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Broadband Equity, Access, and Deployment Grant Program

Frequently Asked Questions

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Public Service Commission of WISCONSIN

Wisconsin Broadband Office

Change Log	
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	Added questions are in orange.
	Q4: amended
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Contact: PSCBEADGrants@wisconsin.gov

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Contents

Challenge Process

1. **What are the results of the Broadband Equity, Access, And Deployment (BEAD) Program challenge process?**

   The complete list of location challenges received, and their adjudication can be downloaded here: https://apps.psc.wi.gov/pages/viewdoc.htm?docid=515715 (opens an excel file)

   The complete list of community anchor institution challenges received, and their adjudication can be downloaded here: https://apps.psc.wi.gov/pages/viewdoc.htm?docid=515716 (opens an excel file).

2. **Will there be another opportunity for challenging locations and/or service?**

   Consistent with National Telecommunications and Information Administration (NTIA) requirements, the challenge process determination is complete, and the Public Service Commission of Wisconsin (Commission) will not a hold another challenge process. The Federal Communications Commission (FCC) continues to accept location and service challenges on a rolling basis, and these are used to conduct periodic refreshes to the National Broadband Map.

Eligibility of Locations

3. **What is a Broadband serviceable location (BSL)?**

   According to the FCC, a broadband serviceable location (BSL) is "a business or residential location in the United States at which mass-market fixed broadband Internet access service is, or can be, installed."

   For more information, see FCC's help article here.

4. **What locations are eligible for BEAD funding?**

   BEAD eligible locations are any BSLs determined to be unserved or underserved per the approval of the BEAD Challenge process results by NTIA that are subsequently included in the final eligible list of locations.

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The Commission [announced the preliminary determination of BEAD-eligible locations](#) in August 2024 and since has updated the count of eligible locations through the curing process with NTIA. The updated count of BEAD-eligible location is in the table below. The locations will be finalized following NTIA approval. Once approved by NTIA, the final eligible list of locations will be published to the docket 5-BCH-2024, accessible at the Commission's website.

An [online map](#) is available to view these locations as well as a [Draft BEAD Project Units Map](#) that includes these preliminary eligible locations. The table below shows the updated preliminary count of BEAD eligible locations.

BEAD Eligibility Status	Count of BEAD-Eligible Locations
Unserved	98,836
Underserved	107,879
Total	206,715

[Docket 5-BCH-2024](#) also contains the preliminary determination of [BEAD-eligible CAIs](#), a [data dictionary](#), and a [summary of eligible locations by county](#).

5. **What is a community anchor institution (CAI), and are they eligible for BEAD funding?**

Informed by the definition of "community anchor institution" (CAI) in federal law, (47 USC 1702(a)(2)(e)), the Wisconsin Broadband Office (WBO) applied the definition of "community anchor institution" as: an entity such as a school, library, health clinic, health center, hospital or other medical facilities, public safety entity, institution of higher education, public housing organization (including any public housing agency or Department of Housing and Urban Development (HUD)-assisted housing organization), or community support organization (CSO) that facilitates greater use of broadband service by vulnerable populations, including but not limited to low-income individuals, children, unemployed individuals, aged individuals, and incarcerated and formerly incarcerated individuals. Please see the approved [Initial Proposal Volume 1](#) for details about each type of CAI.

CAIs lacking 1000/1000 Mbps symmetrical broadband service are eligible for BEAD funding, and they may be awarded funding by the Commission if funding remains after fulfilling the federal requirement to ensure all unserved and underserved BSLs in Wisconsin get service.

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A list of community anchor institutions compiled as part of the BEAD Challenge Process can be found here.

6. **What if a location is shown in the eligible locations list but is not actually a BSL?**

With each iteration of data, the list of locations continues to become more accurate. However, errors remain. It is possible there are locations in the eligible locations list that are not BSLs and thus not eligible for funding, such as campsites, uninhabitable structures, haybales, or empty lots. Program participants are encouraged to identify such instances of incorrectly labeled locations and submit challenges to the FCC using the fabric challenge process.

