the federally recognized tribes, Ponca Tribe of Nebraska on March 24, 2023, the

Winnebago Tribe of Nebraska on March 31, 2023, the Santee Sioux Nation, on April 11, 2023, and the Omaha Tribe of Nebraska on April 21, 2023. In addition, Nebraska state representatives attended in-person meetings led by other states with the Iowa Tribe of Kansas and Nebraska and the Sac and Fox Tribe of Missouri in early 2023. Detailed agendas were distributed in advance. After each engagement, meeting notes were shared and agreements to continue active engagement throughout Nebraska Broadband Equity, Access, and Deployment (NBEAD) planning and award process were made. In addition, a Nebraska Digital Equity Summit was held August 8, 2023, and the tribal groups participated in breakout sessions focused on the unserved and underserved populations. NBO will continue to actively engage with these tribal governments and will also involve the Nebraska Department of Transportation's (NDOT) Tribal Coordinator in the process.

NBO continues to utilize the strategic engagement plan formed early in 2023 and detailed below. In close partnership with the Office of the Chief Information Officer (OCIO) and the Nebraska Public Service Commission (NPSC), this model was successfully applied in development of the Five-Year Action Plan and this Initial Proposal.

1. Establishing a relationship and a respectful rapport between the targeted stakeholder groups and state government.
2. Providing a uniform, base understanding of the BEAD and Digital Equity Act Programs.
3. Sharing the PSC/NBO/OCIO planning and implementation timelines and ongoing engagement plans.
4. Gaining a high-level understanding and clarity on stake holder's understanding of the current state of broadband deployment and priority concerns.
5. Gaining a high-level understanding and clarity on stakeholder's understanding of the current state of broadband adoption and affordability and priority concerns.
6. Gaining a high-level understanding of the Internet Service Providers (ISP) interest and participation in deployment, priority concerns, and potential participation in other broadband deployment programs.
7. Establish feedback mechanisms to capture additional input from stakeholders.

## Strategic Engagement Plan Timing and Objectives

CY2023 Q1 Jan. 1 – March 31	CY2023 Q2 April 1 – July 12	CY2023 Q3 July 13 – Sept. 30	CY2023 Q4 Oct. 1 – Dec. 31
<ul style="list-style-type: none"> <li>• Developed coordination and outreach strategy.</li> <li>• Began Tribal Consultation process.</li> <li>• Began engagement with local government officials.</li> <li>• Began engagement with ISPs.</li> <li>• Began travel through state targeted outreach to specific groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Continued Tribal Consultation Process with dedicated Tribe meetings.</li> <li>• Statewide travel to engage with un- and underserved locations, targeted stakeholders, and historically excluded groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Synthesized and shared feedback with stakeholders.</li> <li>• Continued engagement with stakeholder groups through ongoing feedback mechanisms and DE session on August 8.</li> <li>• Began 30-day outreach starting Sep 14 in all eight NDOT districts during Initial Proposal comment period.</li> </ul>	<ul style="list-style-type: none"> <li>• Continued stakeholder engagement related to Initial Proposal V1 &amp;V2.</li> <li>• Conducted second 30- day outreach for second Initial Proposal comment period.</li> </ul>

In addition to the stakeholder meetings, for the development of the Five-Year Action Plan, an original round of nineteen community listening sessions were facilitated by the NPSC in April and May of 2023. When NBO was formed as part of NDOT, seven more sessions were added, adhering to the Federal Highway Administration’s guidelines for outreach, including two virtual session options. The sessions were held in the following communities:

- First Group: Grand Island, Niobrara, Norfolk, Valentine, Ainsworth, Stuart, O’Neill, Columbus, Sidney, Scottsbluff, Chadron, Alliance, Ord, Albion, Auburn, Wayne, Hastings, Beatrice, and Waverly.
- Second Group: Kearney, North Platte, McCook, Broken Bow, South Sioux City, Lincoln, and Omaha.

The full set of locations ensured full geographic coverage across Nebraska’s 77,358 square miles and NDOT’s eight districts. NBO utilized many tactics to advertise these open events such as press releases, email, social media, and digital and website messaging. In addition, community engagement groups helped with grassroots outreach to get to some of the harder-to-reach constituents.

The event formats varied and included listening sessions, town hall meetings, and stakeholder meetings to share information about broadband programs and funding and to solicit community feedback regarding broadband deployment and access. The NBO and Digital Equity (DE) Teams recognize the power of local knowledge and have leveraged these sessions to provide valuable input into the Five-Year Action Plan and more recently the Initial Proposal.

Engagement will continue with these stakeholders throughout the broadband network buildout. Several consistent themes were heard in the various meetings and discussions. The most common concerns were availability and affordability followed by privacy and security, skills, and devices. In August, these concerns were used as structure for an all-day summit. Breakout sessions were organized during the meeting to facilitate collection of additional ideas and input, which was used to inform the Initial Proposal and the State Digital Equity Plan.

NBO will continue to work with the state DE and Public Relations/Public Interest teams to coordinate outreach to the key stakeholder groups. Outreach and listening sessions are aligned to the public comment periods. The Initial Proposal Volume 1 listening sessions were held on September 25, 26, 27, and 28, and October 3, 4, 9, and 10 with a second round for Volume 2 held November 7, 8, 9, 11, 14, 15, 20, and 21.

## 2.3 Local Coordination (Requirement 4)

2.3.1 *Describe the coordination conducted, summarize the impact such impact 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.*

*Nebraska, The Good Life.* The state's theme conveys its admirable small-town feel of looking out for your neighbor and taking care of those in your community. These characteristics strongly influenced the strategies being employed for the BEAD Initial Proposal and DE plans. The BEAD and DE Plans were developed based on local coordination, outreach, messaging, and engagement.

As detailed in [Section 2.2.1](#), the Nebraska engagement plan met requirements of:

- Full geographic coverage.
- Meaningful engagement and outreach to diverse stakeholder groups.
- Utilization of multiple awareness and participation mechanisms.
- Establish, document, and adhere to clear procedures to ensure transparency.
- Outreach and engagement to unserved and underserved communities.

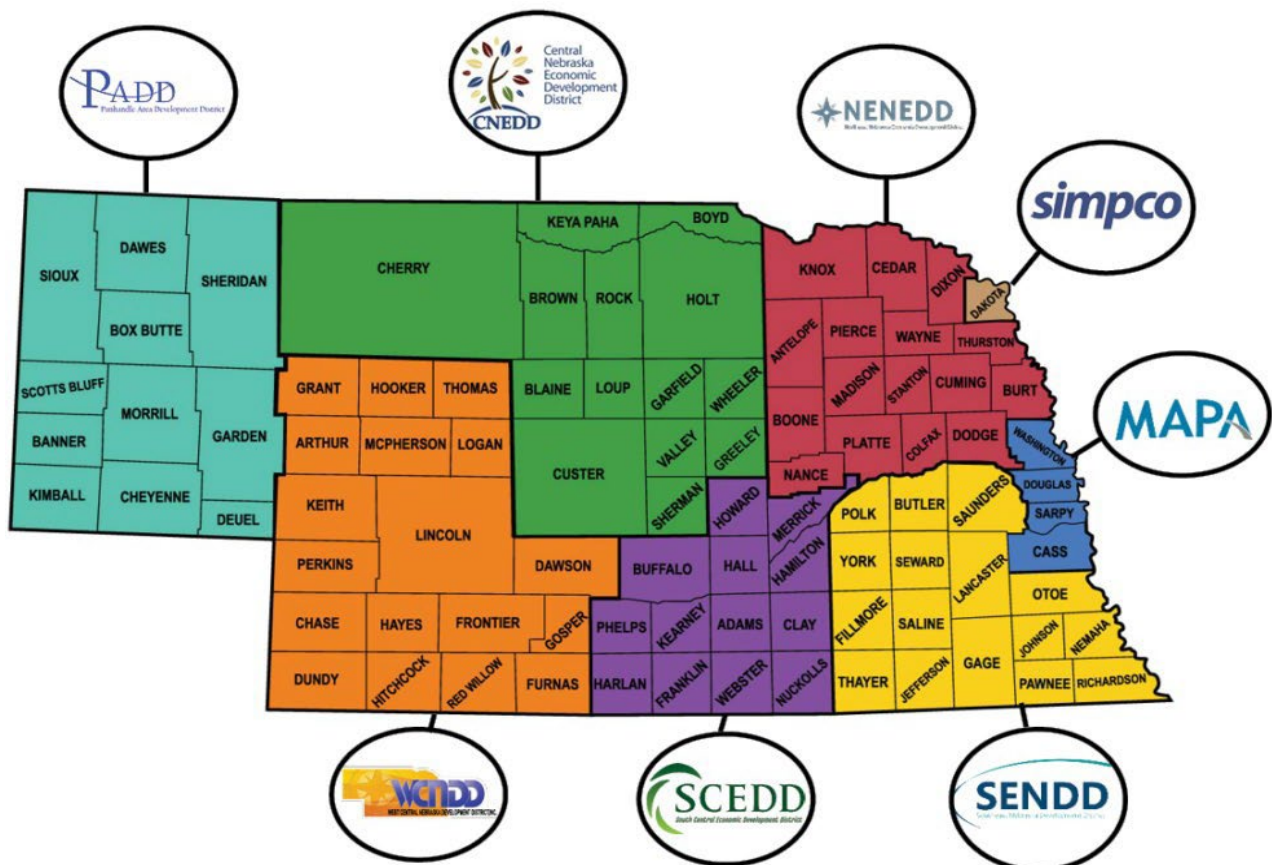
The attached Local Coordination Tracker ([Appendix B](#)) has the details of an extensive outreach plan to over 500 local organizations, including libraries, schools, hospitals, and community groups representing the aging population, tribal groups, veterans, immigrants, workforce organizations, local government, economic development districts, local businesses, ISPs, agricultural groups, and communities across the state.

NBO has adopted the communication protocols used for transportation changes as part of NDOT. Listening sessions, press releases, social media, websites, email, and even road signs were used to make sure every Nebraskan was aware of the opportunity to weigh in on this important topic.

Opportunity for input will continue as community listening sessions, monthly stakeholder meetings, and regular tribal consultations will be held throughout the broadband buildout. NBO will continue to make sure all local coordination elements are continued, including the following:

1. Full Geographic Coverage. NBO publicized and held community listening sessions in each of the eight NDOT districts with virtual options available before submission of the Initial and Final Proposals. The Initial Proposal Volume 1 listening sessions were held on September 25, 26, 27, and 28, and October 3, 4, 9, and 10 with a second round for Volume 2 held on November 7, 8, 9, 11, 14, 15, 20 and 21. Opportunities for public input were also made available through an online portal as well as through email and physical mail. NBO also held separate webinars for several stakeholder groups such as municipal governments, county officials, ISPs, and nonprofits such as the Nebraska Economic Development Districts (a map of the EDD districts is included in the full document).
2. Outreach to Diverse Groups. The list included in the local coordination tracker is extensive and all organizations were welcomed into the process for input. A balanced stakeholder group included representatives from the public service sector, private sector, and community-serving organizations. Some examples of groups per covered population:
  - Aging: American Association of Retired People (AARP) Nebraska, Department of Health & Human Services (NDHHS) Aging Unit
  - Incarcerated: RISE, Reconnect
  - Individuals with disabilities: Outlook Nebraska, North Platte Opportunity Center
  - Individuals with a language barrier: Immigrant Legal Center, Refugee Empowerment Center

- Individuals who are members of a racial or ethnic group: Latino Center of the Midlands
- Rural: Nutrien Ag Solutions, Colglazier Farms
- Tribal: Omaha Tribe of Nebraska, Ponca Tribe of Nebraska, Santee Sioux Nation, Winnebago Tribe of Nebraska
- Veterans: Keith County Veterans Office, Open Door Mission



All local governments were included in the outreach as well as ISPs and local business and civic organizations. The Nebraska Regional Officials Council (NROC) is the statewide organization of Nebraska’s eight Economic Development Districts. These professional organizations represent the entire state and are focused on enhancing the communities and business within each region. Under Nebraska Revised Statutes 13-903, a unit of local government is defined to include any entity form pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. As a result, and due to their significant contact with Nebraska residents and community anchor institutions (CAIs), NBO is including the eight



regional Economic Development Districts as units of local government for the purposes of the BEAD program. In addition, these eight EDDs each submitted a regional digital equity plan which was incorporated into the digital equity funding request and the State DE Plan. (Please note: a map of the EDDs may be found in [Section 2.3.1](#) of the full document.)

The most consistent concern heard across the groups in Nebraska was accessibility. Citizens, businesses, CAIs, and tribal groups all voiced concern that broadband speeds and infrastructure are lacking in their areas, so Nebraska's funding request will prioritize funding for the buildout across the state.

**Multiple Awareness Mechanisms.** Nebraska used a variety of communication vehicles to make sure the public was aware of the listening sessions and public comment periods. Broad awareness was supported through press releases (one instance in Spanish as well) and social media posts. More targeted communications included letters to each Tribe, emails to broad community outreach lists, webinars outlining the BEAD and DE process, calls to recruit stakeholder members, and information on NBO's website. All promoted the listening sessions held across the state, in every county and NDOT district, with virtual attendance options also advertised.

**Transparency.** During the Five-Year Action Plan and Initial Proposal process, input was gathered, and plans continuously evolved. One critical input was the monthly stakeholder meetings which included attendees from both the public and private sectors, as well as businesses and community anchor institutions. Formal agendas were created, and meeting notes were distributed ([Appendix A](#)). Nebraska's DE Plan was heavily influenced by the eight EDDs as they held multiple in-person meetings leading up to a summit on August 8, 2023, in which final plans were presented and breakout discussions addressed the key needs and challenges to be addressed by the funding. Representatives of Nebraska's four federally recognized Tribes and the Iowa-based Sac and Fox Tribe were also invited to this August Summit, with three participating in-person. This input also influenced the funding requests in the Initial Proposal. Copies of agendas, notes, and participation lists are included in [Appendix A](#).

Transparency in the community is always a priority for Nebraska's State Government. NBO's website (<https://broadband.nebraska.gov>) has been a key space to publicize events and keep the public updated on grant application deadlines, challenge processes, awards, and programs. On this site are links to the Nebraska broadband grant programs, DE information, Affordable Connectivity Program details, and the Broadband Availability Map.

1. Underrepresented Engagement. The NBO and DE teams have partnered from the beginning, and a key strategy has been to include the underrepresented populations.

As detailed in [Section 2.2.1](#) and in the Local Coordination Tracker ([Appendix B](#)), joint listening sessions were held and over 500 local organizations were contacted and included in the events. Webinars focused on underrepresented populations such as accessibility practices for people living with disabilities, precision agriculture, and digital equity for older adults. In addition, broader digital equity topics were presented in webinars such as libraries as a digital equity resource, online privacy and security, and device access. In-person listening sessions at libraries were also held for older adults focused on telehealth. The Initial Proposal and the State DE Plan will reflect these topics and the feedback received in these public sessions.

In addition, NBO engaged with local employment agencies and workforce groups, STEM and tech organizations, the EDDs, and diverse stakeholder populations. (Specifics are in the Local Coordination Tracker Appendix B.) The goal of this outreach was to reinforce Nebraska’s openness to workforce development opportunities and jobs for women, veterans, and other historically marginalized populations for BEAD-funded eligible activities.

NBO was able to garner broadband accessibility and digital equity insights from the DE Key Stakeholder Task Force. The DE team created this group for input into the State DE plan. The diverse representation of this group closely mirrored the BEAD covered populations and is detailed in a table in the full document.

Stakeholder	Area of Input
Nutrien Ag Solutions	Crop inputs, precision ag, rural
Scouler	Agricultural supply chain solutions
Colglazier Farms	Farming, rural
North Platte Opportunity Center	Individuals with developmental disabilities
NDHHS	Community health needs
Mid Plains Community College – Imperial	Education, student perspective
Banner Health	Community hospital, telehealth
Region 2	Mental health & substance abuse
Keith County Veterans Office	Veterans
West Central Nebraska Area Agency on Aging	Aging population
Lincoln County Commission	Local government

## **Tribal Coordination**

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

In addition to the local sessions previously mentioned, the State of Nebraska followed NTIA's practice identified in the *State Broadband Office Tribal Engagement Guide*. Letters were sent to Tribal leaders. Dates, in-person locations, and formal agendas were discussed and finalized with each of Nebraska's federally recognized tribes. In-person tribal consultations were held with each Tribe in Nebraska which includes: the Omaha Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation, and the Winnebago Tribe of Nebraska. In addition, consultation meetings were held with two tribes not federally recognized in Nebraska but who have land in the state: the Iowa Tribe of Kansas and Nebraska and the Sac and Fox Nation of Missouri. Representatives from the NPSC, the DE team, and/or NTIA leaders were in attendance for these two meetings.

NBO was also asked to consult with the Oglala Sioux Tribe, which is based in South Dakota and has a small piece of land in Nebraska. Despite multiple attempts, NBO has not yet been successful in setting a date to consult with the Oglala Sioux, but efforts are continuing. Each of the tribal consultation letters, individual meeting agendas, meeting notes, and participant lists are included in [Appendix A](#), as is a summary of the discussions. In addition, all four Nebraska-based tribes were invited to the August 8, 2023, *Digital Equity Summit*, and representatives from three participated in person. Given that the tribes are receiving the bulk of their funding directly from the federal government, the discussions have focused on conceptualization and partnership around digital equity and digital identity.

As mentioned in the full geographic section, input was also obtained through Nebraska's eight EDDs. These teams were key partners in building the State DE Plan as they created their own regional plans to address the digital divide and provide actionable requests to the State DE team for inclusion in the DE Plan. The Initial Proposal addresses the connectivity needs that were highlighted in these plans as well as workforce development.

All county and local governments were sent email updates on listening sessions and opportunities to improve the broadband maps. State agencies such as the Department of Labor (NDOL), NDHHS, and NDOT have been active partners, providing input and reviewing plans, as have the school and library systems. An asset inventory survey was done with all the Nebraska libraries to obtain their individualized connectivity situation and needs.

The ISPs are also important partners in this process. An initial survey was sent to the ISPs concerning the Five-Year Action Plan. Since then, regular meetings have been held to ensure they are aware of the process and have opportunities to offer input as the project progresses. These partnerships are critical to getting the network built out in Nebraska so NBO will make sure to keep them aware of the process, deadlines, and opportunities.

Nebraska has gone above and beyond the required coordination outlined in [Section 2.3.1](#)

to ensure that communities and organizations have opportunities to participate in the development of this proposal. This input has been extremely valuable in preparing the Initial Proposal and will continue to be of use in the Final Proposal as well. With more Nebraskans connected to broadband, it truly will be... *Nebraska, The Good Life.*

## 2.4 Deployment Subgrantee Selection (Requirement 8)

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

NBO is committed to ensuring universal broadband access to every Nebraskan. NTIA's BEAD program will play a pivotal role in achieving this goal for the unserved, underserved, and CAI locations that do not currently have adequate access to broadband services. To ensure Nebraskans at the unserved, underserved, and CAI locations can successfully participate in the digital economy both now and in years to come, NBO will design and implement a subgrantee selection process and scoring approach that will award subgrants for last-mile broadband deployment projects through a fair, open, and competitive process. In doing so, the program will concurrently implement subgrantee accountability procedures required by the NTIA such as disbursement procedures, claw back provisions, reporting, and monitoring to ensure proper oversight and efficient use of taxpayers' funds throughout the subgrantee selection and administration processes.

A timeline for the NBEAD subgrantee selection process has been drafted. Following the 90-day challenge process and 60-day cooling off period, NBO will publish the Request for Applications (RFA) and map of defined project areas (DPAs). A 30-day Organizational Application (OA) process will commence, and within 30 days of its closing, NBO will publish a list of entities approved to apply for NBEAD funding. Program applications (PA) will be due about 30 days from publication of the list. If it is determined that a second round of PAs are necessary, NBO will begin that process following the Round 1 application due date, because that is the point at which NBO will know for which DPAs no applications were received (if any). If NBO determines that a third round of PAs are necessary, it will begin similarly with the due date of Round 2 applications. Timelines for Round 2 and Round 3 are shorter than for Round 1, because all OAs will be submitted prior to Round 1. If NBO determines that another process (e.g., direct negotiation) should be implemented in place of either or both of Round 2 and Round 3 OAs and applications, the timelines will not change significantly. NBO has mapped out the timeline to include three rounds of applications and has determined that it will be completed by the deadline set in the BEAD NOFO, one year from NTIA approval of the Initial Proposal.

## ***Program Overview***

Preliminary discussions about the subgrantee selection process will begin as Nebraska awaits approval of its IPV2. As soon as the final list of unserved, underserved, and CAI locations has been published, NBO will create DPAs. NBO has also already begun work on the RFA that will be used to guide the subgrantee selection process.

NBO chose an RFA process because it is a good means of communicating complex requirements, such as those associated with NBEAD funding. It also allows selection of subgrantees based on factors other than just lowest cost, which may be of benefit. NBO is aware that one challenge with an RFA process is that entities that are able to write strong applications may experience an advantage. To address this, NBO is developing application scoring criteria that are as objective as possible. In addition, NBO will ensure that the RFA is as unambiguous as possible. The RFA will include instructions for asking and answering questions prior to application submission as well.

NBO will communicate the subgrantee selection process and scoring approach to all prospective subgrantees prior to commencement of the selection process. This will be completed by conducting outreach efforts to participating stakeholders (e.g., email distribution lists, notification posting on NBO's website, webinars, in-person meetings, etc.). The RFA will provide the timeline, application requirements, and accountability obligations for prospective subgrantees.

## ***Create Defined Project Areas***

NBO will create the DPAs as stated in detail within [Section 2.4.6](#). The DPAs will be used to organize the unserved, underserved, and CAIs lacking qualified broadband speeds into geographic areas that are optimized for cost-per-location-passed to encourage service provider participation in the program. Prospective subgrantees will be required to indicate in their OA information about the DPA(s) in which they are interested, though doing so will neither lock them in to applying for the named DPAs nor preclude them from applying for funding for other DPA(s). The requirement will allow NBO an effective means to track DPAs for which applications are either received or not received during the subgrantee selection process. In addition, the use of DPAs eliminates the need for any de-confliction of overlapping applications since DPAs, by definition, do not overlap. The use of DPAs will also help NBO ensure universal service. Prospective subgrantees will be required to submit an application for each individual DPA. Multiple DPAs cannot be included in one application given the potential for unique attributes (cost per location passed, locations passed, etc.) each may demonstrate.

## ***RFA Development***

In parallel with developing the DPAs, NBO will create an RFA to provide detailed information and direction for the overall program. RFA content will incorporate specific program details, organizing the content into logical sections. RFA contents may include, but will not be limited to, the following:

- Programmatic details, requirements, and associated items:
  - Grant timeline with key elements including communication events, milestones, dates, and duration of key tasks within the program.
  - Eligibility information including applicant attributes, DPAs available for funding, allowed and disallowed costs, and costs for the program.
  - Application process from start to finish.
  - Required project plan and milestone elements, including timeline and associated tasks.
  - Applicant-match requirements and benefits for the 25% match as well as any incremental matches above 25%.
  - Evaluation criteria information clearly articulating how applications will be subjected to screening/gating and scoring.
  - Compliance and accountability requirements regarding reporting, the reimbursement process, claw back provisions, and records retention.
- Technical requirements related to broadband serviceable locations (BSLs), technology to be implemented and associated scalability of proposed architecture including, but not limited to:
  - Technical infrastructure proposed (specific technologies/electronics, physical media being used, etc.).
  - Maps and BSL list submission requirements related to the DPAs.
  - Network architecture documentation requirements.
  - Scalability capabilities and design information requirements.
  - Business plans and related analyses that substantiate the sustainability of the proposed project, which may be 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.

Once approval of Volume 2 is received from NTIA, NBO will publish the RFA on its website at <https://broadband.nebraska.gov>. NBO will notify the prospective subgrantee community that the RFA is available for review and download through outreach efforts. Such efforts may include webinars, emails, and other methods. The RFA will include

information about the timeframe in which written questions about the document may be submitted and the timing of the publication of written responses. Prospective subgrantees will have the opportunity to submit one or more applications, each for one DPA, following the instructions detailed in the RFA.

### ***Initiating the Subgrantee Selection Process and Scoring Approach***

The first step of the NBEAD subgrantee selection process will be an OA. The OA process will serve a dual purpose: 1) it will provide an indication of the prospective subgrantees' interest in submitting an application(s) and the DPA(s) in which each prospective subgrantee is interested and 2) it will provide an opportunity to assess prospective subgrantees' compliance with key program qualifications prior to application.