NTIA guidance is not yet available, but it is anticipated that WBO will be able to remove such "non-locations" from its grant awards and final list of funded locations.

7. **What if a location is an entity that would not subscribe to mass market service because it would instead purchase enterprise-grade internet?**

Unless an enterprise location is a Community Anchor Institution, it is not eligible for BEAD funding. Program participants are encouraged to identify instances of enterprise locations listed incorrectly as eligible and submit challenges to the FCC using the fabric challenge process.

NTIA guidance is not yet available, but it is anticipated that WBO will be able to remove certain enterprise locations that are incorrectly labeled as eligible from its grant awards and final list of funded locations.

8. **What if my entity already provides high-speed internet to this location (100/20 Mbps or faster) but it is currently on the BEAD eligibility list and in a draft project unit? For example, if availability data was incorrect or the location has been connected after December 31, 2023 (version 4 of availability).**

Service availability data is based on the FCC National Broadband Map and enforceable funding commitment (EFC) data maintained by federal agencies and the PSC. It is the responsibility of providers to accurately report service offerings to the FCC. Locations eligible for BEAD were ultimately determined through the WI BEAD Challenge Process (PSC REF#: 515886). The state challenge process was an additional opportunity to refine and correct any remaining errors present in the FCC data. At this time, there is no process contemplated under BEAD to conduct further "true ups" or corrections to account for

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existing service or contest the final challenge process determination letter a approved by NTIA.

It is possible NTIA may produce further guidance in the future regarding a process to address these issues. If you have locations that fit this criteria, you may consider submitting an informational filing to the commission (docket 5-BD-2025) for potential consideration if new guidance is provided by NTIA,

Enforceable Funding Commitments

9. **What is an enforceable funding commitment (EFC)?**

   An enforceable funding commitment (EFC) for the deployment of qualifying broadband exists when the commitment to deploy such infrastructure was made as a condition of receipt of certain federal or state funding, including but not limited to funding administered by the Commission, Federal Communications Commission, National Telecommunications and Information Administration, U.S. Department of Treasury, and U.S. Department of Agriculture. For a full list of programs establishing an enforceable funding commitment, see the BEAD NOFO at footnote 52 on page 36.

   EFCs may also include federal funding allocated by a local unit of government that is derived from federal State and Local Fiscal Recovery Funds the local government received under the American Rescue Plan Act of 2021 (ARPA). See here for more information on local government commitments.

10. **In the final eligible location list, my location was subject to an enforceable funding commitment (EFC) for an in-progress funding award. That award is no longer being constructed because the recipient has cancelled its project. Is this location eligible for BEAD?**

    According to guidance from NTIA, locations may not be added to the list of eligible locations after NTIA's final determination of eligible locations. If a location was subject to an EFC that has now been withdrawn or defaulted after the final eligible list was published, the location is not eligible for BEAD funding.

11. **If there are new enforceable funding commitments (EFCs) for broadband projects that are established after September 1, should they still be submitted to the Wisconsin Broadband Office?**

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Yes, if new enforceable funding commitments for qualifying broadband service are established after September 1, 2024. The recipient should contact the WBO at PSCBEADGrants@wisconsin.gov for assistance on how to submit the information. EFCs submitted after September 1, 2024, will be addressed on a case-by-case basis depending on the timing of the BEAD process and the impacted locations.

12. What if a provider has an existing state EFC (broadband grant) to build service to a location but it is currently on the BEAD eligibility list and in a draft project unit?

Locations eligible for BEAD were ultimately determined through the WI BEAD Challenge Process (PSC REF#: 515886). The state challenge process was an additional opportunity to refine and correct any remaining errors present in the FCC data and enforceable funding commitments. At this time, there is no process contemplated under BEAD to conduct further "true ups" or corrections to the BEAD eligibility list or to contest the final challenge process determination letter as approved by NTIA.