NBO understands that an entity submitting information to NBO related to the OA process may claim that some of the information provided to NBO may be proprietary or trade secret and therefore confidential under State or Federal law. NBO asserts that information provided to NBO is subject to the provisions of the Nebraska Public Records Act (Neb. Rev. Stat. §84-712 et seq.). NBO expects that, to the maximum extent possible, the entity submitting an OA will use "non-protected" information as the basis for statements in the OA so that the document and the information set out in the document may be reviewed by the public. NBO reserves the right to disclose any document or information in the OA pursuant to an applicable request for access to public records without providing the entity an opportunity to review, edit or redact such document. An entity submitting information to NBO in an OA understands that the entity will be solely responsible for promptly defending its claims of confidentiality in response to a public records request, or request for information submitted to the State. Such entity will use its best efforts to promptly respond to State notice of a request for documents or information related to an OA.

If an prospective subgrantee claims information should be excluded from the public record, the prospective subgrantee must: 1) identify on the OA which responses are alleged to contain proprietary or trade secret information; and 2) upload a separate document with the words "PROPRIETARY INFORMATION" or "TRADE SECRET" in the file name and prominently in the document, which contains a) the claimed proprietary or trade secret information with the corresponding OA response number; b) a detailed explanation of the legal basis for the claimed protection from disclosure, pursuant to State or Federal public records statutes or laws; c) an explanation of how the release of the proprietary or trade secret information would give a business advantage to business competitor(s); and d) an explanation of how business competitor(s) will gain an actual business advantage by

disclosure of information. The mere assertion that information is proprietary or trade secret, or that a speculative business advantage might be gained, is not sufficient (See Nebraska Attorney General Opinion No. 92068, April 27, 1992).

The State has the right, but not the duty, to determine, in its discretion, if the interests served by nondisclosure outweighs any public purpose served by disclosure (See Neb. Rev. Stat. § 84-712.05(3)). Absent a State determination that information is proprietary or trade secret, the State will consider all information a public record subject to release regardless of any assertion that the information is proprietary or trade secret. If the State receives a request from the public for the claimed proprietary or trade secret information, State will notify the prospective subgrantee of the request. The prospective subgrantee shall respond to the State within two (2) days with an estimated time frame by which it can fully respond to and defend its position that the requested information is proprietary or trade secret. It will be the prospective subgrantee's responsibility to defend its asserted interest in non-disclosure. The State retains the right, but not the duty, to make its own determination as to whether information should be protected from disclosure.

Prospective subgrantees will be required to upload the following documents electronically:

- Copy of the Nebraska Secretary of State's Certificate of Good Standing for the Applicant
- Résumés for key management personnel
- Audited financial statements from the prior fiscal year or unaudited financial statements and certification that audited versions will be submitted by a deadline set by NBO
- Certifications related to financial qualifications to deliver the project, sufficiency of financial resources to cover eligible costs until reimbursement by NBO, proof of an active SAM.gov registration, compliance with Nebraska Executive Order 23-05, experience in provisioning broadband service for at least the last two years, and either compliance with the Federal Communications Commission rules and regulations or that they are a new entrant and will comply
- Cybersecurity and supply chain risk management plans and attestations
- Ownership disclosure information per 47 C.F.R. § 1.2112(a)(1)-(7)

The OA window will close no later than 30 calendar days from opening. NBO will screen submissions for compliance with requirements and offer a brief window for submission of any missing documentation. NBO staff will evaluate prospective subgrantees' submitted content against objective screening/gating and scoring criteria and determine whether the prospective subgrantee is eligible to advance in the process to become an Approved



Applicant. The list of Approved Applicants will be published on the NBO website and announced via a press release.

The NBEAD subgrantee application process will open no later than 30 calendar days from the OA window closing. The application window will remain open for no longer than 45 calendar days. As noted above, the OA window will be open for 30 days after which NBO will screen and score OAs before posting the list of entities approved to apply for NBEAD funding. Applications will be due 30 days from the publication of the list. This brief timeline illustrates that NBO will ensure there are at least 60 days between publication of the DPA map and allocation of any NBEAD funds.

As applications are submitted, NBO will determine whether there are any DPAs for which no applications were received. Once the application process ends, and if needed, NBO will initiate a second round of the application cycle. For DPAs in the second and subsequent rounds, NBO will consider offering additional incentives to encourage application submission including, but not limited to, modifying the cost structures when sub-dividing DPAs, changing the applicant match structure (based on waiver approval), technology changes (hybrid fiber and wireless, wireless or satellite) and potentially changing laws that impede broadband deployment. Any one or any combination of these incentives may be used to entice prospective subgrantee application submission. This process will continue until NBO achieves the defined optimization goals, suspends the DPA re-optimization effort and subsequent application rounds, and completes individual engagements with service providers to ensure that all DPAs are covered by at least one application.

NBO will review and score the applications as defined in [Section 2.4.2](#), using the primary and secondary criteria. Should there be multiple application rounds, the scoring will be completed for each application as it is received. Application evaluators will be required to complete and sign Conflict of Interest (COI) disclosure forms prior to being given access to any applications. If conflicts are identified, evaluators will either be excused from the process or asked to review applications for which conflicts do not exist. Copies of completed COI forms will be retained as part of the grant documentation.

Once all applications are evaluated, they will be ranked based on score and then by cost, and that ranking will be used to determine an Extremely High-Cost Threshold (EHCT). Upon EHCT development, NBO will select the appropriate mix of priority broadband projects, non-priority broadband projects, and non-reliable broadband projects to achieve universal broadband service coverage. Priority will be given to unserved locations, then underserved locations, and then qualifying CAIs. It is anticipated that the state's NBEAD funding will be exhausted before Nebraska is able to deploy reliable broadband service to all unserved,

underserved, and eligible CAIs. Therefore, non-reliable broadband projects may be included. The non-reliable broadband projects may be submitted as part of Other Last-Mile Broadband Projects.

A list of provisionally selected subgrantees for NBEAD funding will be created and shared with Nebraska's state leadership. Provisionally selected subgrantees from Nebraska leadership will be submitted to NTIA. Once approved by NTIA, NBO will publish the list of funded projects on its website and issue a press release.

### ***Fairness***

NBO will execute a fair, open, and competitive NBEAD subgrantee selection process. To ensure fairness of the processes, NBO will apply the following:

- NBO will publicly communicate the opportunity to participate in NBEAD 30 days in advance of the OA window opening. NBO welcomes participation from a wide variety of potential applicants including:
  - Tribal governments
  - Cooperatives
  - Nonprofit organizations
  - Public-private partnerships
  - Private companies
  - Public or private utilities
  - Public utility districts
  - Local governments
- NBO will publish key program milestones and associated dates on its website, in addition to the RFA. Prospective subgrantees will be encouraged to visit and review program content frequently.
- The program will substantially reduce or eliminate bias through several methods within the program development and scoring process as listed below:
  - DPA Development: optimized based on NBEAD program goals as described in [Section 2.4.6](#), each DPA and associated location ID will be published in advance of the OA window opening for all prospective subgrantees to review and assess their ability to apply. NBO will develop the DPAs by establishing optimization goals and then thoroughly vetting the DPAs through a review committee to ensure project area boundaries are established using objective, unbiased standards.
  - Scoring Criteria: The use of transparent and neutral criteria as defined in [Section](#)

2.4.2, which articulates specific, objective program attributes, allows for scoring based on defined scalable criteria, and minimizes opportunity for variance across multiple applications.

- Conflicts of Interest: NBO will prevent and, if necessary, remove conflicts of interest from the application and evaluation process as documented below:
  - Application evaluators will be required to sign an affidavit, indicating that they have no conflicts of interest that would prevent them from evaluating applications solely on their merits and in accordance with the RFA's evaluation criteria.
  - Prospective subgrantees will also be required to comply with 2 CFR 200.113 which compels them to disclose all violations of federal criminal law. Such information is reported to the Federal Awardee Performance and Integrity Information System (FAPIIS), which is now part of SAM.gov. NBO staff will also check for this information as part of the screening/gating process.
- Upon these disclosures, NBO reserves the right to act on such information which may include rejecting or disqualifying the application. NBO also reserves the right to suspend and recoup grant funds if already disbursed, if evidence is provided, and substantiated, that the federal regulations listed above were disregarded at any time during the program performance period.

## ***Openness***

NBO invites participation from any type of organization authorized to provide broadband services to Nebraskans, allowed by Nebraska law, including but not limited to an electric cooperative, nonprofit organization, public-private partnership, public or private utility, public utility district, Tribal entity, or local government (including any unit, subdivision, authority, or consortium of local or tribal governments) that provides or will provide broadband services. The NBEAD scoring rubric documented in [Section 2.4.2](#) establishes objective criteria for applications to be evaluated against and will be published for all prospective subgrantees and Nebraskans to review in advance of program initiation. These steps create an environment of openness, transparency, and engagement before and during the application submission and award process.

## ***Competitiveness***

NBO will support competitiveness in the subgrantee selection process by encouraging qualifying broadband provider participation and creating a fair and objective scoring process to evaluate applications. The scoring criteria documented in [Section 2.4.2](#) uses a competitively neutral evaluation criteria that does not favor one type of provider over

another, except certain preferences expressed neutrally and in advance. The scoring rubric is divided into two sections, primary and secondary evaluation criteria, following the recommendations of the BEAD NOFO. Both the primary and secondary scoring criteria are objective in nature to create a level playing field for all organizations.

With the scoring rubric published in advance of the OA period, it provides prospective subgrantees the opportunity to thoughtfully consider responses to all program requirements and assess market dynamics. Based on this information, prospective applicants can determine the possibility of award given their application attributes.

### ***Subgrantee Accountability Procedures***

NBO will implement strong accountability procedures demonstrating comprehensive monitoring and management requirements for subgrantees. NBO will establish clear disbursement processes, claw back provisions, and reporting and monitoring requirements to ensure sound accountability measures are taken to sustain the integrity of the award process as described below:

- Application budgets: The RFA will include requirements that NBEAD funds be spent in accordance with the BEAD NOFO, 2 CFR 200 and related federal regulations, and other relevant legislation. Application budgets will be assessed, during the evaluation period, for appropriateness of costs, in terms of allowability, allocability, and reasonableness. Prospective subgrantees who fail to meet these criteria may be given the opportunity to revise the budget before a final decision is made on the application.
- Pre-award risk assessment: Part of the OA process will be the collection and assessment of information necessary to allow NBO to perform a pre-award risk assessment for each prospective subgrantee. OAs will include queries concerning applicants' experience with federal funding, submission of audit reports and related findings, and results of site visits completed (e.g., related to other broadband investments in Nebraska and/or historical experience with prospective subgrantees under other financial assistance programs, if available).
- Risk management schema: The pre-award risk assessment will serve as one component of a comprehensive risk management schema for the NBEAD projects, modeled after other such schemas used successfully in other federally funded grant programs administered in Nebraska. Once risk factors are comprehensively listed and weighted, the schema will be used to assess each funded NBEAD project. The risk management schema will be adjusted as necessary based on experience with each subgrantee. If NBO determines that risk for a specific project or subgrantee has

increased, additional monitoring activities will be imposed unless and until the risk is reduced sufficiently.

One extreme of the risk management schema may involve claw back of NBEAD funds disbursed. NBO reserves the right to recoup funding from subgrantees during the performance period or closeout if program obligations are not met. Failure to provide required documentation and/or meet requirements related to location enablement, speed, service pricing, and latency will trigger non-performance clauses. NBO will objectively assess the funds to be recouped based on non-performance triggers, up to the amount that was originally funded. Failure to return funds will result in NBO using any and all administrative and legal courses of action to recoup funds, including debarring the subgrantee from participation in future financial assistance programs at the state and federal level. If funds are not returned, NBO will engage with NTIA to determine the best course of action regarding assumption of the project by other provider(s) and asset treatment.

- Subgrantee reporting: Reimbursement of costs for subgrantees will be dependent on submission and approval of narrative and financial reporting, from the beginning of the project through closeout. For each quarterly reporting period, subgrantees will update NBO on their progress toward project goals and milestones, including but not limited to:
  - Broadband Certifications: As defined in Nebraska Statute 86-5,104, Broadband Internet Services Infrastructure Act - Commercial Broadband Provider
  - Eligible activities carried out during the reporting period;
  - Identification of new locations served within the project area and service taken (as applicable);
  - Description of the types of facilities that have been constructed and installed;
  - Interconnection agreements that were requested and their current status;
  - Description of the maximum advertised speed of the broadband service being offered; and
  - Certification that plans offered over funded networks do not contain data usage caps for subscribers.
- Subgrantee monitoring: Financial monitoring of subgrantees will be done as part of each reimbursement request. Reimbursements will be based on submission of narrative and financial reports that will be assessed for completeness and reasonableness in the context of the timeline and project. Financial reports will

include tracking of expenditures against budgeted amounts; and narrative reports will include information on progress toward goals and milestones. Disconnects, irregularities, or other issues discovered in the reports will be addressed with subgrantees prior to approval of reimbursement. If costs are found to be unsupported and/or inappropriate, they will be disallowed.

At least once per year, subgrantees will be required to submit supporting documents for expenditures, to include purchase orders, invoices, receipts, and proof of payment. The supporting documents will be assessed against amounts in reimbursement requests and charges verified for allocability, allowability, and reasonableness. Errors or issues will be corrected before reimbursement is approved. If errors are significant, the risk level for the project and/or subgrantee may be raised, and additional financial monitoring imposed.

- Performance monitoring: NBEAD subgrantees will also be subject to performance monitoring, which will be done primarily via site visits. At least once per project year, NBO will physically check on the status of each funded project, document progress (e.g., via photos), talk with project staff; and record impressions, observations, and other notes. Such documentation will become part of the official subgrant record. As with subgrantee monitoring, issues found via performance monitoring may cause the risk level assessment for the project and/or subgrantee to be raised.
- Records retention: Requirements for retention of records will be included in subgrant documents, to ensure compliance from the beginning of the funded project. The subgrant document and related terms and conditions will include clauses specific to record retention, including timelines, contents, and audit provisions (both state and federal).
- Communication and technical assistance: NBO is committed to the success of the NBEAD program and its subgrantees. It will require collaboration across the state to ensure that all Nebraskans have access to broadband service sufficient to participate in the economy. Therefore, communication from NBO will be built into every step and process. NBO staff will share information on updates, changes, clarifications, challenges, and successes with subgrantees via email, social media, its website, and other methods. In addition, a schedule of technical assistance meetings will be shared with subgrantees, with agendas to include programmatic updates and opportunities for questions and answers. Finally, NBO staff will be available for input and assistance as needed by subgrantees.

## **Prioritization and Scoring**

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

NBO adopts the recommended NTIA scoring rubric approach, including the primary and secondary allocations as documented within the BEAD NOFO on pages 42 – 46 to evaluate both Priority Broadband Projects and Other Last-Mile Broadband Projects. Selection criteria, weightings, and scores for each project category are described in the sections below.

### **Project Category Selection Criteria**

There are two project categories within the NBEAD program. Applicants will have the option to submit applications that are “Priority Broadband Projects” and “Other Last-Mile Broadband Projects.” Priority Broadband Projects are defined as those that propose an end-to-end fiber optic architecture to all qualified locations per the BEAD NOFO, page 42. Other Last-Mile Broadband Projects are defined as projects not proposing an end-to-end fiber optic architecture to all qualified locations within a defined project area per the BEAD NOFO, page 44.

### **Scoring Methodology**

A maximum of 400 points will be awarded for all applications in the Priority Broadband Projects and Other Last-Mile Broadband Projects categories, with scoring divided into primary and secondary criteria sections. Primary criteria will be allotted 300 points and Secondary Criteria will be allotted 100 points. Each section contains multiple scoreable items, some scoreable items have sub-components to be evaluated and scored.

### **Priority Broadband Projects Scoring**

Applications that propose an end-to-end fiber optic architecture to all qualified locations within a defined project area will be evaluated and scored using the specified scoring rubric as listed for primary and secondary criteria.

## Primary Criteria for Priority Broadband Projects- Maximum 300 Points

Primary Criteria – 300 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Minimal NBEAD Outlay	60%	The total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25% of the project cost), with the specific points or credits awarded increasing as the NBEAD outlay decreases.	180	Applications will receive points for total projected cost relative to all submitted applications and prospective subgrantees proposed match above 25%.
Affordability	25%	The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.	75	Applications will receive points based on a comparison of the proposed 1/1 Gbps price point versus a 1/1 Gbps pricing benchmark scale, and price plan duration commitment
Fair Labor Practices	15%	Prospective subgrantees must demonstrate a record of and plans to comply with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to NBEAD-funded projects.	45	The prospective subgrantee’s demonstrated record of and plans to comply with federal labor and employment laws.



### Minimal NBEAD Outlay – 180 points

NBO is establishing a scoring process to drive capital efficiency while maximizing locations enabled with qualifying broadband speeds. The scoring process will optimize NBEAD funding throughout the subgrantee selection process.

Description: The total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific benefits awarded increasing as the NBEAD outlay decreases. Separate scoring for the total projected cost and incremental match beyond the required 25% is detailed below.

Total Projected Funding Scoring: Applications will be evaluated based on the total projected funding requested to provide broadband access and the most efficiently costed solution in a DPA. The total projected costs for each application within the same DPA will be ranked lowest cost to highest cost. The application with lowest total projected cost will receive the maximum points. The four applications with lowest total projected costs will receive points per the point scale below. Applications that have the 5<sup>th</sup> lowest total projected cost or below will not receive any points.

Total Projected Cost	Points
Lowest total projected cost	30
2nd lowest total projected cost	22.5
3rd lowest total projected cost	15
4th lowest total projected cost	7.5
5th or below lowest total projected cost	0

Scoring: Applications will be scored based on the incremental match beyond the 25% match required by the program. Points will be awarded starting at 26% total match with a maximum score achieved at 85% match or greater. Examples: 1) An additional 10% match was provided (35% - 25% = 10%) which equates to 25 points; 2) An additional 65% match was provided (90% - 25%) which equates to 150 points.

Incremental Match Beyond 25%	Points
2.5 points for every percentage above 25%, up to 84% match	1 to 149
Match at or greater than 85% of total project cost	150

### Affordability – 75 Points

The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1/1 Gbps service in the DPA. Price points are inclusive of equipment charges, management fees, and taxes. Prices may be adjusted annually, indexed to the Consumer Price Index, as outlined by the U.S. Bureau of Labor Statistics.

Description: The monthly pricing reflects the prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1/1 Gbps service in the DPA. Monthly price points are defined as non-promotional, rack rate pricing that is applicable to the DPA addressed by the application. Price points must include taxes, surcharges, associated fees, equipment rental and managed service fees (if applicable).

Scoring: This is a sliding scale with more points awarded for lower price points.

1/1 Gbps Service (per month)	Points
Less than \$80	75
More than \$80, less than \$90	62.5
More than \$90, less than \$100	50
More than \$100, less than \$110	37.5
More than \$110, less than \$120	25
More than \$120, less than \$130	12.5
More than \$130	0

### Fair Labor Practices – 45 Points across Five (5) Attributes

Description: NBO is prioritizing fair labor practices (based on records of and plans to comply with federal labor and employment laws) by including their scoring as primary criteria in the applicant scoring and evaluation process. NBO will assess and score narrative responses under this category. Applications that include all the required information and certify they will comply with existing labor requirements outlined in the BEAD NOFO will receive 45 points in this category. Applications that include no response will not receive any points in this category. Prospective subgrantees unable to provide certification for the specified timeframe shall submit to NBO specific, forward-looking commitments to strong labor and employment standards and protection.

Scoring: Applications will receive points based on the information submitted for each element of the fair labor category.

Description	Points
Narrative of compliance (3 years or equivalent)	25
Certification from officer/director	10
Violation disclosure	5
Health and Safety Committee	5

## Secondary Criteria for Priority Broadband Projects- Maximum 100 Points

Secondary Criteria – 100 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Technical Capabilities	20%	Applications that demonstrate strong technical attributes that enable superior performance and long-term viability	20	Applications will be scored based on maximum speed of enabled network, expected latency, scalability, and ease of scalability.
Service Quality	20%	Applications that demonstrate a prospective subgrantee's ability to build a resilient network and support efficient break/fix operations	20	Applications will be scored on expected service availability and mean time to repair.
Local And Tribal Coordination	30%	Applications that demonstrate support from the local and/or Tribal Government with oversight over the location or locations to be served	30	Applications will be scored based on letters of support received from local / tribal community organizations and community engagement activities.
Speed to Deployment	15%	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the executed subgrant	15	Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale.
Length of Affordable Commitments	10%	The length of the prospective subgrantee's commitment to provide the most affordable total price to the customer for 1	10	The longer the term, the better the score at the affordable price point.

		Gbps/1 Gbps services in the project area.		
Equitable Workforce Development and Job Quality	5%	Applications which include a plan for ensuring that the project workforce are appropriately skilled and credentialed	5	Applicants with complete plans will receive all points.

### Technical Capabilities Summary – 20 Points Across Four (4) Attributes

The technical capabilities are comprised of speed of network, open access, expected latency, scalability, and ease of scalability with assigned values below. Descriptions and scoring details are provided within each attribute paragraph.

Technical Capabilities Attributes Summary	Points
Open access	5
Expected latency	5
Scalability	5
Ease of scalability	5

#### Open Access – 5 Points

Description: An arrangement in which the prospective subgrantee offers nondiscriminatory access and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets.

Scoring: An application including a “Yes” response will be awarded points. An application including a “No” response will not be awarded points.

#### Expected Latency – 5 Points

Description: The latency the implemented network is expected to deliver, measured in milliseconds.

Scoring: Latency greater than 100 milliseconds will receive zero (0) points. Latency less than or equal to 100 milliseconds will be awarded 5 points.

#### Scalability – 5 Points

Description: Applications that propose to use technologies that exhibit increased speed capabilities beyond initial speeds made available to the end user at the time of project close.

Scoring: Symmetric speed capabilities supported, but not yet offered, ranges from 40 Gbps to 1 Gbps. Up to five (5) points will be awarded based on demonstrated solution.

Scalability	Points
Up to 40 Gbps	5
Up to 25 Gbps	4
Up to 10 Gbps	3
Up to 5 Gbps	2
Up to 1 Gbps	1

### Ease of Scalability – 5 Points

Description: Demonstrated lower future investment when upgrading the architecture to achieve higher speeds than initially made available to the end user at the time of project close. This will be measured as a percentage of anticipated incremental capital expenditure compared to original capital expenditure for the project.

Scoring: The lower the percentage, the higher the score.

Ease of Scalability	Points
0 to 5%	5
Greater than 5%, less than 10%	4
Greater than 10%, less than 20%	3
Greater than 20%, less than 30%	2
Greater than 30%	1

## Service Quality Section – 20 Points Across Two (2) Attributes

The service quality section attributes measure the prospective subgrantee’s ability to keep the network operational and to restore the network when an outage occurs. Descriptions and scoring details are provided within each attribute paragraph.

### Expected Service Availability – 10 Points

Description: Service Availability measures the network uptime in minutes in a year divided by total number of minutes in a year.

Scoring: Points will be awarded on a sliding scale ranging from greater than 99.999% to less than 99.0%. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide network architecture information to validate architecture capability.

Expected Service Availability	Points
Greater than or equal to 99.999%	10
Greater than or equal to 99.99, less than 99.999%	8
Greater than or equal to 99.9%, less than 99.99%	6
Greater than or equal 99.0%, less than 99.9%	4
Less than 99.0%	2

### Expected Mean Time to Repair (MTTR) – 10 Points

Description: Expected MTTR measures the time a prospective subgrantee is committing to repair an outage, on average, across the in hours. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide business assumptions to validate MTTR estimates. Periodic reporting will be required to monitor awardees commitment through 2029. NBO will invite the NPSC and/or the Attorney General’s office to intervene with enforcement for consumer protection advocacy as needed during and after the NBEAD project period.

Scoring: Points will be awarded on a sliding scale ranging from less than six (6) hours to more than 48 hours.

Expected Mean Time to Repair (MTTR)	Points
Less than 6 hours	10
Greater than or equal to 6 hours, less than 12 hours	8
Greater than or equal to 12 hours, less than 24 hours	6
Greater than or equal to 24 hours, less than 48 hours	4
48 hours or greater	2

### Local and Tribal Coordination – 30 Points Across Two (2) Attributes

Local and tribal coordination points will be allocated across Community Engagement and Letters of Support attributes. The paragraphs below provide the description and scoring method.

#### Community Engagement – 15 Points

Description: Prospective subgrantees must provide evidence regarding outreach and local coordination between the Tribal organizations and/or local communities to be served.

Meetings held with stakeholder groups that may include, but are not limited to, CAIs, county and municipal governments, nonprofit organizations, civil rights organizations, educational agencies, workforce development organizations, public housing authorities, Tribal governments, labor organizations and unions, faith-based organizations, higher education institutions (including historically Black colleges and universities (HBCUs), minority serving institutions (MSIs), and community colleges), ISPs, public utilities commissions, economic development organizations, and advocacy groups must be documented. Evidence must consist of name and type of organization, meeting purpose, meeting notes, local plans reviewed and/or provided, meeting minutes, attendee lists, and discussion items. Applicants are encouraged to utilize NTIA's *Local Coordination Tracker* template to capture community engagement efforts.

Scoring: Up to fifteen (15) points will be provided based on strength of information provided.

### Letters of Support – 15 Points

Description: Documented letters of support from residents and local leaders within the community (e.g., Tribal leaders, economic development organizations leaders, county commissioners, local business owners, city councils, school district boards) will be evaluated. Each letter of support must contain the name of the individual providing the support, the organization represented (if applicable), the nature of the support, date written and a signature. Local and tribal governments may provide letters of support for one or more applicants for the same DPA.

Scoring: Letters of support will be scored based on the quality of the submission (e.g., adhering to the letter of support required content) and the number of letters provided, ranging from more than five (5), to one (1).

Letters of Support (Quantity)	Points
5 or more	15
4	12
3	9
2	6
1	3

### Speed to Deployment – 15 Points

Description: Prospective subgrantee ability to deploy the planned broadband network and begin providing services to each customer that desires broadband services within the DPA not later than four years after the date on which the subgrantee receives the executed subgrant from the Eligible Entity.

NBEAD subgrantees will be required to submit quarterly reports, which will include information about progress toward project milestones. Milestones will be pre-defined by NBO (though timelines will be determined by prospective subgrantees) and used to track, among other things, adherence to subgrantee speed-to-deployment commitments.

Scoring: Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale starting from award date to project close out with NBO. The sliding scale ranges from less than 18 months to 48 months in duration to build and closeout the project with NBO.

Speed to Deployment	Points
Less than 18 months	15
Greater than or equal to 18 months, less than 24 months	12
Greater than or equal to 24 months, less than 36 months	9
Greater than or equal to 36 months, less than 42 months	6
Greater than or equal to 42 months, less than 48 months	3

### Length of Affordable Commitment – 10 Points

Description: The longer the term, the better the score at the affordable price point. The prospective subgrantee may lower the price point within the committed duration, but never raise it. The prospective subgrantee may also increase the speed for the same price point within the committed duration, but never lower the speed.

NBO will monitor and enforce adherence to commitment terms for the duration of the BEAD program, as part of regular reporting and monitoring activities. Enforcement may include impacts on future funding or other remedies.

Scoring: Scores are assigned based on terms ranging from less than a year to five (5) years or greater.

Length of Affordable Commitment (1/1 Gbps Service)	Points
5 Years +	10
Less than 5 years, more than or equal to 4 years	9
Less than 4 years, more than or equal to 3 years	8
Less than 3 years, more than or equal to 2 years	7
Less than 2 years, more than or equal to 1 year	6
Less than 1 year	0

### Equitable Workforce Development and Job Quality – 5 Points

Description: NBO will require prospective subgrantees, as a part of the application and



scoring process, include a plan for ensuring that the project workforce (including those employees of the subgrantee, its contractors, and/or subcontractors) directly engaged in the physical construction of the network (NOFO p.57 and 58 and [Section 2.8.2](#) of the Initial Plan Guidance) will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Scoring: NBO will evaluate applicant plans for completeness and inclusion of required elements. Applications that include complete plans will receive 5 points. Applications including incomplete plans or lacking the required plan will not receive any points in this category.

## ***Other Last-Mile Broadband Deployment Projects***

NBO will accept and evaluate Other Last-Mile Broadband Deployment Projects applications in DPAs where Priority Broadband Projects are not proposed. The total point value will remain at 400 points, consistent with the Priority Broadband Project scoring methodology. Other Last-Mile Broadband Deployment Projects will also use the same primary and secondary criteria as Priority Broadband Projects but with several criteria description changes to reflect the differences between the two project types.

### **Primary Criteria for Other Last Mile Deployments- Maximum 300 Points**

<b>Primary Criteria – 300 Points</b>				
<b>Criteria</b>	<b>Weight</b>	<b>Criteria Description</b>	<b>Maximum Score</b>	<b>Scoring Details</b>
Minimal NBEAD Outlay	60%	The total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25% of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases.	180	Applications will receive points for total projected cost relative to all submitted applications and prospective subgrantees proposed match above 25%.
Affordability	25%	The prospective	75	Applications will receive

		subgrantee's commitment to provide the most affordable total price to the customer for 100 /20 Mbps services in the project area.		points based on a comparison of the proposed 100/20 Mbps price point versus a 100/20 Mbps pricing benchmark scale, and price plan duration commitment
Fair Labor Practices	15%	Prospective subgrantees must demonstrate a record of and plans to comply with federal labor and employment laws. Prospective subgrantees without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to NBEAD-funded projects.	45	The prospective subgrantee's demonstrated record of and plans to comply with federal labor and employment laws.

### Minimal NBEAD Outlay – 120 points

NBO is establishing a scoring process to drive capital efficiency while maximizing locations enabled with qualifying broadband speeds. The scoring process will optimize NBEAD funding throughout the subgrantee selection process.

Description: The total NBEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25% of the project cost), with the specific benefits awarded increasing as NBEAD outlay decreases. Separate scoring for the total projected cost and incremental match beyond the required 25% is detailed below.

Total Projected Funding Scoring: The scoring is evaluating the total projected requested to provide broadband access and the most efficiently costed solution in a DPA. The total projected costs for each application within the same DPA will be ranked lowest cost to highest cost. The application with lowest total projected cost will receive the maximum

points. The four applications with lowest total projected costs will receive points per the point scale below. Applications that have the 5<sup>th</sup> lowest total projected cost or below will not receive any points.

Total Projected Cost	Points
Lowest total projected cost	30
2nd lowest total projected cost	22.5
3rd lowest total projected cost	15
4th lowest total projected cost	7.5
5th or below lowest total projected cost	0

Scoring: Applications will be scored based on the incremental match beyond the 25% match required by the program. Points will be awarded starting at 26% total match with a maximum score achieved at 85% match or greater. Examples: 1) An additional 10% match was provided (35% - 25% = 10%) which equates to 25 points; 2) An additional 65% match was provided (90% - 25%) which equates to 150 points.

Incremental Match Beyond 25%	Points
2.5 point for every percentage above 25%, up to 84% match	1 to 149
Match at or greater than 85% of total project cost	150

### Affordability – 75 Points

The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the DPA and the length of the affordable commitment will be evaluated. Price points are inclusive of equipment charges, management fees, and taxes.

Description: The monthly pricing reflects the prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the DPA. Monthly price points are defined as non-promotional, rack rate pricing that is applicable to the DPA addressed by the application. Price points must include taxes, surcharges, associated fees, equipment rental and managed service fees (if applicable). Proposed price points can be adjusted yearly in conjunction with increases in the Consumer Price Index (CPI). If an applicant chooses to do increase rates, it must be reported to and approved by NBO before enacted.

Scoring: This is a sliding scale with more points awarded for lower price points.

100/20 Mbps Service (per month)	Points
Less than \$80	75
More than \$80, less than \$90	62.5
More than \$90, less than \$100	50
More than \$100, less than \$110	37.5
More than \$110, less than \$120	25
More than \$120, less than \$130	12.5
More than \$80	0

### Fair Labor Practices – 45 Points across five (5) Attributes

Description: NBO is prioritizing fair labor practices (based on records of and plans to be in compliance with federal labor and employment laws) by including their scoring as PRIMARY CRITERIA in the applicant scoring and evaluation process. NBO will assess and score narrative responses under this category. Applications that include all the required information and certify they will comply with existing labor requirements outlined in the BEAD NOFO will receive 45 points in this category. Applications that include no response will not receive points in this category.

Prospective subgrantees unable to provide certification for the specified timeframe shall submit to NBO specific, forward-looking commitments to strong labor and employment standards and protection. NBO will assess these plans and assign a score according to the strength of commitments, considering factors outlined in the BEAD NOFO IV.C.1.e. Section 69.

Scoring: Applications will receive points based on the information submitted for each element of the fair labor category.

Description	Points
Narrative of compliance (3 years or equivalent)	25
Certification from officer/director	5
Violation disclosure	5
Violation disclosure (contractors and subcontractors)	5
Health and safety committee	5

## Secondary Criteria for Other Last Mile Deployments - Maximum 100 Points

Secondary Criteria – 100 Points				
Criteria	Weight	Criteria Description	Maximum Score	Scoring Details
Technical Capabilities	30%	Applications that demonstrate strong technical attributes that enable superior performance and long-term viability	30	Applications will be scored based on maximum speed of enabled network, expected latency, scalability, and ease of scalability.
Service Quality	20%	Applications that demonstrate a prospective subgrantee’s ability to build a resilient network and support efficient break/fix operations	20	Applications will be scored on expected service availability and mean time to repair.
Local And Tribal Coordination	20%	Applications that demonstrate support from the local and/or Tribal Government with oversight over the location or locations to be served	20	Applications will be scored based on letters of support received from local / tribal community organizations and community engagement activities.
Speed to Deployment	15%	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the executed subgrant	15	Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale.
Length of Affordable Commitments	10%	The length of the prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps services in the project area.	10	The longer the term, the better the score at the affordable price point.

Equitable Workforce Development and Job Quality	5%	Applications which include a plan for ensuring that the project workforce are appropriately skilled and credentialed	5	Applicants with complete plans will receive all points.
---	----	--	---	---

### Technical Capabilities Summary – 30 Points Across Five (5) Attributes

The technical capabilities are comprised of speed of network, open access, expected latency, scalability, and ease of scalability with assigned values below. Descriptions and scoring details are provided within each attribute paragraph.

Technical Capabilities Attributes Summary	Points
Speed of network	10
Open access	5
Expected latency	5
Scalability	5
Ease of scalability	5

#### Speed of Network – 10 Points

Description: The maximum speed that is offered and can be delivered to end users within 10 days of a service order at the time of project close out or later.

Scoring: Points will be awarded based on a sliding scale for download speeds ranging from 100 Mbps to greater than 2.0 Gbps.

Speed of Network	Points
Greater than or equal to 2 Gbps	10
Greater than or equal to 1 Gbps, less than 2Gbps	8
Greater than or equal to 500 Mbps, less than 1 Gbps	6
Greater than 100 Mbps, less than 500 Mbps	4

#### Open Access – 5 Points

Description: An arrangement in which the prospective subgrantee offers nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets.

Scoring: An application including a “Yes” response will be awarded points. An application including a “No” response will not be awarded points.

### Expected Latency – 5 Points

Description: The latency the implemented network is expected to deliver, measured in milliseconds.

Scoring: Latency greater than 100 milliseconds will receive zero (0) points. Latency less than or equal to 100 milliseconds will be awarded 5 points.

### Scalability – 5 Points

Description: Applications that propose to use technologies that exhibit increased speed capabilities beyond initial speeds made available to the end user at the time of project close.

Scoring: Speed capabilities supported, but not yet offered, ranges from 10.0 Gbps to 500 Mbps. Up to five (5) points will be awarded based on demonstrated solution.

Scalability	Points
Up to 10 Gbps	5
Up to 5 Gbps	4
Up to 2 Gbps	3
Up to 1 Gbps	2
Up to 500 Mbps	1

### Ease of Scalability – 5 Points

Description: Demonstrated lower future investment when upgrading the architecture to achieve higher speeds than initially made available to the end user at the time of project close. This will be measured as a percentage of anticipated incremental capital expenditure compared to original capital expenditure for the project.

Scoring: The lower the percentage, the higher the score.

Ease of Scalability	Points
0 to 5%	5
Greater than 5%, less than 10%	4
Greater than 10%, less than 20%	3
Greater than 20%, less than 30%	2
Greater than 30%	1

### Service Quality Section – 20 Points Across Two (2) Attributes

The service quality section attributes measure the prospective subgrantee’s ability to keep the network operational and to restore the network when an outage occurs. Descriptions and scoring details are provided within each attribute paragraph.

### Expected Service Availability – 10 Points

Description: Service Availability measures the network uptime in minutes in a year divided by total number of minutes in a year.

Scoring: Points will be awarded on a sliding scale ranging from greater than 99.999% to less than 99.0%. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide network architecture information to validate architecture capability.

Expected Service Availability	Points
Greater than or equal to 99.999%	10
Greater than or equal to 99.99, less than 99.999%	8
Greater than or equal to 99.9%, less than 99.99%	6
Greater than or equal 99.0%, less than 99.9%	4
Less than 99.0%	2

### Expected Mean Time to Repair (MTTR) – 10 Points

Description: Expected MTTR measures the time a prospective subgrantee is committing to repair an outage, on average, across the DPA, in hours.

Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide business assumptions to validate MTTR estimates. Periodic reporting will be required to monitor awardees commitment through 2029. NBO will invite the NPSC and/or the Attorney General’s office to intervene with enforcement for consumer protection advocacy as needed during and after the NBEAD project period.

Scoring: Points will be awarded on a sliding scale ranging from less than six (6) hours to more than 48 hours.

Expected Mean Time to Repair (MTTR)	Points
Less than 6 hours	10
Greater than or equal to 6 hours, less than 12 hours	8
Greater than or equal to 12 hours, less than 24 hours	6
Greater than or equal to 24 hours, less than 48 hours	4
48 hours or greater	2



## Local and Tribal Coordination – 20 Points Across Two (2) Attributes

Local and tribal coordination points will be allocated across Community Engagement and Letters of Support attributes. The paragraphs below provide the descriptions and scoring methods.

### Community Engagement – 10 Points

Description: Applicants must provide evidence regarding outreach and local coordination between the tribal organizations and/or local communities to be served. Meetings held with stakeholder groups that may include, but are not limited to, CAIs, county and municipal governments, nonprofit organizations, civil rights organizations, educational agencies, workforce development organizations, public housing authorities, Tribal governments, labor organizations and unions, faith-based organizations, higher education institutions (including HBCUs, MSIs, and community colleges), ISPs, public utilities commissions, economic development organizations, and advocacy groups must be documented. Evidence must include name and type of organization, meeting purpose, local plans reviewed and/or provided, meeting minutes, attendee lists, and discussion items. Applicants are encouraged to utilize NTIA's *Local Coordination Tracker* template to capture community engagement efforts.

Scoring: Up to ten (10) points will be provided based on strength of information provided.

### Letters of Support – 10 Points

Description: Documented letters of support from residents and local leaders within the community (e.g., Tribal leaders, economic development organization leaders, county commissioners, local business owners, city councils, school district boards) will be evaluated. Each letter of support must contain the name of the individual providing the support, the organization represented (if applicable), the nature of the support, date written and a signature. Local and Tribal governments may provide letters of support for one or more applicants for the same DPA.

Scoring: Letters of support will be scored based on the quality of the submission (e.g., adhering to the letter of support required content) and the number of letters provided, ranging from more than five (5), to one (1).

Letters of Support (Quantity)	Points
5 or more	10
4	9
3	8
2	7
1	5

### Speed to Deployment – 15 Points

Description: Prospective subgrantee’s ability to deploy the planned broadband network and begin providing services to each customer that desires broadband services within the DPA not later than four years after the date on which the subgrantee receives the executed subgrant from the Eligible Entity.

Scoring: Applications will be scored based on speed to implement project in four (4) years or less on a sliding scale starting from award date to project close out with NBO. The sliding scale ranges from less than 18 months to 48 months in duration to build and closeout the project with NBO.

Speed to Deployment	Points
Less than 18 months	15
Greater than or equal to 18 months, less than 24 months	12
Greater than or equal to 24 months, less than 36 months	9
Greater than or equal to 36 months, less than 42 months	6
Greater than or equal to 42 months, less than 48 months	3

### Length of Affordable Commitment – 10 Points

Definition: Length of Affordable Commitment measures the duration that the pricing is available to the end user. The longer the term, the better the score at the affordable price point. The prospective subgrantee may lower the price point within the committed duration, but never raise it. The prospective subgrantee may also increase the speed for the same price point within the committed duration, but never lower the speed.

NBO will monitor and enforce adherence to commitment terms for the duration of the BEAD program, as part of regular reporting and monitoring activities. Enforcement may include impacts on future funding or other remedies.

Scoring: Scores are assigned based on terms ranging from less than a year to five (5) years or greater.

Length of Affordable Commitment (1/1 Gbps Service)	Points
5 Years +	10
Less than 5 years, more than or equal to 4 years	9
Less than 4 years, more than or equal to 3 years	8
Less than 3 years, more than or equal to 2 years	7
Less than 2 years, more than or equal to 1 year	6
Less than 1 year	0

### **Equitable Workforce Development and Job Quality – 5 Points**

Description: NBO will require prospective subgrantees, as a part of the application and scoring process, to include a plan for ensuring that the project workforce (including employees of the subgrantee, its contractors, and/or subcontractors) directly engaged in the physical construction of the network (BEAD NOFO p.57 and 58 and [Section 2.8.2](#) of the Initial Plan Guidance) will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Scoring: NBO will evaluate prospective subgrantee plans for completeness and inclusion of required elements. Applications that include complete plans will receive 5 points. Applications that include incomplete plans or lack the required plan will not receive any points in this category.

### **Scoring Rubric**

*2.4.2.1 Attachment: 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.*

The scoring rubric is encapsulated in [Appendix C](#). This file may also be accessed on NBO’s website at <https://broadband.nebraska.gov/>.

## **Waiver of Matching Funds**

NBO expects to consider grant waivers only in special circumstances, when a waiver is necessary to advance objectives that are critical to the program's success, per the BEAD NOFO, page 22. To be considered for a waiver, a prospective subgrantee must submit a request that describes the special circumstances underlying the request and explain how a waiver would serve the public interest and effectuate the purposes of the NBEAD Program. The submitted request must include one or more income statements disclosing the economics surrounding the application and must incorporate multiple technical solutions and associated capital expenditure assumptions to demonstrate the special circumstances. All waivers of matching funds will be submitted to NTIA for review and approval.

## **Prioritization of Projects**

**2.4.3** *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.*

NBO is committed to achieving universal broadband service within the state of Nebraska. NBO will prioritize and award funding to unserved BSLs, then underserved BSLs and then eligible CAIs as funding permits.

DPA's will be selected through the process documented in [Section 2.4.6](#) which will include all unserved and underserved locations. Upon application window closing, if the state has not received applications for all DPAs, the DPAs for which applications were not received will be re-optimized and updated to encourage prospective subgrantee interest as documented in [Section 2.4.7](#). Following DPA re-optimization, a Round 2 application process will be initiated and communicated to prospective subgrantees. The Round 2 process will include Project Applications to address the new DPA(s). If after Round 2 is completed, there are still DPAs for which no applications were received, NBO will determine whether subsequent optimization rounds will be productive or should be discontinued.

Once optimization efforts are discontinued, NBO will use targeted outreach with service providers to solicit and encourage applications as defined in [Section 2.4.7](#). NBO may modify the DPA attributes to entice applicant interest. NBO may consider modifying any or all attributes including but not limited to additional incentives, program contribution levels greater than the 75% cap, or the addition of other matching sources from state or local entities, if available. NBO acknowledges that any program contribution level greater than

75% would require a waiver from NTIA. Fiber to the premises (FTTP) solutions will be pursued as a first deployment option, followed by other reliable broadband technologies, and then by technologies that do not meet the definition of reliable broadband technologies.

NBO intends to submit a plan to the NTIA that will provide coverage for all unserved, all underserved locations and, (to the extent funds are available) eligible CAI locations. If NBO determines that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, NBO will prioritize projects within each of those categories based on a strong preference for projects serving unserved BSLs.

### ***Non-Deployment Use of Funds***

**2.4.4** *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

### ***Compliance with all Federal Build Regulations***

**2.4.5** *The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic 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.*

Ensuring American manufacturing is part of expanding broadband is a priority of NBO. To emphasize the importance of compliance with BABA, applicants will be required to include a narrative describing how they will comply with the following BABA items:

- Requirement 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 U.S. unless a waiver is granted.
- In determining whether a product is produced in America, subrecipients must comply with definitions included in Section 70912 of BABA, which provides that a manufactured product is considered produced in the U.S. if the manufactured product was manufactured in the U.S. and the cost of the components of the manufactured product that are mined, produced, or manufactured in the U.S. is greater than 55% 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, subgrantees may not use NBEAD funding to purchase or support any covered communications equipment, services, or systems, as defined at 2 CFR § 200.216. Applicants will be required to check a box on the application affirming this statement.
- The Infrastructure Act expressly prohibits subgrantees from using NBEAD 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.

NBO will incorporate the BABA requirements into the subgrantee selection process by conducting informational webinars, posting a list of regulations on NBO's website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subgrantee grant monitoring program requirements.

NBO will adhere to the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) requirements to analyze the potential environmental impacts of subgrantee projects and other eligible activities that are seeking to utilize NBEAD funding. Communication between NBO and applicants prior to and throughout the selection process will ensure entities seeking to capitalize on NBEAD funding comply with NEPA and NHPA. All subgrantees will be required to submit an Environmental Review that complies with the NEPA to enable NBO to determine the level of compliance. The following will be specifically highlighted:

- Projects or other eligible activities containing construction and/or ground-disturbing activities are required to submit all required environmental documentation which also must describe how they will comply with applicable environmental and national historical preservation requirements.
- It is the subgrantee's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted and to provide proof of such permits and approvals to NBO staff upon request.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

NBO will provide a resources document listing known state and federal agencies that can assist with NEPA and NHPA efforts. Prospective subgrantees will be encouraged to

abide by all State regulations.

### ***Process for Defining Project Areas***

**2.4.6** *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.*

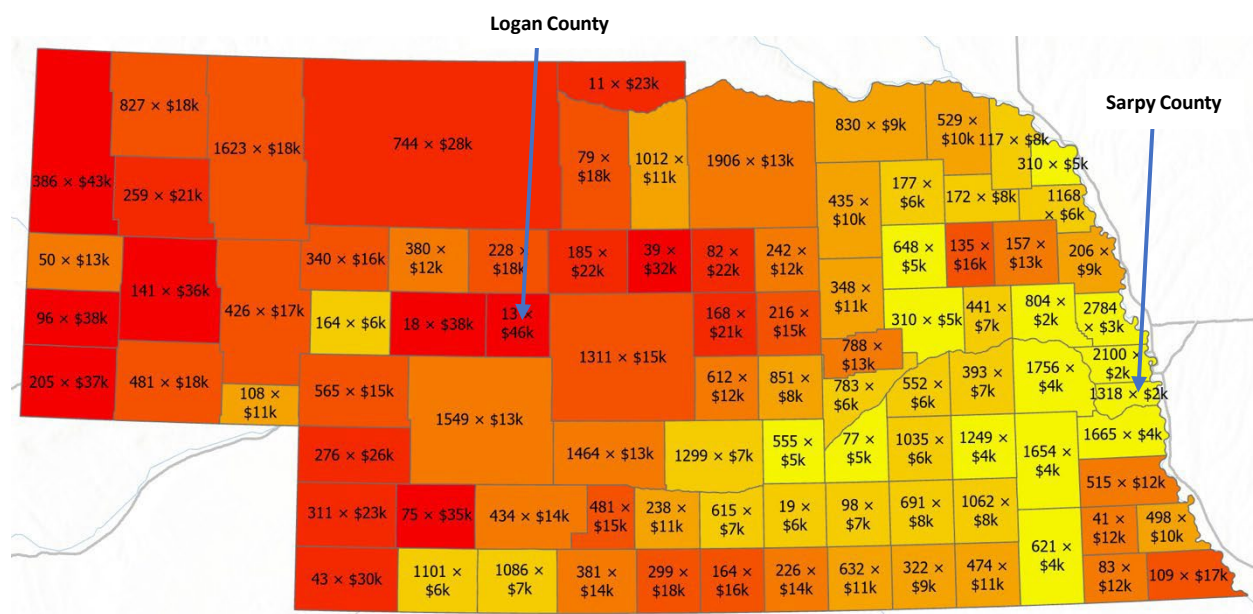
NBO intends to create Defined Project Areas (DPA) for which applications will be solicited from prospective subgrantees. Currently, there are approximately 33,383 unserved and underserved locations within Nebraska. Based on current NTIA toolkit data, which includes de-duplication location identification data of enforceable commitments from other broadband infrastructure programs, it is theoretically possible to serve all unserved and underserved locations within Nebraska with a mix of fiber and wireless solutions. However, until the NBEAD applications from prospective subgrantees are received, there is a significant amount of uncertainty regarding whether Nebraska will be able to target all underserved locations.

Preliminary analysis shows there are a substantial number of target locations with very high cost per location figures (greater than \$50,000), particularly in the western half of the state. When regionally aggregating these high-cost target locations, it creates an overall average cost per location passed within some geographic regions to be substantially higher than many other regions within Nebraska. These high-cost geographic areas may inhibit prospective subgrantees from applying for grants in these areas, as even with the required program applicant match of 25%, an applicant would be required to contribute greater than \$12,500 per location passed to a project. At this level of contribution, the required economic investments would not be feasible for most service providers. To encourage investment in these areas, NBO intends to reasonably distribute these high-cost locations across geographic areas as much as possible to reduce the overall average cost per location passed within a geographic region. The goal is to create DPAs that are economically attractive to service providers. Once the Extremely High-Cost Threshold is established, alternative reliable broadband service technology solutions will be considered for implementation in these areas to reduce implementation costs and improve deployment economics for prospective subgrantees. For DPAs in the five designated high-cost areas, match requirements may be relaxed to address prospective subgrantee high contribution rates. Pre-defined high-cost areas and associated attributes will be included in the DPA

process.