However, the Wisconsin Broadband Office welcomes communications and information regarding BEAD eligible locations that have an enforceable funding commitment or new service. To provide details regarding the location(s) that are currently shown as eligible for BEAD but are subject to an EFC please submit an informational filing to docket 5-BD-2025.

Project Units

13. What is a project unit?

Project units are predetermined groups of locations eligible for BEAD funding. Applicants will submit applications for funding for one or more project units per application. To learn more about project units, refer to the Initial Proposal Volume 2 on the BEAD Grant webpage.

14. When will project units become available?

Preliminary project units were published on October 25, 2024, providing both tabular data and the WI BEAD Project Unit Map (Preliminary).

15. Why are the published project units preliminary and what changes should be anticipated in the final project units?

Project units have not been finalized because the final list of locations eligible for BEAD

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has not been approved by NTIA as of November 8, 2024. Additionally, before finalizing project units the WBO intends to remove locations that are no longer present in version 5 of the Broadband Serviceable Location Fabric.

16. Is the Commission accepting public comments on project units?

No, the Commission is not accepting public comment on Project Units.

17. What attributes are being used to create project units and will they cross county borders?

A single project unit will always be within a single county or Tribal Nation. Project units will also generally not traverse railroad lines, except in cases where this is unavoidable due to the proximity and density of railroads.

Within these boundaries, project units will group nearby locations with a strong consideration for deployment feasibility, particularly considering the proximity by road distance of locations.

18. What is the difference between a 'separable' and 'non-separable' project unit?

Applicants will submit applications containing groups of project units they propose to serve. An applicant will have the option of specifying a unit as non-separable, meaning that the applicant would not accept the awarded project if that unit were not included because it cannot feasibly undertake the project without serving those locations. Separable units represent additional locations that an applicant would be willing to take or leave, depending on the results of deconfliction of other neighboring applications.

19. How many project units can be included in an application?

There is no hard limit on the number of project units that can be included in an application, but a single application cannot have project units that traverse more than four adjacent counties.

20. Do project units submitted in a single application need to be adjacent to each other?

While project units will not necessarily border each other like a jigsaw puzzle because project units will only group eligible locations, project units submitted in a single application may not be proposed for more than four counties at a time, and those counties must be contiguous (sharing a border). For example, an application proposing project

units in Polk County could also include units in Barron, St. Croix or Burnett, but not Dodge.

21. Can an application be submitted for a single project unit?

Yes.

22. Is there a limit on the number of applications an eligible participant can submit?

There is no specific limit on the number of BEAD applications an eligible participant can submit, though an eligible applicant may submit a maximum of two applications that contain the same project unit regardless of whether it is included as 'separable' or 'non-separable'. When an eligible entity is approved to apply for BEAD, per the letter of intent they will have a maximum number of locations that they may apply for, unless they request a waiver.

23. How will eligible participants and stakeholders be able to view project units?

The Draft BEAD Project Unit Map is now available, which displays the groups of BEAD-eligible BSLs that are included in a project unit. Each project unit's set of locations are differentiated by color and outlined by hexagons showing the general area of the project unit locations.

24. In the Draft BEAD Project Unit Map, are all the BSLs within the geographic boundaries of the project unit hexagons eligible for BEAD funding?

No, the hexagons are only a visual aid that allow users to view the general project unit geographic area when zoomed out to an extent that the individual locations are not visible. Only the specific color-coded BSLs within the hexagon are eligible for BEAD funding.

25. Why are some project unit hexagons stripped or cross hatched?

Cross hatched project units indicate where two or more project units overlap, meaning the hexagon that is being used only for visual aid purposes, contains BSLs from two or more project units. If you zoom in closer so that the BSLs are visible, the different color coded

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sets of BSLs are visible.

26. Can a project unit be split or broken up?

In round one and round two of the BEAD sub-granting process, a project unit can't be broken up or divided in any way. Applicants must commit to serving all the locations in a project unit if they include the project unit in their application.