For example, Logan County contains within its 571 square miles only 13 unserved or underserved broadband locations, with an average estimated cost per location to establish broadband service of \$46,107. Sarpy County, in comparison, covers 247 square miles and includes 1,318 broadband serviceable locations at an estimated cost of \$1,640 per location. A map with Target Locations and Average Cost is located in Section 2.4.6 of the full document.

Figure 1 Count of target locations and average cost to establish service by county.



All else being equal, more balanced DPAs will result in more provider applications and lower costs, stretching NBEAD program funds further. To achieve the desired outcome of optimal DPAs that 1) have the greatest opportunity to enable priority broadband projects, 2) have the optimal lowest cost per location passed within all DPAs, and 3) encourage provider application submissions, multi- objective optimization will be used to evaluate variables and solve for the most efficient aggregation of target locations into DPAs. Optimization efforts will include the following steps with each step described in the sections below:

- Define criteria
- Establish criteria weighting
- Conduct optimization
- Defined project area notification

## Define Criteria



An optimized service area is one that minimizes the cost for a provider to completely serve (compact, contiguous, etc.) at a given average cost per location. Criteria to effectively implement the optimization generally includes costs, technology solutions, and location count and to achieve NBO's goals. The specific criteria may include, but are not limited to the following:

- Contiguosness – linear continuity of target locations within a service area boundary.
- Compactness – how close the target locations are in relation to each other.
- Consistent preferred technology – the preferred technological solution to be built within the DPA. The current technologies available are fiber to premises, fixed wireless solutions and low earth orbit (LEO) satellites, according to the NTIA toolkit information based on CostQuest Associates' underlying data.
- Similar target location count – the desire to create DPAs with similar location ID counts across the entire set of DPAs within Nebraska to enhance attractiveness to service providers.
- Alignment with existing infrastructure (roadways, middle-mile broadband infrastructure, towers, etc.).
- Avoidance of natural barriers, obstacles, or hazards, such as avoiding service areas spanning both sides of a river or regulatory floodplain.
- Similar cost per location served – grouping of location IDs such that very-high-cost location IDs are integrated within lesser cost location IDs to achieve a lower cost per location passed within the DPA.

NBO will determine the number of DPAs to be created to adjust manually during each optimization cycle. NBO reserves the right to add criteria as optimization efforts are refined to achieve NBO's goals.

### **Establish Criteria Weighting**

Each criterion will be assigned a weighting range of zero (0) to 100 where 0 reflects minimal importance and 100 reflects the most important weighting. The greater the weight, the greater the priority a given criterion will receive in the optimization process. Criteria weights will be modified as needed to achieve NBO's goals. Weights may be established based on a consensus definition agreed upon by NBO staff, or through a priority elucidation exercise such as swing weighting completed by NBO staff and other stakeholders. For an example, please see the following section. After the criteria and weighting scales are documented, NBO will publish the selected optimization criteria and weighting information to service providers. NBO may, or may not, implement the service provider feedback

depending on whether the feedback positively impacts the optimization results and meets NBO's goals.

### **Conduct Optimization**

Once weightings are established, the optimization tool will be used to conduct iterations until the optimization algorithm reaches an end state. Multiple optimization rounds will be run by modifying criteria weightings to understand how weightings impact the overall defined project area development goals and until an acceptable, optimized solution is generated.

### **Finalize the Defined Project Areas**

After multiple iterations are completed and various optimized options are developed, NBO will review the solution that best meets the goals of NBO. Once the solution is selected, a final cycle of the optimization model will be run to validate that DPA boundaries are indeed optimized to achieve NBO's goals. The output of the final DPA optimization cycle will establish Nebraska's DPAs for NBEAD prospective subgrantees. The DPAs can be modified or amended to account for circumstances not reflected in the optimization criteria in the future as needed.

### **Defined Project Area Notification**

NBO will make every effort to communicate the DPA boundaries to prospective subgrantees prior to the opening of the OA window. DPA boundaries will be communicated through the program announcement, via NBO's website and other communication channels as necessary.

NBO considered other solutions to determining DPAs, such as:

- 1) allowing prospective subgrantees to submit applications using their own pre-defined service area boundaries,
- 2) using county boundaries and
- 3) using other established political district boundaries (both state and federal).

However, none yielded an optimized cost per location and a high Priority Broadband Project adoption rate while minimizing overlapping applications and the possibility of DPAs for which no applications are received. As a result, the optimization solution was pursued.

### ***If No Proposals Are Received***

*2.4.7 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.*

If no applications are received to serve a location or group of locations that are unserved, underserved, or a combination of both, NBO will pursue additional actions to find providers willing to expand their existing or proposed service areas to ensure universal coverage. NBO will first pursue modifying the DPAs for which no applications were received to encourage submission of applications through a second or potential third round of applications. If these efforts do not achieve NBO's goals, as identified in [Section 2.4.6](#), NBO will shift focus to targeted outreach with providers approved for funding of projects that are contiguous with the unfunded DPA(s) or recently awarded subgrantees **or others that may have expressed interest post-application close**. Details of the process are included in the following two sections.

### ***Modifying The Defined Project Areas***

As applications are received, NBO staff will track the DPAs addressed by each application. By the end of this process, NBO will know whether there are any DPAs for which no applications were received.

Using the process described in [Section 2.4.6](#), NBO will re-run the optimization process. This process will result in identification of a new set of DPAs, which will be assessed to ensure they meet the optimization goals as stated in [Section 2.4.6](#). Once successful, a map of the new DPAs will be published, along with an updated RFA to govern the second application round. NBO will also communicate about the updated map and RFA through its website, via a press release, and through social media. Prospective subgrantees will be invited to participate in the Round 2 PA process.

As Round 2 applications are submitted, NBO will again identify and inventory DPAs for which no applications are received. NBO will determine if additional optimization and application rounds will be useful to achieve NBO's goals as stated in [Section 2.4.6](#).

NBO reserves the right to suspend additional optimization rounds when optimization no longer achieves NBO's goals as stated in [Section 2.4.6](#) or when optimization does not lead to a material change in DPA attributes.

### ***Targeted Outreach to Service Providers***

Once NBO determines that modifying the DPAs is no longer effective in soliciting applications for unfunded DPAs, the following process will be applied:

- Targeted outreach and negotiation will commence with providers funded for projects that are contiguous with unfunded DPA(s). Nearby providers will be identified via the

Federal Communication Commission's (FCC) National Broadband Map and/or other previously funded federal- or state-sponsored broadband programs such as the Capital Projects Fund (CPF) or Alternative Connect America Cost Model (ACAM) programs.

- In the targeted outreach efforts, NBO may consider additional incentives to encourage application submission to include, but not limited to, program contribution levels greater than the 75% cap, or the addition of other matching sources from state or local entities, if available. NBO acknowledges that any program contribution level greater than 75% would require a waiver from NTIA.
- If targeted outreach and negotiation strategies are successful and providers express interest in submitting an application to provide service in the DPA, providers will be required to submit their respective application(s) per program guidelines.
- Applications will be evaluated based on the program approved scoring rubric as documented in [Section 2.4.2](#).
- If targeted outreach and negotiations are not successful for any remaining defined project area and NBO has exhausted all options for reliable technology solutions in DPAs for which applications were not received, NBO will seek NTIA approval for non-reliable broadband solutions to be made available for remaining DPAs. Application submissions for non-reliable broadband solutions will follow the same application and evaluation process as the reliable broadband solutions.

### ***Tribal Governments' Consent***

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

NBO will require that applicants that plan projects that focus on or will pass through tribal lands acquire from the relevant tribal government(s) a Resolution of Consent or other formal consent document. NBO recognizes that securing a resolution of consent may not be possible until after funding decisions are known. Therefore, prospective subgrantees will be required to document in applications their intent to collect and submit to NBO the consent document along with other relevant documents demonstrating that tribal coordination occurred. Subgrantees will have 90 days from the start of their award to submit the necessary documentation to NBO. Any applicant that plans to deploy NBEAD-funded network service on tribal land and does not provide consent documentation may be subject to cancellation of the award.

### ***Extremely High Cost Per Location Threshold***

**2.4.9** *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 the operational costs for the lifespan of the network.*

The state of Nebraska will not declare an EHCT value now but will develop the EHCT once BEAD application data is received. Based on analysis using the NTIA tool kit and CostQuest Associates' data as of September 21, 2023, NBO does not believe that Nebraska's \$405 million BEAD allocation is enough to reach all 66,900 unserved and 37,200 underserved locations in the state with priority broadband projects as documented below:

- Unserved Only:
  - Total cost to serve all: \$899.1 million
  - Remaining funds needed to serve all -\$493.8 million
- Unserved and Underserved:
  - Total cost to serve all: \$1.2 billion
  - Remaining funds needed to serve all -\$772.5 million

Given the NTIA *Extremely High-Cost Toolkit* information, Nebraska is significantly underfunded to achieve universal access across the state. As a result, NBO will establish the EHCT to prioritize priority broadband projects (FTTP) to implement fiber coverage to as many locations as possible while achieving universal, qualifying broadband speed coverage to Nebraskans.

To establish the EHCT, NBO will complete the application process, whether one or multiple rounds, in accordance with [Section 2.4.6](#) and [Section 2.4.7](#). The EHCT would be developed based on applications received in the NBEAD program, in addition to applications through CPF and Nebraska Broadband Bridge Program (NBBP) in former years that were not funded due to high costs. NBO will ensure that other federally enforceable commitments are de-duplicated prior to evaluating and establishing the EHCT.

NBO will then evaluate cost per location passed for FTTP solutions across the applications received, highest cost to lowest cost. The EHCT will be set in a way which allows as many end-to-end priority broadband projects (FTTP projects) to be deployed as possible while still achieving the universal service mandate with a mix of non-priority broadband projects. NBO will optimize 100% coverage of unserved locations with priority broadband projects, if possible.

Applicants will be required to provide pro-forma two (2) year income statement showing revenue, subscriber penetration assumptions, subscriber counts, churn, capital expenditure amount, acquisition costs and operational expenses and timing of inputs for their respective

defined project area proposal. A two (2) year income statement was chosen as it will generally reflect the lifespan of telecommunications electronics, partially account for the total fiber infrastructure, and will provide sufficient evidence of economic viability. NBO acknowledges that fiber infrastructure has a significantly longer lifespan / useful life than two (2) years.

## **Extremely High Cost Per Location Threshold Process**

**2.4.10** *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:*

- A. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.*
- B. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.*
- C. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.*

After defining the EHCT value as described in [Section 2.4.9](#), NBO will review prospective subgrantee applications exceeding the threshold value to assess the cost-reasonableness of each project. NBO anticipates some priority broadband projects will be funded, even if above the threshold, if they are the only priority project applications targeting the DPA and/or sufficient NBEAD funding remains available. The applications that are declined in Round 1 may be revised (e.g., to adopt a more efficient reliable broadband service technology for the same project scope) and resubmitted in subsequent application rounds.

For prospective subgrantees submitting applications with a per-location cost above the EHCT for a DPA, NBO will offer an opportunity to revise the application so that it does not exceed the EHCT and resubmit it in a subsequent application round. If the applicant(s) can sufficiently reduce their per location cost below the EHCT, the application(s) will be scored per the applicable scoring rubric documented in [Section 2.4.2](#). If only one application is submitted, NBO will award the revised application. If the cost per location is not reduced, NBO will treat this as a DPA that involves a less costly technology that does not meet the definition of reliable broadband and follow the process to pursue alternative technology solutions.

NBO will not select a proposal that involves a less costly technology that does not meet the definition of reliable broadband service when pursuing universal service goals within

Nebraska. This applies to evaluating applications submitted through 1) the multiple application rounds and 2) one-to-one engagements and negotiations with providers, as described in [Section 2.4.7](#). NBO will require all subgrantee applications to utilize technologies recognized by the NTIA as capable of delivering qualified broadband service. NBO may be required to consider alternative technologies not capable of supporting reliable broadband service in the following cases: 1) when there are still DPAs for which no applications were received post one-to-one negotiations with a service provider and 2) when the cost to deliver a priority broadband project exceeds the EHCT and is more costly than a non-priority broadband project using an alternative technology that can support reliable broadband service. If these conditions are met, NBO will consider satellite or unlicensed wireless technologies to deliver services to the end user. NBO will then engage service providers and solicit proposals using less optimal technologies to deliver services to end users. Upon proposal receipt, NBO will evaluate the proposals using the same scoring criteria as defined in [Section 2.4.2](#), Other Last-Mile Broadband Deployment Projects scoring rubric.

## **Financial Capability**

**2.4.11** *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. The response must:*

- *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.*
- *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 (RDOF).*
- *Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.*
- *Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.*

NBO will ensure that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for financial capability as outlined in the BEAD NOFO. To ensure that a provider can sustain the proposed NBEAD project, each applicant must provide to NBO proof that sufficient financial resources are available to support the project's operational and administrative expenses. This proof may include copies of bank statements, letters from a bank confirming access to a line of credit, or other means. NBO will distribute funds via a reimbursement process that includes submission of narrative and financial reports. Information included in narrative reports will include progress toward project milestones, and financial reports will include comparison to budgeted amounts. At least once per project year, reports submitted with reimbursement requests will also include source documents to meet subrecipient monitoring requirements. Reporting and reimbursements requests will be submitted on a quarterly basis, timed to ensure collection of the necessary data for NBO reporting to NTIA.

NBO will require unqualified comparative audited financial statements for all applicants covering the most recent fiscal year. If such audited statements are not available at the time of application, the applicant may provide compiled financial statements, but must submit the unqualified comparative audited financial statements prior to award, if selected for NBEAD funding.

An officer of the subgrantee with authority to legally bind the entity must certify to the entity's understanding of the financial conditions and the performance standards including project milestones. This certification may be collected by NBO on various reports and documents to reinforce ongoing compliance and adherence to the subgrant agreement.

NBO fully adopts the conditional programmatic waiver of the letter of credit requirements as published by NTIA on October 23, 2023. The waiver may be viewed on NTIA's website or on NBO's website. NBO will provide a model Letter of Credit for applicants to use that complies with the conditional waiver. The parameters of the NTIA waiver are as follows:

## ***2.1 Subgrantee Option to Use Credit Unions***

That portion of the LOC Requirement that requires the use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2) is waived where the subgrantee otherwise meets the LOC Requirement using:

Any United States credit union that:

- (a) is insured by the National Credit Union Administration and;
- (b) has a credit union safety rating issued by Weiss of B- or better.



## **2.2 Subgrantee Option to Use Performance Bonds**

That the LOC Requirement is waived where:

- (a) During the application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond.
- (b) Prior to entering into any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 100 percent of the subaward amount.

Where a subgrantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the subgrantee “provide with its letter of credit an opinion letter from legal counsel clearly 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” is waived.

## **2.3 Reduction of LOC/Performance Bonds Upon Completion of Milestones**

The requirement that “In no event, however, shall the letter of credit have a value of less than 25 percent of the subaward amount” is waived, conditioned on the requirement that the subgrantee obtain a new a letter of credit in a reduced amount upon achievement of specific deployment milestones that are publicly specified by the Eligible Entity and applicable to all subgrantees subject to the LOC Requirement. Where a subgrantee chooses to utilize a performance bond in lieu of a letter of credit under section 2.2 above, Eligible Entities shall also have the option to reduce the amount of the performance bond by a commensurate amount as subgrantees meet the same service milestones.

By way of example, an Eligible Entity could specify that a subgrantee may obtain a new letter of credit or renew its existing letter of credit to reduce its value in accordance with the following limitations:

- Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 40 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 20 percent of the award amount.
- Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 60 percent of locations to be served by the project, a subgrantee may

obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 15 percent of the award amount.

- Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 80 percent of locations to be served by the project, a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 10 percent of the award amount.
- Upon demonstrating to the satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project, a subgrantee may terminate its letter of credit under the terms set forth therein.

## **2.4 Subgrantee Option for Alternative Initial LOC or Performance Bond Percentage**

The requirement that the initial letter of credit be for 25% of the subaward amount, or in the case where a subgrantee chooses to utilize a performance bond consistent with section 2.2 above, allow the initial amount of the performance bond to be lower than 100% of the subaward amount, where:

- (a) The Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;
- (b) Reimbursement is for periods of no more than six months; and

The subgrantee commits to maintain a letter of credit or performance bond in the amount of 10% of the subaward until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subaward has ended, whichever occurs first. As previously described, NBO will require all applicants to submit unqualified comparative audited financial statements as part of the application process. If these are unavailable at the time of application NBO will accept compiled financial statements, but the unqualified comparative audited financial statements will be required prior to issuance of a subgrant. A final unqualified comparative audited financial statements report will be due one year after project completion.

NBO will require applicants to submit business plans, strategic plans, sustainability/ pro forma analyses, or related documents that demonstrate the applicant has appropriately planned and designed the proposed project.

Applicants will be made aware of these regulations before, during, and after the selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to NBO's website, and including necessary items in the subgrant agreement and the terms and conditions document.

Applications that fail to meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO will be required to undergo additional monitoring from NBO.

## Managerial Capability

**2.4.12** *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 may reference those to outline alignment with requirements for this section. The response must:*

- A. *Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.*
- B. *Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.*

NBO will perform the necessary due diligence to ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. Ensuring managerial capability will be addressed with the OA process.

Prospective subgrantees shall submit to NBO résumés for all key management personnel and organizational chart(s) detailing all parent, subsidiaries, and affiliates. Required documentation will include the following:

- A list of the parent, subsidiary and affiliate organizations involved with the project.
- An organizational chart for each parent, subsidiary and affiliate organizations involved with the project.
- Identification of key management personnel within and outside of the organizational charts, specifying their role within the organization.
- A résumé for all key management personnel as identified above, including whether the individual is based in Nebraska or out-of-state.

Prospective subgrantees will be required to provide information describing their readiness to manage their proposed project and ongoing services provided. Required information will include, but not be limited to, the following:

- Description of Applicant’s experience in operating and maintaining broadband networks and duration of experience.
- Key operational metrics documenting MTTR (in hours) and network availability (%)

availability) for current broadband and voice services (if applicable) for the last 24 months, by month.

- Physical presence and personnel able to respond to network outage events.

As part of the managerial readiness vetting effort, prospective subgrantees will also be required to make attestations regarding their current business operations. Failure to make the designated attestations will disqualify them from the application process. Prospective subgrantees will be required to attest to the following:

- The prospective subgrantee is in good financial standing with the State of Nebraska, evidenced via a Certificate of Good Standing from the Nebraska Secretary of State and submitted with the Applicant's OA documentation.
- The prospective subgrantee is not currently involved in pending litigation in association with previous Nebraska-sponsored broadband infrastructure grant projects.
- The prospective subgrantee is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
- If a private entity, the prospective subgrantee has been operating in the State of Nebraska for no fewer than two (2) years. The prospective subgrantee has not within a two-year period preceding this proposal been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- The prospective subgrantee is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local).
- The prospective subgrantee has not within a two-year period preceding the application had one or more public transactions (federal, state, or local) terminated for cause or default.
- The prospective subgrantee is participating in subsidy programs to optimize digital inclusivity. (i.e., Lifeline, Affordable Connectivity Program (ACP), Emergency Connectivity Fund etc.).
- The prospective subgrantee has previously submitted accurate FCC Broadband Data Collection (BDC) fabric data for their respective proposed service area.

Prospective subgrantees will also provide documentation regarding upcoming organizational changes including mergers, acquisitions, and organizational policies. The subgrant terms and assurances to which subgrantees must agree to receive NBEAD

funding includes requirements that subgrantees must inform NBO of any changes to key personnel, organization, or publicly disclosed merger activity. This requirement applies from submission of the OA documentation through subgrant closeout.

Upon receiving information from [Section 2.4.12](#), NBO will assess the prospective subgrantee's capacity to complete, operate, and maintain the proposed broadband network. NBO will use qualified personnel to evaluate the prospective subgrantee's information and will augment evaluation staff as needed to ensure timely completion.

NBO will make every effort to communicate application requirements to all prospective subgrantees well in advance of the selection process. Applicants will be informed of the requirements outlined in [Section 2.4.12](#) prior to the application submission process through NBO's website, webinars, publication of FAQ documents, stakeholder outreach actions and other communications methods as deemed necessary.

Applications that fail to meet the minimum qualifications for managerial capability as outlined on pages 73-74 of the BEAD NOFO will not be considered to receive NBEAD funding.

## **Technical Capability**

**2.4.13** *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 may reference those to outline alignment with requirements for this section. The response must:*

- 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.*
- 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.*

NBO will perform the necessary due diligence to ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as

outlined on page 74 of the BEAD NOFO.

NBO will require prospective subgrantees to certify 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 they will use an appropriately skilled and credentialed workforce per the BEAD NOFO (see Section IV.C.1.e). To fully vet prospective subgrantee technical qualifications, NBO will require prospective subgrantees to include the following information in their application for NBEAD funding:

- Description of the Applicant's experience in planning, designing, engineering, and constructing broadband networks and duration of experience.
- Description of the Applicant's experience in operating and maintaining broadband networks and duration of experience.
- Description of the Applicant's experience in successfully implementing projects of similar size and scope, including capital requirements and locations passed.
- Licensing documentation for state and federal governing bodies.

NBO will evaluate prospective subgrantee documentation by using qualified industry veterans to validate technical qualifications and that the prospective subgrantee will use appropriately skilled and credentialed workforce to implement the best broadband solution for Nebraskans.

NBO will require prospective subgrantees to submit, as part of their application, the necessary information to document their experience and ability to deliver broadband service that meets the requisite performance requirements for all locations served by the project. Such information will include, but not be limited to the following:

- Network Design: documentation depicting the network architecture, the arrangement of the nodes and connections in the network and the physical means by which data is transmitted within the network.
- (Network) Diagram: documentation depicting the overall structure of the network showing the equipment types, the placement of the equipment, and the physical media connecting each device and the maximum speeds supported by each connection.
- Project Costs: reflects all eligible costs within the DPA application to enable the DPA with qualifying broadband speeds. Cost categories will include, but not be limited to pre-project development costs, engineering, construction, permitting, material, electronics, and labor, and match to SF424C categories.
- Build-out Timeline and Milestones for Project Implementation: The work plan will incorporate project lanes spanning across multiple functional categories to ensure the network is built, tested, operationally validated, and marketed for adoption. The

timeline will also reflect the capital investment schedule and milestones documenting buildout completion and initiation of service within four years of the subgrant execution date. Project lanes and associated milestones may include, but not be limited to the following:

- Pre-construction planning – developing desktop surveys, high level design, and preliminary bill of material.
- Engineering – designing specific equipment, physical and logical connectivity.
- Permitting – submitting for and receiving authorization to construct facilities in specific geographic areas from local and state government entities.
- Construction – the physical placement of fiber cable, electronics, cabinets, poles, handholes, and splice points to enable connectivity between head end and end user.
- Equipment installation – includes the physical placement and connectivity of the facilities.
- Adoption and outreach
  - Engaging with the community informing them of the service availability.
  - Customer acquisition activities such as sales and marketing actions.
  - Adoption efforts focused on digital literacy and skills training.
- Operational validation
  - Test and turn up of the network ensuring service is available and that the service provider can provision and support the broadband connectivity.
  - End user validation confirming that services can be delivered to prospective subgrantee customers.
- Capital investment schedule evidencing:
  - Complete build-out.
  - Initiation of service within four (4) years.

A signed and stamped professional engineer (PE) certification will be required from the prospective subgrantee to ensure that the network will perform to program speed requirements. The PE certification will be submitted as part of the application for funding. If, after the network is built and made operational, the network performance does not meet the minimum program speed guidelines after completing three (3) speed tests per “Speed Test Requirements” section below, the subgrantee will be required to modify the network at their own expense to comply with program requirements in the most expeditious timeline possible.

## Speed Test Requirements

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., digital subscriber link [DSL] modem, cable modem (for hybrid fiber coaxial [HFC]), optimal network terminal [ONT] (for FTTH), or fixed wireless subscriber module).
2. A reading of the speed test available from within the residential gateway web interface.
3. A reading of the speed test found on the ISP's web page.
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using either of the two below speed test services:
  - Ookla <https://www.speedtest.net/>
  - M-Lab <https://speed.measurementlab.net/>

Each speed test measurement must include:

1. The time and date the speed test was conducted.
2. The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
3. Download and upload speeds.
4. Latency (measured in milliseconds).

Each group of three speed tests must include:

1. The name and street address of the customer conducting the speed test.
2. A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
3. An agreement, using an online form provided by NBO, that grants access to these information elements to NBO, any contractors supporting the challenge process, and the ISP.