Eligibility

27. How are eligible applicants determined for the BEAD sub-granting process?

Eligible applicants are those that meet the financial, managerial, operational, and technical requirements for participating in BEAD, as defined under the BEAD Notice of Funding Opportunity and approved Initial Proposal Volume 2. Applicants must have completed the Letter of Intent process consistent with the instructions posted here using the PSC Grants System to be awarded. Further details and resources on the Letter of Intent and the Initial Proposal Volume 2 can be found on the BEAD Grant Program webpage.

Application Scoring and Minimum Criteria

28. How is the scoring used in the BEAD Program sub granting process?

All applications will be scored. For project units with only one project proposal, the application must reach the minimum threshold of 40 points to be awarded funding. In the event two project proposals are competing for the same locations, score will be used to compare priority projects to priority projects and non-priority projects to non-priority projects. Score is primarily used when there are competing proposals with the same priority type for the same geographic area. See Initial Proposal Volume 2 starting at page 29 for complete scoring details.

29. Will all of the scoring criteria allow for partial points to be awarded based on how well the applicant's proposal meets the scoring criteria?

Some scoring criteria utilize a formula, others allow for partial points, and some only allow for all or no points for the specific scoring criteria. See Initial Proposal Volume 2 starting at page 29 for complete scoring details.

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30. What are the three components of the Minimal BEAD Outlay Scoring criteria?

(1) Cost efficiency of the proposed project based on total cost proposed as compared to cost model estimations.
(2) Proportion of BEAD funds requested compared to contributed private match
(3) Quality of proposed network.

See the approved Initial Proposal Volume 2 for details of scoring criteria, starting on page 29.

31. What is the BEAD Match Threshold?

A key requirement of the BEAD program is the threshold criteria that all applicants maximize the private share of funding allocated to a given project. Thus, the BEAD Match Threshold is the anticipated share of public BEAD grant funding that will be allocated for a given project unit, as a percentage of the total cost of that project unit. A key requirement of the BEAD program is that subgrantees, except in certain limited circumstances, receive no more than a 75% share of funding from BEAD and maximize the private share of funding allocated to the project.

Each project unit will be assigned a BEAD Match Threshold percentage, and applicants will need to submit applications that contain sufficient private match contributions to meet this ratio of public funding. If an application cannot meet the BEAD Match Threshold, it will be declined in the first round and forwarded to the next round.

See Initial Proposal Volume 2 starting at page 28 for more detail on the BEAD Match Threshold.

32. Will the cost model data associated with project units match threshold and cost efficiency scoring components of the Minimal BEAD Outlay be visible in the application portal and/or published?

No, the cost model data will not be published for the project units. The BEAD match threshold will be the only data point related to Minimal BEAD Outlay published for project units.

33. What questions in the sub granting process will be asked to inform the scoring for the Quality of Proposed Network scoring criteria?

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The questions for the sub granting process are not available yet. In general the application will ask questions about the proposed network technology for the application, the application will ask for details regarding equipment, build out plans, deployment methods, and components to account for resiliency. Detailed instructions for accessing and navigating the application portal, including the application questions, are forthcoming.

Speed to Deployment Scoring Criteria

34. Regarding the 'Speed to Deployment' scoring criteria, when does the 36-month period in which the project must be completed begin?

The 36-month period begins at the execution of the grant agreement. Per the letter of intent awardees must sign their grant agreement within 60 days of receiving such agreement for signature.

Affordability and Low-Cost Service Plan

35. What are the criteria for the low-cost service plan?

In general, the low-cost service plan requires recipients of BEAD funding to offer a discounted rate of service to any ACP eligible households at a rate of no more than $40 per month for a 100/20 Mbps plan.

The required low-cost plan applies only to locations receiving new or improved service as a result of BEAD funding i.e. locations in project units. All BEAD sub-recipients and any future owners of the facilities during the useful life of the network assets, will be contractually required to offer the low-cost service plan.

A complete description of the criteria for the low-cost service plan can be seen in Initial Proposal Volume 2 starting at page 81.

36. What households will be eligible for the low-cost service plan?

Unless a successor program is established, eligibility will be the same as was used for the Affordable Connectivity Program (ACP), which includes households that have incomes at or below 200 percent of federal poverty guidelines; participate in certain assistance programs, such as Lifeline, Medicaid, SNAP, federal public housing assistance, WIC,

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SSI, or Tribal specific programs; households with kids receiving free and reduced-price lunch or school breakfast; and Pell grant recipients.

37. How will a recipient know if a household is eligible for the low-cost service plan?

If ACP or a successor program is not active when the BEAD networks are placed in service and thus unable to determine eligibility through the national verifier, providers will be required to participate in another forthcoming eligibility verification tool. Providers will not be required to develop their own verification methods.

38. What are the differences between the two affordability scoring criteria, one being primary and the other secondary?

The Primary Affordability scoring criteria is required by the BEAD NOFO, as are the other primary scoring criteria. The maximum points for the Primary Affordability criteria are 18 points and is based on the total non-promotional cost of 1 Gbps / 1 Gbps service for priority projects and 100/20 Mbps service for non-priority service.
The secondary affordability scoring criteria adds additional weight and importance to middle class affordability and extending the required BEAD low-cost plan to all eligible subscribers in the State of Wisconsin. The secondary affordability criteria make up to 10 points available for priority projects and 8 points available for non-priority projects.

See the approved Initial Proposal Volume 2 for details of scoring criteria, starting on page 29.

Engagement and Endorsement Scoring Criteria

Note: the following questions summarize guidance also found in the Engagement and Endorsement FAQ.

39. How many engagement points are available and what type of engagement is required?

Up to five points (of 100 total) are available for the support and engagement scoring criteria. See the Engagement and Endorsement FAQ for types of engagement and examples of documentation for each sub-category within this scoring criteria.

40. Will partial points be awarded for the subcategories of the engagement scoring criteria?

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Yes, applicants may receive up to the total number of points available for each sub-category listed in the support and engagement table above depending on the quality of the engagement and the extent to which it is documented.

41. How is the scoring used in the BEAD Program sub granting process?

All applications will be scored. For project units with only one project proposal, the application must reach the minimum threshold of 40 points to be awarded funding in Round 1 or Round 2. In the event two project proposals are competing for the same locations, score will be used to compare project proposals using the same technology type. Score is primarily used when there are competing proposals using the same technology type for the same geographic area. (See Initial Proposal Volume 2 for complete scoring details.)

42. Does an applicant need to provide evidence that shows engagement with all possible engagement stakeholders referenced in each sub-category? For example, if there are multiple municipal governments or school districts within an applicants proposed project area, must the applicant receive letters of support from all of them to be considered for the full point allotment for the respective sub-category?

Applicants are encouraged but not required to seek engagement with local government and key stakeholders. Higher points will be provided for engagement that demonstrates robust and representative sampling of the most impacted local governments, school districts, libraries, etc. In general, larger projects affecting a broad geographic area should expect to document more engagements and letters of support to earn higher points.

43. Is there a window of time in which the community engagement sessions must occur?

Community engagement must happen before an application for funding is submitted. Applications must document this community engagement activity(ies), which may happen as early as April 29, 2024, and through the application submission.

44. How should engagement meetings be organized to avoid the confidentiality and collusion clause of BEAD?

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Public engagement meetings can be organized by potential applicants with county, Tribal, and local municipalities to present proposed BEAD project plans and/or public meetings can be organized by the county, Tribal, and local municipal government to facilitate public engagement. If more than one potential applicant is intending to do their engagement at the same meeting, it is recommending applicants do their engagement at different time slots during the meeting to maintain confidentiality and avoid collusion.

45. Should the letters of support be provided directly from the signatory to the Commission or included in the application?

Letters of support must be provided within the application submission and are due at the time of the application. Any letters submitted outside of the application system will not be considered.

46. Who should letters of support be addressed to?

Cru Stubley
Secretary to the Commission Public Service Commission of Wisconsin
4822 Madison Yards Way
Madison, Wisconsin 53705

47. How many endorsement criteria points are available and what type of endorsement is required?

Up to seven points (of 100 total) are available for endorsement from a County and/or Tribe. See the table above for documentation required for endorsement.