The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus will not be disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

## Compliance with Applicable Laws

2.4.14 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. The response must:

- 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.*

- 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.*

NBO will vet all applicants for compliance with BEAD NOFO requirements. Applicants will describe in a narrative how they currently and will continue to monitor for and comply with local, state, and federal laws. Applications for projects that focus on or pass through tribal lands will also be required to describe how the organization has and will continue to comply with tribal laws and coordinate with the Tribal government(s).

To ensure an applicant is compliant with occupational safety and health requirements, the application narrative will also describe how the applicant employs or will facilitate the creation of the use of worker-lead safety teams, conduct safety meetings, and ensure regular management engagement with the safety teams.

NBO will make applicants aware of these regulations before, during, and after the subgrantee selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to NBO's website, and including necessary items in the subgrant agreement and the terms and conditions document.

Applications that fail to meet the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO will not be considered to receive NBEAD funding.

## **Operational Capability**

*2.4.15 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. The response must:*

- 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.*
- 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 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.*
- 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.*

- 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.*
- 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.*

NBO will ensure that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. NBO will require that applicants, during the OA process, certify that they possess the operational capability to complete and operate the project.

Organizations submitting OAs will be required to certify the following. The certifications will be incorporated into the subaward documents by reference. Examples of such certification requirements include:

- A prospective subgrantee that has 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, must submit a certification that attests to these facts and specifies the number of years the applicant or its parent company has been operating.
- If the prospective subgrantee has provided a voice and/or broadband service it must certify that it has timely filed FCC Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the FCC rules and regulations. Alternatively, an applicant should explain any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with FCC rules or regulations. With regards to enforcement actions governed by the NPSC, evidence of compliance with NPSC rules and regulations (where applicable) will be required.
- If the prospective subgrantee has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant 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.

- For a new entrant to the broadband market, a prospective subgrantee must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence may include résumés from key personnel; project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience; or other comparable evidence.

NBO will make applicants aware of these regulations before, during, and after the selection process by posting guidance documents, hosting informational webinars, publishing FAQ documents to the NBO website, and including necessary items in the OA process and terms and conditions document.

Applications that fail to meet the minimum qualifications for operational capability as outlined on pages 74-75 of the BEAD NOFO will not be considered to receive NBEAD funding. The OA process will be used as a filter: all applicants must submit an OA for at least one of Nebraska's DPAs. If an entity does not submit an OA, they will not be allowed to submit a PA for NBEAD funding. Because of this, the OA process will include a brief opportunity for potential applicants to submit missing information.

## **Ownership Information**

*2.4.16 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. The response must:*

- 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).*

NBO will ensure that any prospective subgrantee seeking to deploy network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. NBO will complete thorough vetting of each prospective subgrantee. This will include, as part of the OA process, collection of ownership information per 47 C.F.R. § 1.2112(a)(1)-(7) as listed below:

1. List the real party or parties in interest in the applicant 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 applicant;
2. List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, 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 applicant is 10 percent 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 applicant is 10 percent or greater;
6. List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
7. List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent 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 applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent 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 applicant).

### **Public Funding Information**

2.4.17 *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. The response must:*

- 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.*
- 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.*

NBO will require all applicants to disclose details of any application the applicant 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, including but not limited to funds provided under: the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., RDOF, CAF), or any State of Nebraska or local universal service or broadband deployment funding program. The disclosure should only include projects in Nebraska or projects that cross into Nebraska from neighboring states. The submission must include the following items:

1. The speed and latency of the broadband service to be provided as required or currently deployed for the project which details the available speeds offered (and associated latency) by the applicant within the funded project.
2. The geographic area covered.
3. 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).
4. The amount of public funding to be used.
5. The cost of service to the consumer including, but not limited to:
  - a. Cost of the service(s), on a per speed offer basis
  - b. Cost of maintenance fees/packages
  - c. Cost of equipment rental (if applicable)
  - d. Estimated taxes on a per speed offer basis.
6. The matching commitment, if any, provided by the prospective subgrantee or its affiliates.

## 2.5 Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1 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.

The State of Nebraska does not intend to allocate funding for non-deployment activities as NBO expects it will have just enough funds to reach the unserved and underserved locations and will allocate all funds on deployment activities except where indicated for administrative expenses in [Section 2.6](#). However, in the unlikely event that NBO has funds remaining after deployment to unserved and any underserved locations, NBO will conduct a competitive subgrantee selection process for CAIs and non-deployment activities.

## 2.6 Eligible Entity Implementation Activities (Requirement 10)

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

As Nebraska will prioritize accessibility and build out of a future-proof network, the state will focus most of the funds on network buildout and infrastructure. That said, as NBO is a small team, some funding will be needed to continue the administration of the program, resources for grant and workforce, as well as more sophisticated mapping support than current resource capabilities.

## 2.7 Labor Standards and Protection (Requirement 11)

2.7.1 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 and must include information about contractors and subcontractors:

- A. Prospective subgrantees' record of past compliance with federal labor and employment laws, which:

- i. *Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;*
  - ii. *Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and*
  - iii. *Should include written confirmation that the prospective subgrantee 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.*
- B. *Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:***
- i. *How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:*
    - 1. *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*
    - 2. *How the subgrantee 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.*

NBO will require prospective subgrantees (including their contractors and subcontractors) to provide as part of the application process, prescribed narratives and certifications regarding their record of compliance with federal labor laws and employment rules, as well as records of all third parties involved in the project. In addition, if new or additional contractors or subcontractors are added at any point during performance of NBEAD-funded activities, the subgrantee will be required to provide NBO with the required narratives and certifications for each.

Documentation of past compliance with federal labor and employment laws, protections, and violations (if applicable) will be required including:

- A narrative describing the prospective subgrantee's compliance with federal labor and employment laws on broadband deployment projects in the past three years (or since its inception). New entrants to the market (without a track record) will be permitted to mitigate this fact by making specific, forward-looking commitments to

strong labor and employment standards and protections with respect to NBEAD funded projects (BEAD NOFO pg. 43).

- Certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal and employment laws by the applicant, as well as all contractors and subcontractors; and
- Written confirmation that the applicant discloses any instances in which it has been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years)
- Written confirmation that the applicant discloses any instances where its contractors or subcontractors have been found to have violated laws such as Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years (or since its inception, if less than three years)

Prospective subgrantee plans for ensuring compliance with federal labor and employment laws which must address the following:

- How the prospective subgrantee will ensure compliance in its own labor and employment practices as well as that of its contractors and subcontractors.
- 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.
- How the prospective subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connections with the delivery of deployment projects.

## ***Applicant Proposal Scoring***

NBO is prioritizing fair labor practices (based on records of and plans to comply with federal labor and employment laws) by including their scoring as primary criteria in the applicant scoring and evaluation process. As mentioned previously, applicants unable to provide certification for the specified timeframe shall submit to NBO specific, forward-looking commitments to strong labor and employment standards and protection. NBO will assess these plans and assign a score according to the strength of commitments, considering factors outlined in BEAD NOFO IV.C.1.e. Section 69.

NBO will assess and score narrative responses under this category. Applications will receive points based on the information submitted for each element of the fair labor category. Applications that include no response will receive zero (0) points in this category.



Applications that include all required information and certification of the prospective subgrantee’s intent to comply with existing labor requirements outlined in the BEAD NOFO will receive 35 points in this category plus points based on responses to violation disclosures.

Points for violation disclosures will be awarded as follows: “no” responses will receive 5 points. “Yes” responses will receive zero (0) points and will be incorporated into the risk management schema for follow up via monitoring activities. If contractors and/or subcontractors are not known before application, full points will be assigned for the violation disclosure question. Subgrantees will be required to notify NBO within 30 days of execution of a contract with a contractor or subcontractor, including answers to questions about violations. Responses will, again, be incorporated into monitoring efforts.

Description	Points	Reference
Narrative of compliance (3 years or equivalent)	25	2.7.1.a.i
Certification from officer/director	5	2.7.1.a.ii
Violation disclosure (applicant)	5	2.7.1.a.iii
Violation disclosure (contractors and subcontractors)	5	2.7.1.a.iii
Applicable wages	2.5	2.7.1.b.i.1
Health and safety committee	2.5	2.7.1.b.i.2
Total	45	

## **Labor Regulations**

2.7.2 *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:*

- A. *Using a directly employed workforce, as opposed to a subcontracted workforce;*
- B. *Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act 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); and*
- I. Taking steps to prevent the misclassification of workers.*

Nebraska is a right-to-work state, so NBO will not incorporate any of the following items into legally binding agreements (subgrantees, contractors, subcontractors). Since these requirements collectively aim to ensure that subgrantees, contractors, and subcontractors uphold labor standards, prioritize workplace safety, and comply with federal laws related to labor and employment in the context of broadband deployment projects, NBO will require these items be addressed in applications.

NBO will ensure applicants are aware of these regulations prior to, and throughout the selection process by conducting regulation information webinars, posting a list of regulations on NBO's website, and including the requirements in the RFA as well as subrecipient monitoring requirements.

Prospective subgrantees will be required to provide narratives on each of the following in their applications (including information on contractors and subcontractors):

- Plans for using a directly employed workforce, as opposed to a subcontracted workforce: Narrative description of the expected workforce balance between directly employed and subcontracted workforces. This narrative should include the prospective subgrantee, contractors, and subcontractors.
- Paying prevailing wages: Description of how prospective subgrantees, contractors, and subcontractors will comply with Davis-Bacon requirements. As of October 23, 2023, Davis-Bacon is applicable to broadband installation projects. The final rule was published on August 23, 2023, in the Federal Register at 88 FR 57526. Prevailing wages are determined by the U.S. Department of Labor and are intended to ensure workers are compensated fairly. For awards of \$5 million or more, applicants must agree to provide a certification with respect to Title 40, U.S. Code, Chapter 31, Subchapter IV (commonly known as the "Davis-Bacon Act") as well as demonstrate fair labor practices.
- Use of local hires: Description of how prospective subgrantees, contractors, and subcontractors will prioritize hiring from the local community (whenever possible). This inclusion can help boost local employment and economic activity.

Use of an appropriately skilled workforce (registered apprenticeships): Narrative about how prospective subgrantees will utilize workers with the necessary job skills to meet safety requirements, appropriate assignment of roles, and equitable pay for the job description. Registered apprenticeships are structured training programs that combine on-the-job training with classroom instruction. This ensures that workers have the skills needed for their roles.

Use of an appropriately credentialed workforce: Narrative about how prospective subgrantees will employ individuals with the appropriate credentials for their positions. The prospective subgrantee must match each job description and skill set with the hiring description. For roles requiring a particular educational or skilled credential, employers (subgrantees, contractors, subcontractors) must strive to hire (only) credentialed workers for those roles.

Preventing misclassification of workers: Narrative describing how prospective subgrantees will take steps to prevent the misclassification of workers. Worker misclassification can occur when employees are incorrectly classified as independent contractors, leading to taxes, benefits, and labor rights issues.

By requiring prospective subgrantees (including contractors and subcontractors) to provide narratives on items as part of their application, NBO is encouraging the implementation of fair labor practices, appropriate compensation, skill development, and compliance with labor laws among prospective subgrantees, contractors, and subcontractors. Details and enforcement of these requirements will depend on the specific regulations and guidelines set forth by the Nebraska government and/or relevant grant-awarding agencies.

## **2.8 Workforce Readiness (Requirement 12)**

*2.8.1 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 should clearly provide each of the following as outlined on page 59 of the NOFO:*

- 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;*
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce systems, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and*

*complete training (childcare, mentorship, transportation), to attract, train, retain or transition to meet local workforce needs and increase high-quality job opportunities;*

- 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 CBOs to maintain worker voice throughout the planning and implementation process; and*
- d. 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.*

As of November 17<sup>th</sup>, 2023, Nebraska had the 6<sup>th</sup> lowest unemployment rate among states according to U.S. Bureau of Labor Statistics. Consequently, NBO will need to work collaboratively with Nebraska stakeholders, providers, and neighboring states to craft strategies and programs capable of developing and retaining the skilled and diverse workforce necessary to support the construction, operation, and maintenance of high-speed, reliable, affordable broadband in the state and region.

NBO, its partners, and its subgrantees will work to ensure the successful implementation of the BEAD project. As part of this commitment, the state will work to prioritize opportunities that specifically highlight registered apprenticeships, joint labor management training programs, and other industry-driven initiatives. By engaging in these programs, workers will have the opportunity to acquire the necessary credentials, certifications, and licensures, ensuring their competence and expertise in the broadband industry.

As noted in the workforce plan section of this document, NBO will build on the precedent established by NPSC by requiring that prospective subgrantees work to recruit and retain highly skilled workers and adhere to state and federal requirements related to prevailing wages for the industry in the region. Additionally, NBO will work to ensure these jobs will provide comprehensive benefits and foster a supportive work environment that values employee well-being and security. By investing in the professional growth and development of workers, NBO's workforce plan aims to create a career-oriented approach. Employees will have access to opportunities that facilitate skill enhancement and career advancement, empowering them to thrive in the dynamic field of broadband technology deployment and adoption.

With these strong requirements in place, our workforce plan seeks to guarantee a skilled labor force capable of driving the success of broadband initiatives across the state. By promoting competitive wages, offering benefits, and facilitating career growth, we will create an attractive and enticing environment that not only ensures worker satisfaction but also

enables the long-term sustainability of broadband infrastructure development in local and regional markets. An early workforce-centric conversation with ISPs and broadband stakeholders (June 30, 2023) highlighted that Nebraska's tight labor market presents a challenge to prospective subgrantees and their potential subcontractors to find the talent necessary to fill open positions. As a follow-up to the meeting NBO conducted high-level data gathering with ISPs, sub-contractors, and related organizations from July 10 to July 18, 2023, to begin to identify and understand the demand side of the NE broadband workforce equation which includes:

- Scope of the workforce and hiring/training relationships between subcontractors and ISPs.
- Shortages in related occupations (flaggers, utility locaters, make ready processes) that impact buildouts.
- Currently available jobs and roles related to broadband deployment and potential feeder positions.
- Skills, credentials, and education that may be required for some occupations.
- Typical training progression for telecommunications occupations, including consideration of transferrable skill sets from non-telecommunications occupations.
- Five (5) year employment trends in total employment and each occupation, recognizing that necessary skill sets will change when projects progress between planning, construction, operations, and maintenance).

To increase the number of individuals at the top of the workforce funnel, so to speak, NBO will work with partners to not only engage with underserved populations but will also work to identify and scale programs that will help inform and educate potential applicants on how to be more competitive in the broadband job market.

Again, building on the work of NPSC, NBO will leverage the requirements for outreach contained in the application requirements for the Nebraska CPF Program ([https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/2023%20CPF%20Program%20Guide\\_Revised%20012423.pdf](https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/2023%20CPF%20Program%20Guide_Revised%20012423.pdf)) to solidify the state's commitment and ensure subgrantee participation and reporting.

On the supply side of the equation, NBO is working with the Nebraska Department of Economic Development (NDED), NDOL, and others to develop and maintain an inventory (included at the end of this section) of workforce support programs, training programs, and broadband-specific training opportunities that have the potential to become part of a vibrant Nebraska broadband workforce ecosystem.

To ensure that NBEAD subgrantees support the development and use of a highly skilled workforce, NBO will work closely with NDOL and other stakeholders to identify and appropriately characterize high-demand (current and future) careers and critical skill sets necessary to support Nebraska's broadband buildout, operation, and maintenance. NBO may choose to leverage state and national occupational data resources such as the O\*Net Resource Center ([O\\*NET Resource Center \(onetcenter.org\)](http://O*NET Resource Center (onetcenter.org))) to reinforce the creation of industry-centric, career-connected employment opportunities across Nebraska. NBO will also develop a workforce working group to serve as a catalyst and facilitator of workforce related communications, coordination, and awareness between NBO agencies, training programs, and broadband providers and contractors.

NBO will also develop and promote sector-based partnerships among key stakeholders throughout the state to attract, train, retain, and transition the local workforce needed to deploy and operate broadband service networks. Thus, NBO will use various strategies to ensure prospective subgrantees support the development and use of a highly skilled workforce to deploy and operate broadband networks throughout the state.

Building on early activities (as noted above), NBO will continue to develop and promote sector-based partnerships to support provision of wrap-around services. One step will be regular engagement and collaboration with NDOL, NDED, Nebraska Department of Education (NDE), and a network of ISPs, contractors, union and worker organizations, and community-based organizations (CBOs) to share information related to hiring and training opportunities/needs to ensure inclusion of, and support for, diverse populations.

NBO will encourage subgrantees to establish and promote strong and clear career pathways through job training and workforce development programs such as registered apprenticeships, pre-apprenticeships, joint labor management training programs, or other high-quality on-the-job training opportunities by employing one or more of the following. These programs can create a pathway to advancement and increased wages through career progression either with the same employer or prepare workers for other jobs.

- Supporting technical assistance/training on how apprenticeships, state employment programs and community college programs functions. NBO may host informational webinars, workshops, or working sessions.
- Advocating for certification and credentialing to meet broadband industry specific needs.
- Recognizing outstanding performance/programming.
- Providing centralized resource sharing.

- Help facilitate contacts among providers who have similar training needs to collaborate on solutions by regularly attending local career fairs, incentivizing employee referrals, and creating scholarships for apprenticeship program for targeted functional areas like broadband network architects, surveyors/locators, or digital navigators. NBO will collaborate with its workforce partners to identify appropriate curriculum partners so that trainees may qualify for certifications and apprenticeships most needed by entities that hire.
- Seek feedback from employers, education and training providers, the public workforce system, unions and worker organizations, and CBOs that may have relevant data or provide existing programs that could benefit NBO or its partners in the development of workforce programs.

NBO will work 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 CBOs to maintain worker voice throughout the planning and implementation process in the following ways:

- Support the integration of broadband-related careers into career and technical education programs (including high-school and justice involved) and will encourage broadband providers and contractors to recruit through such programs in addition to apprenticeships, and technical/industry-lead training programs to reach and recruit individuals early and/or at transition points to open doors to new career options and continually engage with labor and community-based organizations to maintain worker voice throughout the planning and implementation processes.
- Confer with NDED and the NDOL regarding the consideration (where appropriate) of broadband-related careers and skills as high-wage, high skill, high demand (H3) for the upcoming 2024 list update for purposes of NEWorks and student participation in the Nebraska Careers Scholarship Program.
- Continue to work collaboratively with key stakeholders, regional and state economic development teams, OCIO, CBOs, and CAIs through regular and direct communications to maximize impact/reach, prevent confusion, and reduce potential burdens on community partners that may be engaged in both BEAD and DE program development and delivery.
- Consult/collaborate with other organizations that have built workforce programs using federal funds to leverage best practices and maximize impact.
- Work with NDED and NDOL to adapt and/or replicate existing pre-apprenticeship, internship (InternNE), and registered apprenticeship programs to align with broadband workforce needs and encourage the use of same by subgrantees.

- Work with stakeholders, to determine which wrap around services (such as on-site childcare or childcare stipends), learning materials, and transportation to training programs could be impactful to creating a stronger labor pipeline to obtain certifications and relevant experience they need to be competitive. While broadband-specific, actionable wrap around services have yet to be identified, Nebraska generally is experiencing challenges with affordable housing and availability of affordable childcare. As appropriate, NBO will engage with those entities responsible (NDED, NDE, NDHHS) to determine areas of collaboration and/or partnership.
- Throughout the NBEAD program, convene working sessions with industry, stakeholders, training organizations, DE partners, CBOs, and support organizations (state/regional/local) to discuss workforce shortages (current/forecasted), training and support needs (current/future), and opportunities for collaboration/programming needs. Working sessions will inform the development of NBEAD workforce plans and impactful and equitable programming and provide a platform for open dialogue, collaboration, and transparency between employers, NBO, and those providing training and support services.
- NBO will work with broadband providers and other stakeholders to adapt programming, build awareness, and increase use of existing assistance programs to support broadband workforce attainment and training including, but not limited to the following representative programs:
  - Customized Job Training: provides employee training assistance to businesses that maintain, expand, and diversify the state’s economic base.
  - ImagiNE: Revolving loan fund, workforce training loan. Any taxpayer with an application under the ImagiNE Revolving Loan Fund may receive up to one workforce training and one infrastructure deployment loan per ImagiNE agreement. Eligible uses include expenses incurred to train current or newly hired employees for existing or to-be-created jobs.
  - InternNE: Provides grants to businesses that want to create net new internships in the state. The program provides reimbursement up to \$7,500 for internship wages, tuition reimbursement, housing, transportation, and recruitment costs.
  - Nebraska Career Scholarships Program: Nebraska Career Scholarships program is a collaboration between NDED and Nebraska community colleges to provide scholarships to students pursuing degrees in programs of study leading to high wage, high-skill, and high demand careers. A requirement of the scholarship is that students must complete a Nebraska-based internship, apprenticeship, clinical position, or employment in their field of study.



- Worker Training Grants: NDOL provides funds to Nebraska businesses that are expanding Nebraska’s workforce by increasing the pool of highly skilled workers in Nebraska; supporting public and private job training programs designed to train, retrain, and upgrade work skills of existing Nebraska workers and recruit workers to Nebraska; and/or train new employees of expanding Nebraska businesses.
- Registered Apprenticeship (RAP) and Youth Registered Apprenticeship (YRAP): NDOL’s RAP and YRAP combine supervised on-the-job training with technical classroom instruction in subjects related to apprentices’ occupation and the sponsoring employer’s industry. Throughout the apprenticeship, apprentices gain both on-the-job training time with their employer as well as an industry credential upon completion.
- SkillBridge: This is a program of the Department of Defense for transitioning Service members. The program connects service members with industry partners in real-world experiences. Employers can create their Skillbridge program to meet their specific needs, matching those needs to skills and abilities of Service members, at no cost to the employer. Service members continue to receive their military compensation while participating in the program.

NBO recognizes that building awareness of broadband-related careers, career pathways, and opportunities needs to start early. Therefore, NBO will work with regional DE teams, industry representatives, and educators across Nebraska to develop and deploy experiential learning experiences for students (beginning as early as middle school) and design opportunities for students to participate in broadband-related career and technical education. In addition, as discussed in [Section 2.6](#), NBO may leverage BEAD funding to assist in this effort and ensure that prospective workers across the State are aware of opportunities to work in the field and help advance BEAD goals. NBO may also conduct outreach to other states to develop or work with multi-state collaborative approaches and/or partnerships.

- Registered Apprenticeship (RAP) and Youth Registered Apprenticeship (YRAP): As described above, the NDOL’s RAP and YRAP combine supervised on-the-job training with technical classroom instruction, allowing apprentices to gain on-the-job training with their employer and an industry credential.
- Nebraska Developing Youth Talent Initiative (DYTI): DYTI is a collaboration between Nebraska businesses and public schools, designed to provide hands-on career exploration and relevant workplace learning opportunities to 7th and 8th graders in science, technology, engineering, and math (STEM).
- NDE Career and Technical Education programs: Career and Technical Education (CTE) provides students of all ages with the academic and technical skills,

knowledge, and training necessary to succeed in future careers and to become lifelong learners. CTE prepares these learners for the world of work by introducing them to workplace competencies and makes academic content accessible to students by providing it in a hands-on context. The high school graduation rate for CTE concentrators is about 90%, which is 15 percentage points higher than the national average.

- Other programs: Work with stakeholders to identify, evaluate, and leverage state and national training models and training programs (e.g., Telecommunications Industry Registered Apprenticeship Program (TIRAP), the Telecommunications Education Center (TEC), Federal Broadband Association's OpTIC Path, and the Fiber Optic Association (FOA) as appropriate and relevant to industry needs.
  - Fiber Optic Association (FOA): Currently a partner with Metropolitan and Southeast Community Colleges in Nebraska. The FOA is an international nonprofit educational association that is chartered to promote professionalism in fiber optics through education, certification, and standards. FOA is also an internationally recognized certifying body for fiber optic technicians. Founded in 1995 by a dozen prominent fiber optics trainers and industry personnel as a professional association for fiber optics and a source of independent certification, the FOA has grown to now being involved in numerous activities to educate the world about fiber optics and certify the workers who design, build, and operate the world's fiber optic networks. FOA-certified technicians must demonstrate their knowledge, skills, and abilities in training courses and/or show experience in applying this technology in their work.
  - Wireless Industry Association (WIA) Telecommunications Education Center (TEC): TEC is a dynamic learning program offering world-class training, resources, and career development. Through TEC, WIA is the leading developer of training and curriculum for the broadband industry, offering 40+ courses tailored to the training, education, and professional development needs of the industry.
  - Telecommunication Industry Apprenticeship Program (TIRAP): This is a federally recognized, competency-based apprenticeship program. WIA is the DOL's designated industry intermediary for registered apprenticeship in the telecommunications industry. Through TIRAP, WIA provides technical assistance, training resources, support, and access to incentive funding for registered employer sponsors.
  - Fiber Broadband Association (FBA) OpTIC Path: This course provides future technicians with the knowledge and skills required while potentially opening the door for a professional career with organizations such as telecommunications service providers, internet service providers, and contractors.

NBO will foster proactive and demonstrable endeavors (webinars, workshops, among NBEAD subgrantees (including contractors and subcontractors) to actively seek talent from diverse populations, engage in apprenticeships, and participate in training programs. This will be achieved through the establishment of a continuous feedback loop that collects insights from their engagement with workforce development initiatives, with the aim of enhancing and refining NBO’s support mechanisms. NBO will regularly monitor subgrantees’ workforce and safety practices as part of ongoing NBEAD grant oversight and management processes and will require that subgrantees similarly monitor their contractors and subcontractors.

### **Skilled and Credentialed Workforce Plan**

2.8.2 *Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. The plans should include the following:*

- A. *The ways that 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.*
- B. *The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials (appropriate and relevant pre-existing occupational training, certifications, and licensure).*
- C. *Whether the workforce is unionized.*
- D. *Whether the workforce will be directly employed or whether the work will be performed by a subcontracted workforce.*
- E. *The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.*

*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:*

- A. *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.*
- B. *For each job title required to carry out the proposed work (including contract and subcontractors) a description of:*
  - i. *Safety training, certification, and/or licensure requirements – OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether or not there is a robust in-house training with established requirements tied to certifications/titles; and*

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

NBO will require prospective subgrantees, as a part of the application process, include a plan for ensuring that the project workforce (including those employees of the subgrantee, its contractors, or subcontractors directly engaged in the physical construction of the network (NOFO p.58)), will be an appropriately skilled and credentialed workforce (including by the subgrantee and each of its contractors and subcontractors).

Prospective subgrantees will be required to outline the strategies they will employ to prove the utilization of a skilled workforce. This might include partnering with registered apprenticeship programs or other joint labor-management training initiatives to cater to all workers. Details about the specific training programs, partnerships, or initiatives that will be utilized to ensure a skilled workforce should be provided. The plan should explain how these strategies align with project needs and industry standards.

Prospective subgrantees will need to detail the steps they will take to ensure that all project workforce members possess appropriate credentials. This could involve pre-existing occupational training, certifications, and licensures that are relevant to the project. If the project requires specific certifications or licenses, the plan should specify how workers will be supported in obtaining these credentials. Any partnerships with training providers or institutions offering relevant certifications should be highlighted.

NBO has opted not to require prospective subgrantees to have a unionized workforce, however prospective subgrantees will be required to state in their application whether their workforce will be unionized.

The prospective subgrantee will be required to state in their application whether the workforce will be directly employed or that work will be performed by a subcontracted workforce.

If known at the time of application, the prospective subgrantee will be required to state in the application the names and business license information of any contractors and/or subcontractors performing the work. If this information is not known at the time of application or if there are changes in a contractor or subcontractor, this information must be provided to NBO within 30 days of contract or subcontract execution.

NBO opted not to require applicants to have a unionized workforce. Therefore, all prospective subgrantees will be required to provide the following information in their application:

- 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.

- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - 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
  - Information on the professional certifications and/or in-house training in place to ensure that deployment is done to a high standard.

By addressing these elements in their plan, prospective subgrantees will demonstrate their commitment to creating a skilled, credentialed, and safe project workforce, and provide a clear roadmap for the implementation of their workforce strategies.

NBO will ensure applicants are aware of these regulations prior to and throughout the selection process by conducting or sponsoring informational webinars, posting a list of regulations on NBO's website, and including the requirements in the RFA, and subrecipient grant monitoring program requirements as appropriate.

## **2.9 Minority Business Enterprises (MBEs) / Women's Business Enterprises (WBEs) / Labor Surplus Area Firms Inclusion (Requirement 13)**

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

Nebraska does not have any labor surplus areas according to the U.S. Department of Labor. However, NBO understands that women-owned business enterprises (WBEs), minority business enterprises (MBEs), and labor surplus area firms, have the potential to play a pivotal role in the development and expansion of broadband infrastructure. These enterprises may also contribute significantly to local economies. By engaging WBEs and MBEs, NBO can foster innovation, create job opportunities, and empower communities. Furthermore, prioritizing their involvement can help ensure that underserved regions and populations have access to the transformative benefits of robust broadband infrastructure.

NBO, as a part of NDOT, will work with the agency's Civil Rights office to leverage existing tools, resources, and lists of Disadvantaged Business Enterprises (DBEs) to further compliance with federal requirements and aid subgrantees in the identification and engagement of DBE firms.

In addition to working with the NDOT Civil Rights office, NBO will work with NDED to

develop, post, and provide education on BEAD specific guidance related to minimum acceptable outreach standards (like those published in Section 281 of the National Affordable Housing Act <https://opportunity.nebraska.gov/programs/community/cdbg-dr/minority-and-women-owned-business/>) to facilitate their recruitment of small and minority businesses.

By adhering to Federal guidelines such as 2 C.F.R. §200.321, NBO will create an environment within Nebraska’s deployment initiative that allows minority business enterprises and women-owned business enterprises to have equality in seeking contracted work while also acting in accordance with applicable State and Federal regulations such as the Davis -Bacon Act.

Nebraska will work to ensure, pursuant to 2 C.F.R. § 200.321, that minority business enterprises, women-owned business enterprises, are included in the contract process by:

1. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists.
2. Assuring that small and minority businesses and women’s business enterprises are solicited whenever there are potential sources.
3. 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.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises.
5. Using the services and assistance, as appropriate, of organizations such as the Small Business Administration (SBA), SCORE, and the Minority Business Development Agency’s (MBDA) State-Based Business Centers
6. Collaborating with other Nebraska state agencies including, but not limited to the NDED, the Nebraska Department of Administrative Services (NDAS), and NDOT for additional information and guidance, and to identify opportunities (large and small).

As part of the subgrantee selection process, NBO will require applicants (including contractors and subcontractors) to document their historical commitment to recruiting and retaining women and minority owned business enterprises and provide their plan(s) outlining the affirmative steps they will take to:

1. Place qualified small and minority businesses and women’s business enterprises, on solicitation lists
2. Assure that small and minority businesses women’s business enterprises are solicited whenever there are potential sources.

3. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
4. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
5. Use the services and assistance, as appropriate, of organizations such as:
  - o Small Business Administration (SBA) – <https://sba.gov>
  - o Senior Corp Of Retired Executives (SCORE) – <https://www.score.org>
  - o Minority Business Development Agency of the US Department of Commerce - <https://mbda.gov>.

To identify, engage, and support small, women, and minority business enterprises interested in participating in BEAD funded activities and contracts, NBO will enact measures to ensure a level playing field in applying for contract awards. NBO will require prospective subgrantees (contractors and subcontractors) to report key metrics throughout the entire BEAD process including recruitment, utilization, and retainment. Example questions such as those below from NDED's MBE/WBE Outreach Policy, may include, but may not be limited to:

1. How prospective subgrantees (contractors and subcontractors) utilized a systematic method for identifying and maintaining an inventory of certified small and minority businesses and women's business enterprises, their capabilities, services, supplies, and/or products.
2. Outreach activities (business opportunity-related meetings, conferences, seminars, etc.) with minority and women-owned business enterprises.
3. Examples of informational and documentary materials on contract/subcontract opportunities for MBEs and WBEs.
4. Statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all BEAD-related program contracting activities.

***Ensure MBEs, WBEs, and Labor Surplus Area Firms are Used***

2.9.2 *Checkbox: 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 page 88-89 of the BEAD NOFO:*

- A. *Place 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 there 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 requirements permit, which encourage participation by small and minority businesses and women’s business enterprises,*
- E. *Using the services and assistance as appropriate of such organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and*
- F. *Requiring subgrantees to take these affirmative steps as they relate to its subcontractors.*

NBO certifies that it will take all necessary affirmative steps to ensure MBEs, WBEs, and labor surplus area firms are used when possible, including those referenced on page 88-89 of the BEAD NOFO.

## **2.10 Cost and Barrier Reduction (Requirement 14)**

2.10.1 *Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:*

- *Promoting the use of existing infrastructure;*
- *Promoting and adopting dig-once policies;*
- *Streamlining permitting processes;*
- *Streamlining cost-effective access to poles, conduits, easements; and*
- *Streamlining rights of way, including the imposition of reasonable access requirements.*

During the development of the 5-Year Action Plan, NBO identified several barriers through various listening sessions and a survey of broadband providers. The top five identified barriers were workforce, supply chain, cybersecurity, topography, and permitting.

**Workforce:** NBO previously defined how labor standards will be incorporated into the NBEAD program and the expectations of subgrantees ([Section 2.7](#), [Section 2.8](#), and [Section 2.9](#)), to help providers with the workforce demands as they expand broadband over the next several years. NBO may engage with community colleges to help expand fiber optic training programs in the state. In addition, NBO will engage in discussions with NDE to explore the potential of launching a program to offer broadband certifications in high school. As discussed in [Section 2.6](#), NBO may leverage BEAD funding to assist with addressing this barrier. NBO has been notified through these listening sessions and through meetings with broadband providers in Nebraska that the current status of available workers is concerning. As such, NBO is planning on taking steps to address it in addition to what has been mentioned previously.

**Supply chain and cybersecurity:** To address providers’ concerns over supply chain issues and cybersecurity, the NBO has defined in [Section 2.16.4](#) items that will be reviewed



and evaluated as part of the competitive award process. With the recent publication of 2 CFR Part 184, the NBO will work with providers to identify and clarify Build America, Buy America requirements and their impact on the supply chain. As described in [Section 2.16.4](#), NBO will review provider supply chain plans as part of the competitive evaluation.

**Topography:** NBO will ask providers that plan to propose deployment projects in DPAs with topographical challenges to explain how they will address those challenges as part of a technical review of applications. NBO will assist subgrantees by connecting them with other state agencies such as the Nebraska Department of Natural Resources (NDNR) to help work through topographical challenges.

**Permitting:** The State of Nebraska has a relatively rapid permitting process at the local level. In outreach discussions with cities and counties, they reported an average permitting time of one week. The state does not have a centralized portal for collecting permit applications. They are tracked on a per grant basis. In the interest of facilitating potential permitting delays, NBO will encourage subgrantees to reach out to NBO for assistance with permitting challenges. Information on these challenges may be collected as part of quarterly reports. For example, the quarterly performance report may include the question “What types of challenges or barriers are you facing in meeting your project goals or timeline?” The largest barrier for permitting indicated by ISPs is the railroads. NBO has had discussions with both Union Pacific (UP) and Burlington Northern Santa Fe (BNSF). The railroads are governed by federal safety standards and in discussions both UP and BNSF have emphasized they will strictly follow the standards. On average, ISPs reported that railroad permitting can take up to 24 months. All permits for railroad access are filed at the local district level. NBO will continue to engage with state partners about how the permitting time can be reduced for railway corridor access and encourage subgrantees to engage with the railroads early in the project.

Throughout the life of the NBEAD program, NBO will regularly engage with ISPs, units of local government, and state policymakers on ways the barriers to expanding broadband can be reduced. Nebraska has existing assets that may be leveraged to support the NBEAD program. These include the following:

- **Existing Infrastructure:** Nebraska has a robust municipal-level infrastructure of dark fiber. Many Nebraska communities have dark fiber to facilitate internal and utility services. This infrastructure could be accessed to benefit the NBEAD program and its subgrantees. In addition, as a division of NDOT, NBO is well positioned to engage with providers on current or planned road projects to reduce the amount of ground-

disturbing activity to place fiber underground. NBO will also work with the Office of the Governor to examine regulatory approaches to further leverage the use of state-owned infrastructure or enable cities and counties to offer streamlined access to their infrastructure.

- **Dig-Once Policy:** The State of Nebraska has a Dig-Once policy: the One-Call Notification System Act (Nebraska Revised Statute 76-2401). Through the [ne1call.com](http://ne1call.com) website or by calling 811 or 800-331-5666, any person can place a request for marking of utility lines. Notice is required to be submitted two days prior to the dig.
- **Permitting Processes:** NBO will continue to engage with the League of Nebraska Municipalities (LONM) and the Nebraska Association of County Officials (NACO) to determine how the permitting process can be improved. While NBO is not required to track permitting applications as the municipalities manage this process, NBO will assist municipalities as allowed to ensure that permitting is as streamlined as it can be. Subgrantees will be encouraged to notify NBO if permitting issues and request assistance as needed. NBO may have the ability to track rights of way via NDOT processes. NBO will include questions on quarterly progress reports about the status of the permitting process and whether assistance from NBO is required. The Nebraska Department of Environmental Quality (NDEQ) has published information for businesses on the types of environmental permits that may be required at <http://dee.ne.gov/Publica.nsf/Pages/EAD007>.
- **Pole Access:** In Nebraska, pole access is managed at the local level. Due to the public ownership of power in Nebraska, securing pole access and access to easements is a quick process. NBO will work with representatives from LONM and NACO to sustain the ease and speed of pole access permitting and examine methods for improving pole and easement access where necessary and possible. With 90% of the power in Nebraska being publicly owned by local governments the negotiation process is less complex than if the poles were owned by private companies. The State of Nebraska provides resources to connect with the public power owners at <https://www.nrea.org/>.
- **Rights of Way:** NDOT manages the process of applying for a right of way permit in Nebraska. This process is well-defined but is currently being analyzed via a Request for Information (RFI) process to see how it can be improved to support broadband.

## 2.11 Climate Assessment (Requirement 15)

2.11.1.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.*

*2.11.1.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.*

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

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

*2.11.1.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.*

The 2021 Nebraska State Hazard Mitigation Plan (SHMP) (see [Appendix D](#)) brings hazard risk and disaster resilience efforts together as a community through the planning process and its related activities and tasks. As NBO coordinates the broadband buildout, the team will incorporate the climate risk areas and types into its planning process, so the network is prepared for the appropriate climate hazards and able to keep the community connected when they happen.

Nebraska takes climate threats and mitigation efforts very seriously and has an official five-year review cycle for the SHMP. That said, after catastrophic flooding events in 2019, Nebraska proactively launched a planning effort in March 2020 before the five-year planning cycle review to update the plan against future vulnerability to disasters. In addition, the Nebraska State Flood Hazard Mitigation Plan ([Appendix D](#)) was updated in 2022 to focus on continued mitigation efforts and risk assessments with respect to its rivers, dams, basins, creeks, and other flood-related concerns.

A collaborative approach has been applied to assess climate risks and local mitigation efforts. State and local government, public and private organizations, and community groups have all provided critical voices to the plan. The Governor's Task Force for Disaster Recovery (GTFDR) served as formal planning committee for the 2021 SHMP update. The GTFDR included representatives of key stakeholder agencies involved in the 2019 SHMP planning process, as well as other representatives from agencies and organizations with mitigation-related foci or involvement. NBO has contacted the Nebraska Emergency Management Agency (NEMA) to ensure there is communication between the two agencies and has requested to be on the GTFDR.

### **Geographic Area Focus:**

Given that all of Nebraska is generally susceptible to natural hazards, the entire state is considered in the mitigation planning and climate review process. In addition, local mitigation areas have been designated to help with any area differences. The 2021 SHMP includes a table to illustrate the breakout of the mitigation planning areas and will be helpful in the broadband network planning efforts. (This map may also be found in section 2.11.1 of the full document.)



Via the SHMP, NEMA, the GTFDR, and their partners, Nebraska will continue to monitor these geographic areas for changes in the projection and threat of these climate impacts. As updates are made available to the plans, NBO will ensure awareness among the partners and subgrantees involved in the broadband network buildout to support adjustments to buildout and disaster mitigation plans.

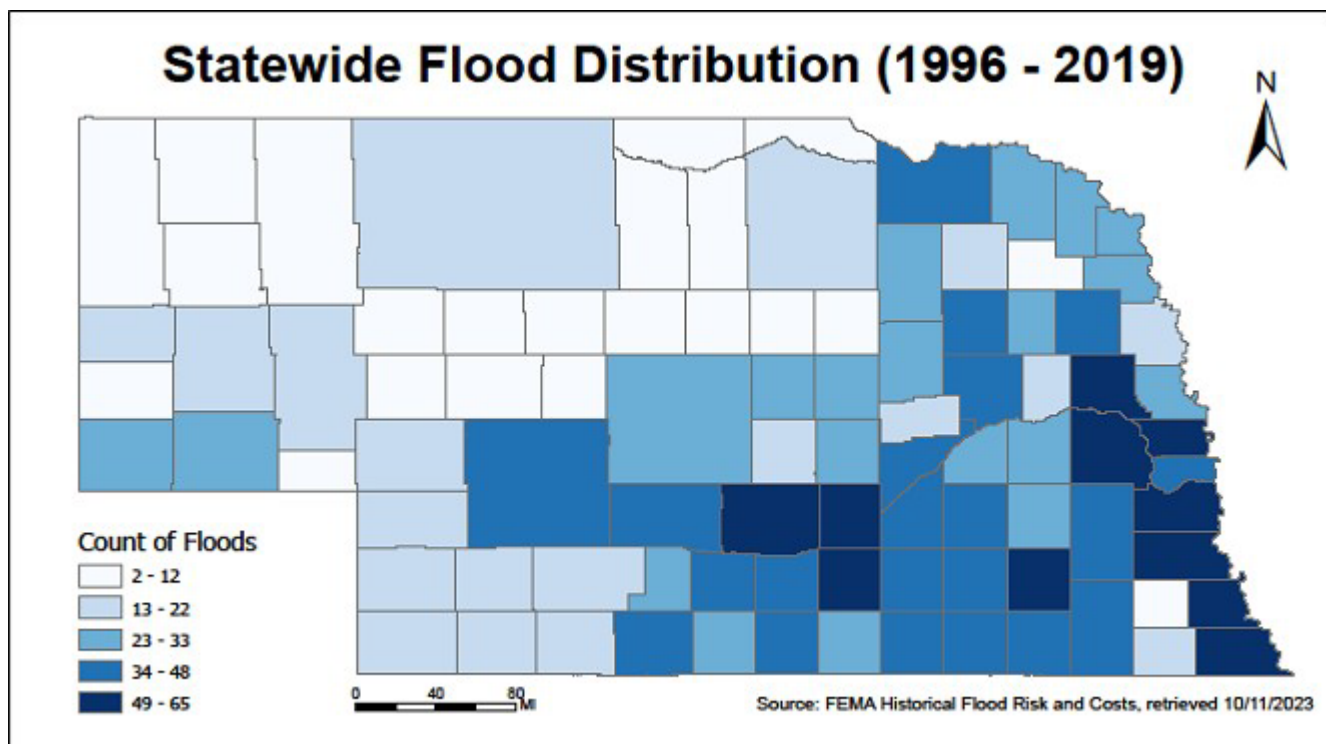
A State Hazard Identification and Risk Assessment Survey was done in June 2020 resulting in the ranking of the hazards of highest concern for Nebraska. A table in section 2.11.1 of the full document contains the ranking of the top ten. Of the top ten, six relate to climate and five are of major concern to broadband network buildout: severe winter storms, severe thunderstorms, tornadoes, flooding, and wildfire.

Rank	Hazard
------	--------

1	Severe winter storm
2	Severe thunderstorm
3	Tornado
4	Power failure
5	Flood/flash flood
6	Public health emergency
7	Drought
8	Wildfire
9	Chemical transportation
10	Ag animal disease

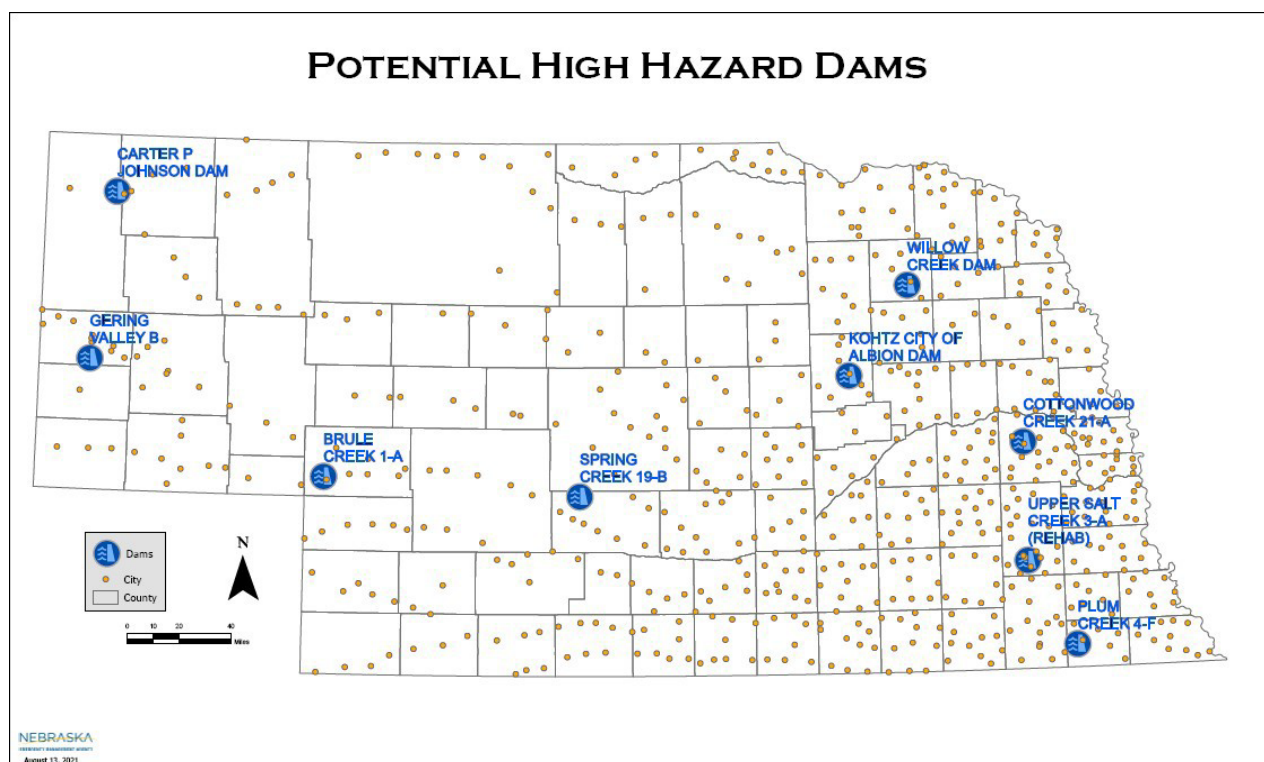
## Flooding

Of the declared disasters in Nebraska from 1960-2020, 42% were severe storms and 28% were floods. While most of the state experiences similar impact from severe storms and tornadoes, there are geographic differences related to flooding. The eastern part of Nebraska experiences on average 34 inches of rain annually; this part of the state experiences a much greater number of flood disasters. In contrast, the western part of the state averages 16 inches of rain annually, and experiences far fewer floods.



Geographically, flooding concerns can be different across Nebraska:

- Riverine flooding happens because of heavy precipitation or snow melt runoff and most commonly impacts the Big Blue River, Elkhorn River, Loup River, Platte River, and Missouri River. It can go on for several days or even weeks.
- Ice jam flooding occurs throughout the state, mostly impacting the Loup and Platte Rivers.
- Precipitation and flooding in Nebraska reached historic levels in 2019, especially in the Missouri River Basin. A report produced by the High Plains Regional Climate Center at the University of Nebraska at Lincoln indicates Basin-wide precipitation has increased by about 8% since 1895 and is primarily linked to a 14% seasonal increase in river level in both the spring and autumn.
- Dam failure may be caused by extreme weather conditions. Nebraska closely monitors its dams, their ages, and conditions. As of this writing, nine dams were noted to be at risk. The 2021 SHMP includes a map illustrating the dams in poor condition and it is in section 2.11.1 of the full document as well.



As described previously, flooding tends to look different depending on the landscape and geography; but severe winter and thunderstorms, tornadoes, and wildfires are concerns for the entire state.

## ***Storms and Blizzards***

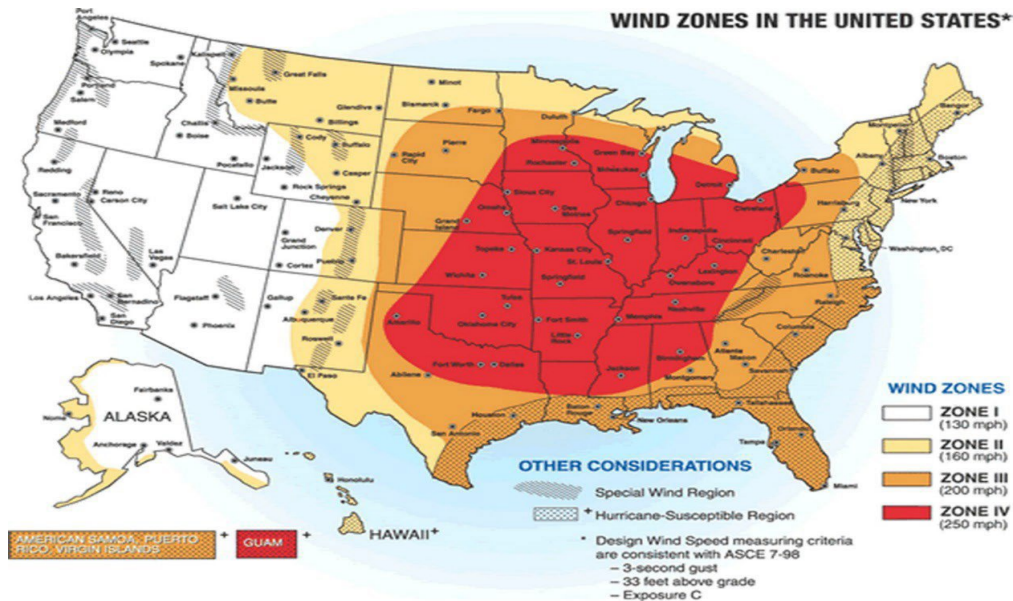
Storms and blizzard conditions may impact one community or the entire state. Due to the geographic location and climate makeup of the state of Nebraska, the whole region is likely to experience severe winter storms including the most extreme conditions of blizzards and ice storms. Large-sized ice storms have historically caused large power outages across multiple counties.

Between January 1, 2019, and March 1, 2020, the National Oceanic and Atmospheric Administration (NOAA)/National Centers for Environmental Information (NCEI) Storm Events Database lists 456 instances of severe winter weather in Nebraska. The storms may contain freezing rain, sleet, high winds, and significant snowfall. Temperatures range from zero degrees Fahrenheit to 32 degrees Fahrenheit from late October through mid-April, with February having the greatest average snowfall.

Blizzards are characterized by strong winds bearing large amounts of snow. In Nebraska, they may impact anywhere in the state but occur most frequently in the northern Great Plains and upper Mississippi Valley and most often from early November to the end of March.

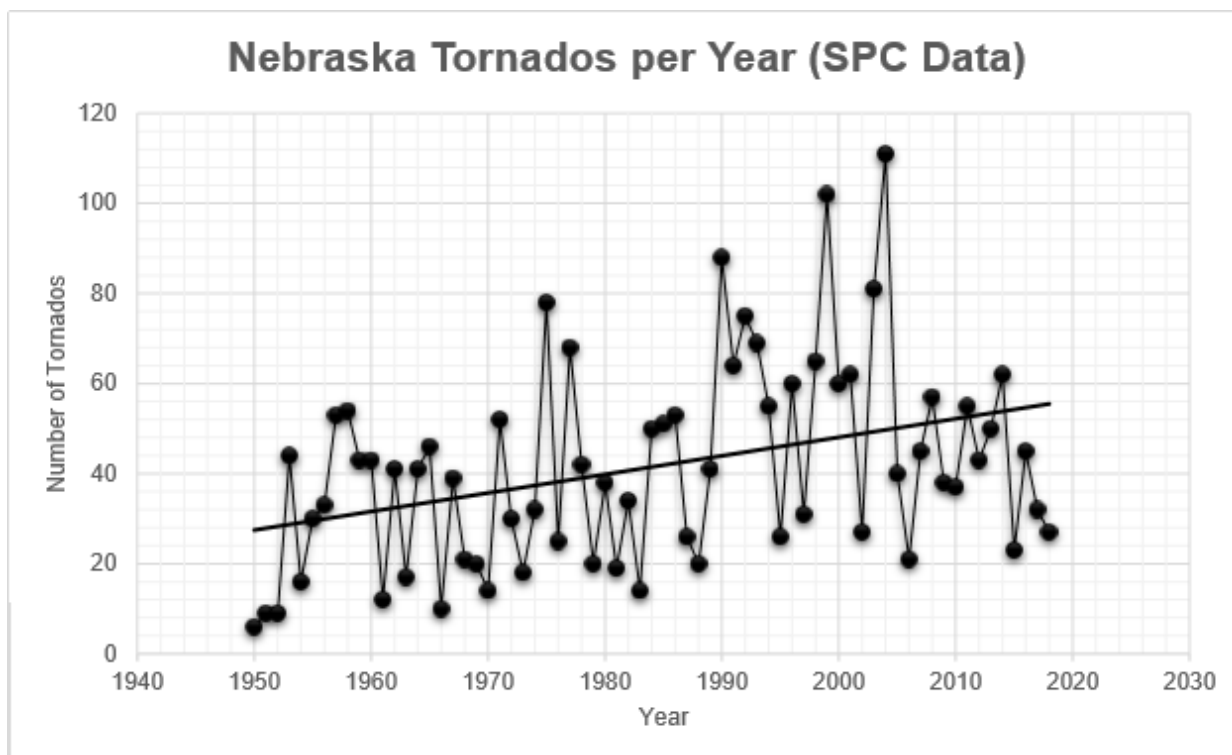
Ice storms are characterized by freezing rain which freezes the ground, trees, overhead utility lines, cars, and other objects. The U.S. National Weather Service defines an ice storm as a storm which results in the accumulation of at least 0.25 inch of ice on exposed surfaces. One top impact from ice storms is damage to utility infrastructure. According to the SHMP, the whole region is at risk of ice storms with large-sized ice storms causing large power outages across multiple counties.

The risk of thunderstorms is generally equal throughout the state, with random variations in frequency from county to county and the risk of somewhat higher wind speeds in the eastern and southeastern portions of the state (see Wind Zone Table in full document, Source Federal Emergency Management Agency (FEMA)). The extreme eastern and southeastern regions of the state are located within Zone IV, indicating potential wind speeds of up to 250 miles per hour. The central and western regions of the state are located within Zone III, with the potential for wind speeds of up to 200 miles per hour.



## Tornadoes

Nebraska ranks number 5 among all states in annual number of tornadoes. Between 2008 and March 2020, Nebraska was hit by 482 reported tornadoes, an average of over 42 tornadoes per year. Since 1990, every county in Nebraska has been impacted by at least one tornado (NOAA/NCEI Storm Events Database, 2020).



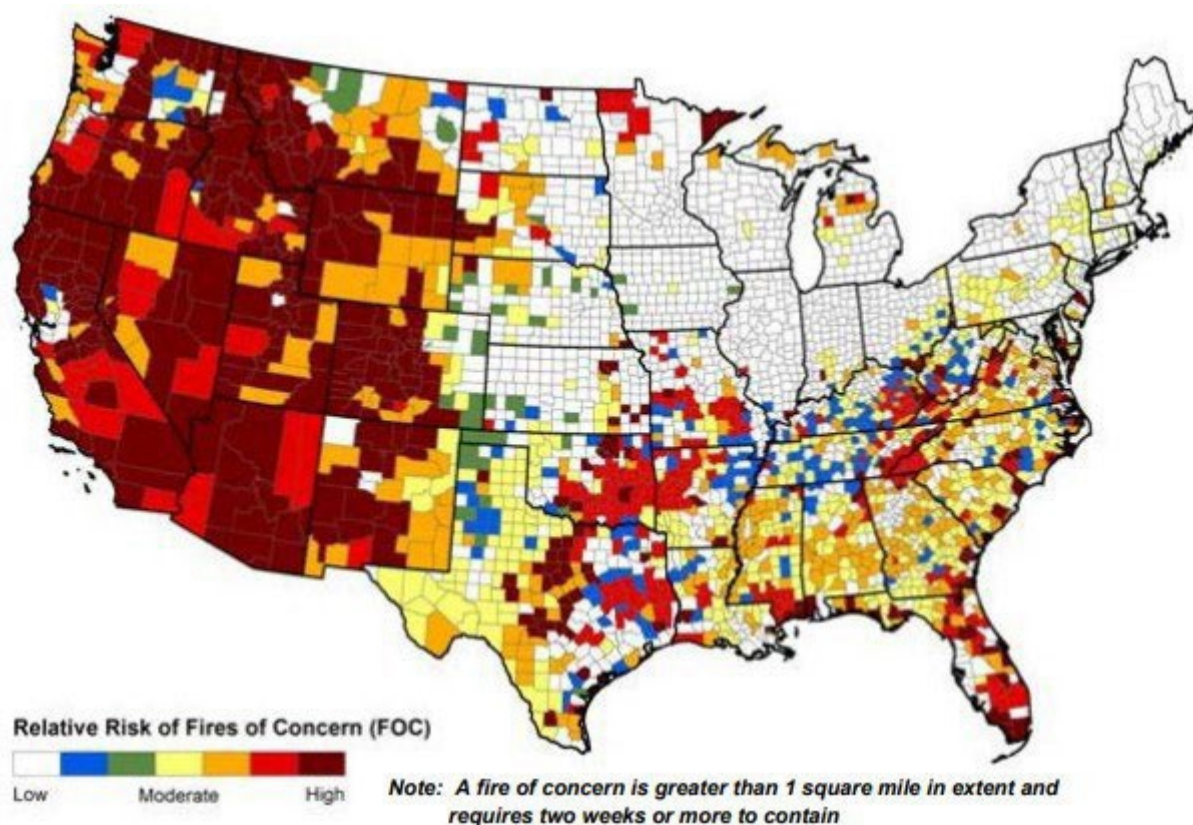


Source: NOAA, Storm Prediction Center (2019 SHMP)

## Wildfires

About half of Nebraska's counties – 50 of them – fall under landscape classes characterized as agricultural and grassland areas that have historically experienced very high levels of natural fire. The second most common landscape classification (30 counties) is areas characterized as private rangelands and prairies that had fires between 2002-2020 and have historically experienced high levels of natural fire.

Nebraska experiences hundreds of wildfires each year. Based on the occurrence of wildfire in Nebraska between 2002 and 2020, an average of 1,109 fires could be expected annually. Most of these occur during the late summer and fall as periods of dry weather increase fuel loads. The size and intensity of an individual fire or fire season is highly dependent on environmental conditions related to excessive heat, moisture levels, and short- or long-term drought conditions. With the historical record pointing to many wildfires every year, there is near certainty that a wildfire will impact an area of the state each year.



Source: National Cohesive Wildland Fire Management Strategy National Priorities, 2014. Available at <https://www.forestsandrangelands.gov/strategy/thestrategy.shtml#alignment>

The State of Nebraska utilized many federal, state, and local sources to update the 2022 SHMP. Several federal agencies were involved as participants or utilized as information sources including the U.S. Army Corps of Engineers Missouri River Omaha District, the U.S. Small Business Administration, the U.S. Department of Agriculture, the U.S. Environmental Protection Agency Region VII, the U.S. Department of Health and Human Services, the National Weather Service, and NOAA. In addition, the Nebraska Forestry Service and Nebraska Rural Electric Association had input into the SHMP. The inclusion of these disparate federal agencies demonstrates the breadth and width of the SHMP's analysis of the climate conditions within Nebraska. As such, the State can handle and prepare for all known climate threats, and this readiness can be translated to the State's broadband plan.

### ***Weather and Climate Risks to New Infrastructure***

Based on the previously mentioned data and reports, Nebraska is likely to experience severe winter storms and thunderstorms, flooding, tornadoes, and wildfire in the 20 years post deployment. In the event of a tornado or mass wildfire, the above-ground infrastructure (poles, aerial wiring, building, hubs) is likely to be destroyed requiring a rebuild of the damaged areas. This effect can be compounded by high velocity winds or freezing temperatures commonly experienced in the winter. Also, major flooding can put hubs and infrastructure buildings underwater so measures will be taken to avoid flood-prone areas for new build and site locations.

Given the risks of tornadoes and other severe storms, buried fiber will be the best option; therefore, Nebraska will prioritize proposals that commit to hardening the network with buried fiber. However, given the vast open areas of Nebraska's landscape and the costs of burying fiber, it is not financially feasible to make buried fiber a requirement.

### ***Weather and Climate Risk Mitigation***

In the Statewide Hazard Identification and Risk Assessment Survey conducted in all counties in June 2020, severe winter storms and severe thunderstorms were the top two hazards of concern. All local community plans provide mitigation techniques for severe storms such as installing and maintaining surge protection for critical facilities, burying overhead power lines, incorporating text messaging into severe weather messaging programs as well as establishing mutual aid agreements with neighboring communities and privately owned businesses.

As such, NBO and NDOT plan to be strong partners to the ISPs as they build out the broadband network and will ensure the latest climate risk and mitigation plans are readily available to them. NBO has added flood and wind hazard information to the NE Broadband Map. In addition, NEMA will continue to provide updates on hazard mitigation and new or changing climate threats. SHMP Objective 4.2 commits to providing the best available floodplain mapping which will also inform any needed adjustments to the plan.

With the resources and plans to regularly update weather and climate risk information, Nebraska feels confident in its efforts for climate hazard mitigation. And as internet services become more widely available to its citizens, warning communications and alerts will be more widespread and able to help the community prepare and protect against the unavoidable storms, wildfires, and tornadoes that are to come.

With respect to BEAD-funded infrastructure, Nebraska will strive to ensure that last-mile network equipment will not be built in flood-prone areas, and if it must be, the subgrantee will provide a plan to protect its network and power supplies. For FTTP installations, it is recommended there be a battery backup solution available to residents for purchase from the ISPs. Each subgrantee must provide a network restoration plan for severe storms including flooding, tornadoes, ice storms, and wildfire.

### ***Plans to Remain Up to Date on Evolving Risks***

NEMA is the lead agency for the development and review of the SHMP. Changes in hazard mitigation policies and/or programs, funding availability, or a major disaster will prompt future evaluations and modifications to this plan. At a minimum, the Disaster Mitigation Act of 2000 requires the revision of the SHMP every five years, and the SHMP states the following for maintenance and review.

The plan review and revision process will assist in maintaining currency of multiple components of the plan, such as the hazard identification and risk assessment, and mitigation actions and priorities. The plan update process and schedule are designed to focus on various components of the plan throughout the five-year cycle. Based on the schedule described below, all parts of the plan will have been reviewed at the end of the five-year cycle, potentially reducing the time and resource burden in the final planning year. Adherence to the monitoring, evaluation and update process schedule will ensure that the plan is kept current throughout its five-year cycle. NBO will collaborate in this process so any

new or increased threats may be considered while building the broadband network.

In addition, annual reviews will evaluate the state's current hazard environment and any new vulnerabilities that require a shift in hazard priorities. As such, the NBO will follow all guidelines established by NEMA in the SHMP to the best of the agency's ability.

Lastly, since the 2019 flood event, Nebraska has initiated additional flood risk activities to assist in identifying areas at risk for future floods. NDNR maps the status of existing flood risk products to document progress towards this goal. Information gained from this project will help internet providers as they build out the broadband network.

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

2.12.1 *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:*

- 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; and*
- D. *Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.*

NBO is aware of the need for affordable broadband service in the state. According to data collected by the PSC as part of the CPF and NBBP, the average cost of affordable plans has decreased over the past two years. However, the cost of broadband remains high for some, especially if they reside in a rural part of the state or only have one or two providers to choose from. To assess affordability for Nebraskans, data was collected by manually reviewing provider websites, analyzing data from the Nebraska PSC, and reviewing the FCC Urban Rate Survey data from 2021, 2022, and 2023.

After performing the market analysis, NBO will require that all applicants offer plans to eligible households that provide typical speeds of at least 100 Mbps downstream, at least 20 Mbps upstream, and latency measurements of no more than 100 milliseconds at no more than a rate of \$70 a month. This rate was determined by assessing Nebraska's annual

household income for a low-income family of four to be at \$51,338, which is 185% of the Federal Poverty Level. Monthly take-home pay would on average be \$3,446. Typically, affordable broadband is defined at 2% of monthly household income. Therefore, a family of four, at the top of Nebraska's poverty line, could afford a service priced within a range of \$0 - \$70 and supports Nebraska setting the upper limit of the Low-Cost Broadband Service Option to be \$70 per month in order to be considered affordable across the State. NBO will allow for Consumer Price Index adjustments for rates on agreed upon plans. Eligibility for these plans will be the same as the now ended Affordable Connectivity Plan (ACP). As such, plan enrollment requires the household income to be at or below 200% of the Federal Poverty Guidelines or meet one of the following:

- Received a Federal Pell Grant during the current award year;
- Meeting the eligibility criteria for a participating provider's existing low-income internet program;
- Participation in one of these assistance programs:
  - Free and Reduced-Price School Lunch Program or School Breakfast Program, including at U.S. Department of Agriculture (USDA) Community Eligibility Provision schools.
  - SNAP
  - Medicaid
  - Federal Housing Assistance, including:
    - Housing Choice Voucher (HCV) Program (Section 8 Vouchers)
    - Project-Based Rental Assistance (PBRA)/Section 202/ Section 811
    - Public Housing
    - Affordable Housing Programs for American Indians, Alaska Natives or Native Hawaiians
  - Supplemental Security Income (SSI)
  - WIC
  - Veterans Pension or Survivor Benefits
  - or Lifeline;
- Participation in one of these assistance programs and lives on qualifying Tribal lands:
  - Bureau of Indian Affairs General Assistance
  - Tribal TANF
  - Food Distribution Program on Indian Reservations
  - Tribal Head Start (income based)

In addition, providers will be required to allow subscribers to apply the ACP Benefit, or

any State or Federal successor plan, toward the low-cost plan. The proposed low-cost plan may not be subject to data caps, surcharges, usage-based throttling, service installation fees, activation fees, equipment purchase fees, or any other recurring or non-recurring fees that add to a customer rate. Also, if, after the establishment of its low-cost plan, the provider offers another low-cost plan with higher speeds, the provider will be required to permit its existing low-cost subscribers to upgrade to the new low-cost plan at no additional cost. NBO will require submission of a low-cost plan and score the proposed affordable plan as defined in [Section 2.4.2](#). All providers are encouraged to place links to information about the ACP in conspicuous locations on their websites.

### ***Ensure Participation in the ACP Program***

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

Yes, NBO will require all subgrantees to participate in the ACP, or any successor program.

## **2.13 Middle Class Affordability Plans (Requirement 20)**

*2.13.1 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.*

To effectively establish a middle-class affordability plan, NBO must consider the current economic landscape in the State of Nebraska. According to the most recent American Community Survey from the U.S. Census Bureau the median household income in Nebraska in 2023 is \$66,644. NBO encourages ISPs to continue to strive to offer priority broadband service to this consumer segment.

As explained further in [Section 2.4.2](#), this type of plan will be scored as part of the application process. The proposed plan must also provide a latency of less than 100 milliseconds. The plan must not be subject to data caps, surcharges, or usage-based throttling and must be subject to the same acceptable use policies as all other subscribers to broadband services offered by the provider. NBO will require all providers to offer the middle-class plan across the NBEAD funded network but encourages providers to offer the plan to all customers. NBO understands the difference between business and residential

plans for providers, and as a result the middle-class affordability plan is intended for residential customers. All providers should promote the availability of both the low-cost and middle-class affordability plans on their websites and through other promotional avenues.

Several commenters during the Public Comment Period also indicated preference to an opportunity to adjust their rates based on inflation year to year, among other factors. NBO hears this and agrees that prices need to fluctuate within the market to ensure investments remain economical. As such, NBO will allow for Consumer Price Index adjustments for rates on low-cost broadband service option and middle-class affordability plans.

## **2.14 Use of 20 Percent of Funding (Requirement 17)**

*2.14.1 Describe the Eligible Entity's planned use of any funds being requested, which must address the following:*

- A. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.*
- B. If the Eligible Entity is requesting less than or equal to 20% 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, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.*
- C. 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 and underserved locations, and provide rationale for requesting funds greater than 20% of the funding allocation.*

The State of Nebraska is requesting 100% of its BEAD allocation to carry out the program as part of the Initial Proposal. During stakeholder engagement with providers, one of the key concerns from the rural providers in Nebraska has been the amount of funds needed to expand broadband. Nebraska is anticipating a shortfall in funding to reach all unserved locations. Additionally, NBO is planning for multiple funding cycles to reach all DPAs. In the State of Nebraska, the estimated average cost per pass is \$12,900, this average will translate into a large investment for many of the smaller providers in the state. Once applications have been received the true cost per pass will be known. For small providers this estimated average translates to a substantial risk before they are able to generate revenue. NBO believes that having all BEAD funds on hand will reduce the risk and

encourage many providers to participate in the program, knowing that the state has the funds available to support network deployment.

As previously noted in [Section 2.5](#), NBO plans to invest the majority of its BEAD funds in deployment activities. The awarded funds will additionally be used for administrative costs, implementation of the challenge process, competitive subgrantee selection, and funding last-mile broadband projects.

Personnel costs of \$9,485,491 will be used to support nine NBO staff, including the Director, Deputy Director, External Affairs Manager, and Grants and Budget Administrator. This team will lead Nebraska's BEAD efforts and activities, including the Challenge Process, the Subgrantee Selection process, administration and monitoring of the subgrants, and outreach and communication to stakeholders.

Travel costs of \$45,000 will be used to support NBO staff travel to outreach meetings, state conferences, project management, subgrantee monitoring, and other events.

Contractual costs of \$390,646,223 include \$385,551,723 for deployment subgrants. The balance will support grants management software, and agreements with one or more telecommunications engineers to assist with application evaluation and project monitoring.

Other costs of \$399,040 include technology for NBO staff, room rentals for outreach and other meetings; publications, printing, and media costs; and annual software subscriptions.

Nebraska does not anticipate spending any BEAD funds on Equipment, Construction, or Indirect costs.

### ***Initial Proposal Funding Request (IPFR)***

*2.14.2 Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'*

Nebraska's total BEAD allocation is \$405,281,070.41, and the total Initial Planning funds were \$4,999,817.07. NBO is requesting the remainder, \$400,281,253.34.

### ***BEAD Program Requirements Certification***

*2.14.3 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 Funding Request, note "Not applicable."*

Yes, the State of Nebraska will adhere to BEAD program requirements regarding Initial Proposal funds usage.



## 2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 *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.*

*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.*

The Nebraska Legislature has authorized the Nebraska Broadband Office to utilize federal funding provided by the BEAD program pursuant to the Infrastructure Investment and Jobs Act. Neb. Rev. Stat. § 86-333(5). This statutory authority requires NBO to comply with the federal requirements of the BEAD program in order to be entitled to this funding, which includes the BEAD Program project selection process. While there may be Nebraska constitutional provisions or laws that could potentially relate to similar subject matter as the BEAD requirements, NBO has not identified Nebraska laws that preclude participation in the BEAD program at this time.

## 2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

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

Yes, NBO will comply with all applicable requirements of the BEAD Program, including the reporting requirements.

### **Subgrantee Accountability Procedures**

- 2.16.2 *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:*
- 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);*
  - B. *The inclusion of claw back provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*
  - C. *Timely subgrantee reporting mandates; and*
  - D. *Robust subgrantee monitoring practices.*

All subgrants will be issued on a reimbursement basis. Subgrantees will be permitted to submit reimbursement requests supported by narrative and financial reports quarterly. Reports will be timed to ensure collection of the data necessary for NBO's reporting to NTIA. At least once per project year, reports submitted with reimbursement requests will also include source documents to meet subrecipient monitoring requirements.

A significant piece of Nebraska's subrecipient monitoring process will be development of a risk mitigation schema based on key factors associated with Nebraska's environment and 2 CFR 200 requirements. Funded projects will be scored on a variety of risk factors such as the size of the award, previous experience with federal funding, and the presence and strength of internal control policies. The schema will be applied to determine initial subrecipient monitoring plans for each subgrantee and updated based on results of subrecipient monitoring efforts. Subrecipient monitoring will be delivered via site visits and desk audits, plus technical assistance, and regular communication with subgrantees. Any subgrantee that defaults on their NBEAD subgrant agreement or fails to complete the project in a timely manner without an extension from NBO will be subject to forfeiture of all NBEAD funds received. The standards for claw back will be specified in the subgrant agreement.

The narrative reports required quarterly will include:

1. A list of all addresses or location identifiers funded by the BEAD program and the status of deployment to each location, including:
  - i. Identification of any new locations served within the project area and if service was taken;
  - ii. indication of whether the location is residential, commercial, or a community anchor institution;
  - iii. peak and off-peak actual speeds of the broadband service being offered;
  - iv. the maximum advertised speed of the broadband service being offered; and,
  - v. the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered.
2. An overall narrative describing the types of facilities that have been constructed and installed, and any regulatory barriers encountered and the status of those barriers. The narrative report should:
  - i. list all interconnection agreements that were requested, and their current status;
  - ii. report the number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are Minority Business Enterprises or Woman Business Enterprises; and

- iii. include any other data that would be required to comply with the data and mapping collection standards at 47 CFR § 1.7004, or any successor regulation for broadband infrastructure projects.
- 3. Include an SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports.
- 4. For projects valued over \$5 million based on total cost as provided in the application for the Nebraska BEAD program, provide a certification that all laborers and mechanics directly employed, employed by contractors or subcontractors are paid a prevailing wage as required by Davis-Bacon and related acts, or prevailing wages as determined by the Labor Market Information data from the Nebraska Department of Labor.
- 5. If the subgrantee does not certify to the use of union labor or the use of a collective bargaining agreement, the subgrantee must provide a Workforce Plan detailing:
  - i. Steps taken and to be taken to ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the Project (as required in Section IV.C.1.e of the BEAD NOFO), including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-management partnership training programs, and partnerships with entities like unions, community colleges, or community-based groups;
  - ii. Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;
  - iii. Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution;
  - iv. The name of any subcontracted entity performing work on the Project, and the total number of workers employed by each such entity, disaggregated by job title; and
  - v. Steps taken and to be taken to ensure that workers on the Project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.
- 6. Any other data points requested by NTIA.

During the OA and Application periods, all applicants will be assessed for risk, and be assigned a status of low, medium, or high. Subgrantees that have a status of high will receive more assistance with reporting and compliance. These subgrantees may be required to attend training to understand reporting obligations. All applicants may have their quarterly reimbursement requests reviewed for duplication of benefits. At least once per project year, a random number of subgrantees will be evaluated more completely for duplication of benefits and other compliance items such as Davis- Bacon and the reporting requirements listed above. A failure rate of greater than 20% during these random evaluations may require a more complete audit of the subgrantee at that time or a change to the risk profile. Submission of initial Cybersecurity and Supply Chain Risk Management plans will be required with OAs. The related attestation, to which applicants must agree and sign, requires that updated plans be submitted to NBO whenever substantive changes are made. As part of subrecipient monitoring, NBO will request copies of the current plans and assess them for compliance.

NBO reserves the right to conduct onsite monitoring at any time during the NBEAD program with 48 hours' notice to the subgrantee. In addition, NBO may randomly request that locations that have service completed per quarterly report conduct a speed validation test to confirm the speed is consistent with the report.

### ***Civil Rights and Nondiscrimination Certification***

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

All subgrantees must comply with:

1. Parts II and III of Executive Order 11246, Equal Employment Opportunity
2. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
3. Executive Order 13798, Promoting Free Speech and Religious Liberty
4. All subgrantees will agree to comply with the following as part of the subgrant agreement:
  5. Title VI of the Civil Rights Act
  6. Title IX of the Education Amendments of 1972
  7. The Americans with Disabilities Act of 1990
  8. Section 504 of the Rehabilitation Act of 1973

9. The Age Discrimination Act of 1975
10. Any other applicable non-discrimination law(s)

### **Cybersecurity Compliance Certification**

*2.16.4 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 Plan

- 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.

As part of the OA process, the NBO will require all applicants to attest to a statement that they have a cybersecurity plan that meets the above requirements. Copies of current cybersecurity plans must be attached to OAs, to ensure NBO has copies of the plans prior to release of funds. Further, applicants will sign an attestation that they will submit an updated copy of the plan to NBO within 30 days of making any substantive changes. All subgrantees will be asked about their cybersecurity plan at least once per year.

#### 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.



# Appendices

## Appendix A: Local Coordination Tracker

The table below encapsulates only the events since the start of the first Public Comment Period. The full Location Coordination Tracker is available at <https://broadband.nebraska.gov>.

Engagement Title/Description	Engagement Date	Engagement Type	Engagement Location	# Engaged
Opportunity for Public Comment Vol. 1	9/25/2023	In-Person	Omaha, NE	8
UNMC Davis Global Center	9/25/2023	In-Person	Omaha, NE	10
Opportunity for Public Comment Vol. 1	9/26/2023	In-Person	Norfolk, NE	17
Opportunity for Public Comment Vol. 1	9/27/2023	In-Person	Grand Island, NE	20
Opportunity for Public Comment Vol. 1	9/28/2023	In-Person	Lincoln, NE	14
League of Nebraska Cities	9/29/2023	In-Person	Lincoln, NE	12
Senator Deboer, Committee Member	9/29/2023	In-Person	Lincoln, NE	2
Vista Beam Communications	10/2/2023	In-Person	Lincoln, NE	2
Opportunity for Public Comment Vol. 1	10/3/2023	In-Person	Valentine, NE	4
Vista Beam Communications	10/4/2023	In-Person	Gering, NE	6
Opportunity for Public Comment Vol. 1	10/4/2023	In-Person	Gering, NE	30
Opportunity for Public Comment Vol. 1	10/6/2023	Virtual	Virtual (LONM)	25
Allo Communications	10/6/2023	In-Person	Lincoln, NE	1
Opportunity for Public Comment Vol. 1	10/6/2023	Virtual	Virtual (NACO)	15
Opportunity for Public Comment Vol. 1	10/9/2023	In-Person	North Platte, NE	16
Opportunity for Public Comment Vol. 1	10/10/2023	In-Person	McCook, NE	6



OPPD	10/11/2023	In-Person	Lincoln, NE	1
Opportunity for Public Comment Vol. 1	10/12/2023	Virtual	Virtual (Providers)	9
Tetrad	10/12/2023	In-Person	Omaha, NE	3
NE AARP	10/13/2023	Virtual	Virtual	4
NE Broadband Task Force	10/13/2023	In-Person	Lincoln, NE	16
Opportunity for Public Comment Vol. 1	10/13/2023	Virtual	Virtual (non-profits)	11
Listening Sessions for Initial Proposal	11/7/2023	Listening Session (In-person)	Western Nebraska Community College	
Listening Sessions for Initial Proposal	11/8/2023	Listening Session (In-person)	Holiday Inn Express - Chadron	
Listening Sessions for Initial Proposal	11/9/2023	Listening Session (In-person)	The Evergreen Independence Center - O'Neill	
Listening Sessions for Initial Proposal	11/13/2023	Listening Session (In-person)	Union Bank - Fairbury	
Listening Sessions for Initial Proposal	11/14/2023	Listening Session (In-person)	Springfield Community Center	
Listening Sessions for Initial Proposal	11/15/2023	Listening Session (In-person)	NDOT - Lincoln	
Listening Sessions for Initial Proposal	11/16/2023	Listening Session (In-person)	Columbus Area Chamber of Commerce	
Listening Sessions for Initial Proposal	11/20/2023	Listening Session (In-person)	Holiday Inn - Kearney	
Listening Sessions for Initial Proposal	11/21/2023	Listening Session (In-person)	Holiday Inn Express - Ogallala	

## Appendix B: Tribal Coordination Notes

One example of the “Dear Tribal Leader Letter” is contained below. Similar letters were sent to Chairwoman Candace Schmidt of the Ponca Tribe of Nebraska, Chairman Roger Trudell of the Santee Sioux Nation, and Chairwoman Victoria Kitcheyan of the Winnebago Tribe of Nebraska. An example of the notes taken from these tribal engagement meetings is also contained below.



February 8, 2023

Chairman Leander Merrick  
Omaha Tribe of Nebraska  
PO Box 368  
100 Main Street  
Macy, NE 68039

Dear Honorable Tribal Leader:

On behalf of the Nebraska Public Service Commission (Commission) and working in coordination with the Nebraska Information Technology Commission/Office of the CIO (NITC/OCIO) and the Nebraska Broadband Office (Broadband Office), I am initiating a Tribal Consultation request concerning the Broadband Equity Access and Deployment (BEAD) and Digital Equity Act programs administered by the National Telecommunications Information Administration (NTIA). The BEAD program would use funding allocated to the state by the NTIA through the federal Infrastructure Investment and Jobs Act (IIJA). The primary goal of the BEAD program is to bring affordable broadband access to unserved areas lacking broadband at minimum speed of 25/3 Mbps. The Digital Equity Act programs promote digital equity and inclusion aiming to ensure that all people and communities have the skills, technology, and capacity needed to fully benefit from the digital economy. In accordance with the NTIA's process, the Commission and NITC/OCIO, working with the Nebraska Broadband Office are developing a statewide plan for both digital equity planning and assessing broadband availability and affordability needs and challenges to determine how best to distribute

the BEAD funding as well as the development of digital equity projects and implementation of digital equity plans. As part of this process, we are required to file a proposed five-year action plan to address how BEAD funding should be prioritized on or before August 12, 2023.

We are requesting a consultation with you to ensure that your input informs the use and timing of the Digital Equity and BEAD program funding from the IIJA. Through this consultation the Commission, NITC/OCIO, and the Broadband Office will be interested in hearing your perspective on digital equity planning and allocating BEAD program funding to meet the broadband availability and affordability needs which may be of importance to you. We would be very interested in meeting personally with you and/or Tribal representatives with your delegation of authority to seek your advice and insights as we are gathering broadband access and affordability data. We respectfully request a meeting with you at a time and place of your convenience, which hopefully can be held before the end of March 2023, so that we can fully integrate your advice and insights into our digital equity plans and our five-year action plan for the use of BEAD funding. We would ask that if this timeframe does not work for you, that you please let us know when you would be available for a consult.

Some topics which might be covered include:

- Current broadband infrastructure and the broadband infrastructure deployment needs in your community;
- Any existing plans you may have for infrastructure upgrades and broadband adoption activities;
- The type of broadband solutions that you believe would be best to address those needs.
- Affordable broadband programs, including:
  - providing free or reduced-cost broadband service;
  - preventing disconnection of existing broadband service;
- Education and distance learning needs;
- Telehealth needs;
- Public Wi-Fi availability; and
- Digital equity and inclusion efforts.

Additional questions we have include:

- Are there any ways in which we can provide assistance where broadband deployment and digital equity and inclusion needs are identified?
- Would you like to be included in state digital equity plan development?
- Would you like to be included in the BEAD five-year action plan development stakeholder process and in the subsequent BEAD program implementation?
- Would you like to be a subgrantee during the implementation of BEAD or leverage any resources our teams may have available?

We would be happy to discuss any other topics related to digital equity or broadband development and adoption which are of interest to you.

As an alternative to an in-person meeting, we would be happy to work with you to discuss these issues in any way that is convenient for you. We can arrange for a virtual meeting, a telephone conversation, or if you would prefer, written suggestions can be submitted to the undersigned at [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov).

Please reach out at your convenience so that we can schedule the consultation and start the discussion process. To schedule this consultation please reach out to Rachael Surmick, our Broadband Outreach Coordinator, at 531-893-1522. If you have any questions regarding this request, or if there is another contact, we should include, please reach out to me at (402) 471-3101. I look forward to meeting with you and to our consultation.

Sincerely,



---

Dan Watermeier, Chair  
Nebraska Public Service Commission



---

Ed Toner/  
Nebraska Chief Information Officer



---

Patrick Redmond  
Interim Director, Broadband Office

cc: Tom Rolfes, NTIA Broadband Program Specialist-Nebraska ([trolfes@ntia.gov](mailto:trolfes@ntia.gov))  
Robyn Madison, NTIA Regional Director, Northern Plains ([rmadison@ntia.gov](mailto:rmadison@ntia.gov))  
Stephanie Henning, NTIA Tribal Liaison, Nebraska ([shenning@ntia.gov](mailto:shenning@ntia.gov))

## Iowa Tribe of Kansas and Nebraska

Tribal Consultation Notes February 24, 2023

Notes on the agenda/meeting structure:

- Questions included, but not all were posed. Generally asked for feedback about each topic area (infrastructure access, digital equity, and workforce)
- Spent about 30 mins on invocation; welcome/intros; review engagement goals; and discussing KS Broadband program.
- Spent about 15 minutes reviewing BEAD, Digital Equity and TCBP
- Remaining time was spent on discussion.
- They used an app (fireflies.ai) to transcribe the meeting (worth exploring?)
- No handouts provided other than agenda.

General Notes:

- Iowa Tribe has GIS analysts; offered to include their GIS data in the Kansas map.
- They have a need for both wired and wireless connectivity (expressed it as a safety concern)
- Focus on affordability – there were a lot of concerns about the cliff effect for families.
- Large focus on educational training programs
- They are working on a radio station (going through the process with FCC to get an FM license)
  - Motivated by a need to provide public safety and information dissemination in the absence of reliable internet connection (both wired and wireless)
- They are specifically looking for solutions that are vendor agnostic so that they have the right to choose which vendors they do and don't work with
- It is important from sovereignty perspective for them to own the network (focus on last mile)
- They have experienced challenges with ACP awareness.
- Digital Equity:
  - Hard to say what their digital equity needs are.
  - Elders have difficult time finding and using devices; same is true for children.
  - There are both financial and educational/knowledge-based barriers to access.
  - They expressed a need for a digital navigator embedded in the tribe that is already associated with the Tribe to improve credibility and trust among Tribal members.

Nebraska Specific Feedback:

- Challenges between the Sovereignty of the Iowa Tribe and the reality that their Tribe crosses state lines; expressed a desire for creativity and coordination with projects

that cross state lines.

- Three different school districts in their lands (one in Nebraska) – connection to Community Anchor Institution outreach
- Their awareness was on a lot of grants that have focused on the Kansas side...looking to expand infrastructure to Tribal lands and businesses into Nebraska side.
- Working on a Smart Farm Initiative on the Nebraska side, but they don't currently have the connectivity to support that.

Post meeting Debrief on Ride Home:

- Need to connect with Judy gaiashkibos from the Nebraska Indian Affairs Commission. Need to make an effort to get her involved in Tribal Consultations
- Create and provide Fact Sheets:
  - Current Programs
  - BEAD/DE FAQs
  - Acronym guide/glossary of terms
- Be clear about what it is we are asking of the Tribes and what follow up mechanisms we will use; discuss next steps.
- Make sure we set a realistic agenda; KS did not accomplish everything in two hours.
  - Is two hours the right amount of time; or
  - Make sure we manage discussion to get through everything identified

## Appendix C: Grant Scoring Rubric – Priority Broadband projects

Primary Criteria			
Category	Description	Subcategories and Associated Points	Maximum Category Points
Minimal NBEAD Outlay	The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases.	Total Projected Cost - 30 points Applicant Match Greater than 25% - 150 points	180
Affordability	The prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100 Mbps/20 Mbps services in the project area.	Affordable Plan - 75 points	75
Fair Labor Practices	Applicants must demonstrate record of and plans to comply with federal labor and employment laws. Applicants without a record of labor and employment law compliance may provide forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.	Narrative of Compliance - 25 points Certification from Officer/Director - 10 points Violation Disclosure - 5 points Health and Safety Committee - 5 points	45
<b>Total</b>			<b>300</b>

<b>Secondary Criteria</b>			
<b>Category</b>	<b>Description</b>	<b>Subcategories and Associated Points</b>	<b>Maximum Category Points</b>
Technical Capabilities	Demonstration of strong technical attributes that enable superior performance and long-term viability	Open Access - 5 points Expected Latency - 5 points Scalability - 5 points Ease of Scalability - 5 points	20
Service Quality	Demonstration that a prospective subgrantee's ability to build a resilient network and support efficient break/fix operations	Expected Availability - 10 points Expected Mean Time to Repair - 10 points	20
Local and Tribal Coordination	Demonstration that a prospective subgrantee has support from the local and/or Tribal Government with oversight over the location or locations to be served	Community Engagement - 15 points Letters of Support - 15 points	30
Speed to Deployment	Applications that propose planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the executed subgrant	Speed to Deployment - 15 points	15
Length of Affordable Commitments	The length of the prospective subgrantee's commitment to provide the most affordable total price to the customer for 100 Mbps/20 Mbps services in the project area.	Length of Affordable Commitments - 10	10
Equitable Workforce Development and Job Quality	Prospective subgrantee's plan for ensuring the project workforce is appropriately skilled and credentialed	Equitable Workforce Development and Job Quality - 5 points	5
<b>Total</b>			<b>100</b>



## Appendix D: SFHMP Plan Executive Summary

The full State of Nebraska Flood Hazard Mitigation Plan (SFHMP) is available at <https://broadband.nebraska.gov>

### Executive Summary

The State of Nebraska is intimately familiar with the impacts of flooding on its residents, infrastructure, economy, and natural resources. This 2022 update to the State of Nebraska Flood Hazard Mitigation Plan (State FHMP) affirms Nebraska's commitment to continued improvements to its statewide flood mitigation strategy and program. Hazard mitigation helps to reduce or eliminate potential losses from future disaster. Hazard mitigation *planning* helps to establish and maintain a process that leads to the implementation of hazard mitigation actions.

The Nebraska Department of Natural Resources manages our most precious natural resource—water— and protects against flood threats through sound partnerships, cooperation, and science-based decision making. The plan update process began with a series of public meetings to ensure input from stakeholders across the state. The meetings were followed by the launch of a plan development committee to review and advise on initial draft content every two months, as well as provide current data regarding recent flood impacts, critical facilities, and resources available to Nebraskans.

The next steps involved detailed analysis of flood risk across the state and an assessment of vulnerabilities to flood risk. A thorough evaluation of the state's current mitigation capabilities was conducted and resulted in an updated flood hazard mitigation strategy for Nebraska. The revised strategy identifies four overarching mitigation goals and related mitigation objectives.

These goals frame Nebraska's path forward in implementing flood hazard mitigation:

- Reduce or eliminate long term flood risk to human life and property.
- Preserve and enhance the natural and beneficial functions of floodplains.
- Promote public awareness of flood hazards and post-flood response.
- Coordinate with federal, state, and local partners for flood mitigation planning and program efforts.

The revised strategy also features several new and ongoing mitigation actions to be implemented in the path forward.

New to the 2022 State FHMP are the results of a GIS-based flood risk assessment. The risk assessment was a collaborative effort and relied on data provided by several collaborating agencies. The risk assessment provides flood risk analyses from across the state at a level

never achieved before. Also new to the 2022 State FHMP are a series of mitigation strategy and practice sheets that serve as a detailed and accessible resource to communities in their implementation of mitigation actions.

In summary, this plan aims to represent the most robust evaluation of Nebraska flood risks, the most thorough catalogue of resources available to local jurisdictions, and the most actionable and forward- looking flood hazard mitigation approach the State has yet produced. District 23 Senator Bruce Bostelman and the members of the Natural Resources Committee deserve credit for initiating this important planning effort, recognizing the importance of flood hazard mitigation to Nebraska's citizens, and advancing LB632, 2020, through the Nebraska Legislature.

## Appendix E: Public Comments

NBO launched a public comment period spanning thirty days from November 13, 2023, to December 13, 2023. Additionally, NBO began speaking in rural communities a week prior to the launch of the public comment period on November 7, 2023, so the public would be aware well in advance of Volume 2 of the Initial Proposal uploaded to the NBO website. NBO spoke at nine separate locations different from the eight locations in Volume 1, yet still covered the entire state geographically. In addition, NBO reached out multiple times to the Ogallala-Sioux tribe for meetings, yet one was not able to be scheduled. Public comments were accepted via an online form, email, and via postal mail to the NBO office. Volume 2 received several dozen comments through the online form and email from broadband providers, local advocates, and broadband consumers. This process was very fruitful as several dozen comments were received and many of those had a positive impact on the drafting of Volume 2 of the Initial Proposal. NBO classified these comments according to the theme of the comment in the following categories:

- Subgrantee Selection Process
- Affordability Plans
- Opportunities for Partnership

In addition, clarity was requested for materials by several commenters, which will be expanded upon further through the process. NBO is committed to maintain the office's high level of transparency and access NBO has demonstrated through both comment periods during the challenge process, subgrantee selection process, and the grant monitoring process. As such, NBO will make available all templates and forms well in advance of submission of such forms. Furthermore, NBO will host webinars each month which will detail the office's current work on the program, take questions and develop a publicly available FAQ, and interface with key stakeholders and stakeholder groups to ensure that any and all questions about the NBEAD program are answered in full. Any other comments received during the public comment period, NBO feels are already addressed in the Volume 2 narrative.

### ***Subgrantee Selection Process***

Comments on section 2.4 detailing the subgrantee represented the bulk of the comments received by NBO. Several commenters requested that the DPA process be altered or rejected outright in favor of allowing for prospective grantees to submit their own project areas, or otherwise alter existing DPAs to better fit economic projections. NBO decided not to incorporate such changes as NBO believes that all unserved locations must be covered in a DPA, even the most difficult to reach location. If NBO did not set the DPA

and allow prospective subgrantees to do so, then it is likely that the most difficult to serve unserved locations will remain unserved at the conclusion of the program, which is unacceptable to NBO. As such, NBO will continue to set DPAs for the NBEAD program. However, some commenters requested further clarity on whether or not prospective subgrantees can submit an application in potential second or third rounds if they did not for the first round. NBO has clarified that prospective subgrantees can submit an application in subsequent rounds if they did not in the initial round.

Furthermore, commenters suggest NBO set an EHCT for DPAs prior to initiating the first round of grants, or alternative label individual locations as EHCT and remove them from the DPA entirely to be picked up by alternative technology. NBO does not want to create “technological donuting” of unserved locations that without BEAD funding will not be served. As such, NBO will create an EHCT after the conclusion of the first grant cycle. Commenters suggested changes to NBO’s pre-grant screening process. NBO has adopted a process that will require both an OA and a Request for Application (RFA) from prospective subgrantees. The Letter of Intent does not represent a commitment to apply for any DPA or prohibit a prospective subgrantee from applying for a different DPA than indicated. Rather, this process serves as a Pre-Award Risk Assessment exercise intended to streamline the application process. As such, it will remain intact but will be clarified within the document.

Furthermore, commenters raised issues with how NBO ranked each piece of the grant scoring metrics. Some commenters recommended that NBO abandon the NTIA guidelines of having primary scoring criteria outrank secondary scoring criteria, which cannot be done per the BEAD NOFO. NBO believes that the scoring metrics set up in Volume 2 are sufficiently geared towards the key philosophy of the program and will generate meaningful participation in the program which ensures all unserved Nebraskans are served. In addition, certain categories operating as “tiebreakers” such as open-access will remain within the scoring metric and it is acceptable to not score in such categories, thus not creating any mandate by which providers must adopt open-access models for last mile or middle mile deployment. Rather, such a category exists to encourage further cooperation within the market at the prospective subgrantee’s discretion.

Commenters also raised issues with components of the grant scoring process that don’t correlate with point values. One such comment recommended NBO limit environmental reviews to what is required by NTIA. NBO is committed to ensuring the NBEAD program is as straightforward and easy to operate within as possible, and therefore will not impose onerous environmental requirements outside of NTIA requirements onto prospective subgrantees. In the same vein, NBO has dropped the required reporting of service outages within 2 hours of an occurrence. This would cause additional burden on the subgrantee and the office and is outside of the scope of the office as such regulatory actions belong within the Nebraska Public Service Commission’s authority. Commenters also recommended adjusting or removing the requirement for a professional engineer to

certify build plans. NBO believes this is an important piece of risk assessment information, and such will retain it. Commenters also indicated that certain requirements, such as timeline estimates, could be subject to change and therefore should not be scored. NBO agrees that no entity can foresee the future, however NBO believes this piece encourages prospective subgrantees to be as aggressive as possible with serving the unserved, which is congruent with the goals of the BEAD program.

Concerning financial capabilities and capacities, some commenters requested an altered reimbursement style than what NBO proposed. In some cases, commenters requested to be reimbursed on a monthly basis. NBO views these adjustments as onerous and ultimately a detriment to the functionality of the program. As NBO will be working with many dozen prospective subgrantees concerning potentially hundreds of grants, it is unfeasible to expect NBO to be able to reimburse in a manner differently than what has been laid out in Volume 2.

Finally, a few commenters mentioned utilizing multiple techs for one grant or one DPA. This would not be feasible for NBO for a variety of reasons, chief among them being that the scoring would have to be centered around the lowest tier of priority technology within the DPA and would require unique scoring methodology not included in the scoring metrics. As such, NBO would likely break up the DPA in subsequent rounds if no other application was received for the DPA to ensure equitable service of the Unserved. In addition, some commenters asked how NBO would address tribal entities, or municipal entry. NBO is committed to working within the bounds of Nebraska law and would award grants to entities that are permissible within Nebraska law. As such, if a Tribal entity were to be acting as an ETC than it would be permissible for them to be awarded a grant.

### ***Affordability Plans***

NBO received several constructive comments regarding the two proposed affordability plans in Volume 2. Chief among them was an indication that NBO was proposing an illegal rate regulation. This was not NBO's intent, and NBO understood such language as a requirement from NTIA for the program. Following Assistant Secretary Davidson's remarks on December 5, 2023, it is clear that such language is instead permitted to be included. As such, NBO is not going to require prospective subgrantees to submit a specific number for their low-income or middle-class affordability plan as such a requirement is illegal and would have an unnecessary and ultimately harmful chilling effect upon participation in the program. However, none of this means NBO will not still score submitted plans, so it is encouraged that prospective subgrantees still submit plans in order to have a more competitive application.

Furthermore, several commenters also indicated preference to an opportunity to adjust their rates based on inflation year to year, among other factors. NBO hears this and

agrees that prices need to fluctuate within the market to ensure investments remain economical. As such, NBO will allow for Consumer Price Index adjustments for rates on agreed upon plans.

### ***Opportunities for Partnership***

Finally, several commenters offered an opportunity for partnership with NBO. NBO appreciates the offers involving grant writing, workforce development, and grant administration. If NBO deems it necessary, NBO will reach out to such entities and initiate a partnership with them.

However, other entities seemed to believe that there was a built-in set-aside for them in the BEAD program. This is not the case, and NBO will be treating all stakeholder groups, and all Nebraskans the equitably throughout the program. In addition, NBO received legislative suggestions, which are not within NBO's authority to implement. Any such implementation must be conducted by the Nebraska Senate.