48. Can endorsement authority be delegated to a broadband committee or an individual official of the county governmental body?

No. An endorsement must occur by an affirmative vote or official action of the representative body and cannot be delegated to individuals or appointed groups. For a county government, the endorsement must come from the county board.

49. If an applicant includes project units that span more than one county and/or Tribe in their application, how will points be awarded if the applicant only receives one endorsement from a county/Tribe, for example?

Points are assigned to each project unit individually. Thus, if a project receives

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endorsement from only some of the counties or Tribal lands it affects, points will be assigned solely to project units within that county's territory and/or that Tribal land. For an entire area to gain full points, an applicant would need to secure endorsement from all impacted counties and Tribal lands.

50. Can an entity (county/Tribe) endorse for specific geographic boundaries?

Yes. An endorsement may be provided based on the boundary of a political subdivision, such as specifying the BEAD applicant is endorsed for any BEAD broadband deployment within a specific township or municipal boundary. Alternatively, an endorsement may be provided for any application by the applicant within the entire county or Tribal Nation.

51. Can an entity (county/Tribe) endorse different applicants for different areas?

Yes. An endorsement may specify an applicant is endorsed for only a portion of its geographic area, as long as the boundary is clearly specified as one of the following: a group of project units, or a town, township, village, or city boundary.

52. Does an endorsement need to be solidified specifically through a resolution?

No, the official action does not need to be a resolution and can be a simple proposed action with a voice vote, for example. Documentation must clearly and affirmatively endorse the BEAD applicant and the documentation may specify a geographic boundary within the endorsement.

53. Do Tribal Nations need to do anything different from counties/local municipalities for engagement and endorsement?

No, the requirements and documentation that must be provided are the same for Tribal Nations, counties and local municipalities.

Community Anchor Institutions Scoring Criteria

54. If an applicant voluntarily elects to build service to Community Anchor Institutions (CAIs) in their application for no additional funding in accordance with the scoring criteria, will they have the opportunity to request funding in a subsequent round if funding is available?

Applications will be awarded points for priority projects that voluntarily elect to build CAIs solely with private funds and may have the opportunity to request public funding

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for those CAIs in round 4 if funding remains.

Application Process

55. Will potential eligible applicants have the ability to correct and/or improve the letter of intent submission after the October 1, 2024, submission deadline?

An initial submission of the Letter of Intent was due October 1. Commission staff will review submissions and identify errors or omissions, which an applicant will be able to correct through a curing process that will extend for at least 30 days after the submission deadline.

56. Will potential applicants be notified of their letter of intent submission status on a rolling basis, or will all submitters be contacted after a specific date?

Potential applicants will be provided ongoing status updates related to their submitted LOI at the contact email provided with their application. Please contact PSCBEADGrants@wisconsin.gov for questions related to your Letter of Intent status. A determination of eligible participants and any conditions related to approved entities will be posted to the docket 5-BD-2025.

57. For entities that are approved in the Letter of Intent stage, how will they submit their BEAD applications when the sub granting process begins?

Approved participants will submit their applications using a forthcoming application portal. Training and detailed guidance for submitting applications using the application portal will be provided to approved participants.

58. Will there be an opportunity for entities to submit a Letter of Intent at a later stage of the sub granting process?

The WBO may open a Letter of Intent submission window before round 3 of the subgrantee selection process for applicants that want to submit applications for projects utilizing alternative or non-reliable technology (per the NOFO, this includes unlicensed fixed wireless and satellite technologies). Currently the WBO does not intend to re-open the Letter of Intent process for rounds 1 and 2 for applicants submitting priority projects.

59. Will the public or other stakeholders be able to see information on submitted applications during the sub granting process?

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No, only the eligible participants will have access to the application portal. Preliminary BEAD awards will be made public when the draft final proposal becomes available for public comment.

60. **Why are the BEAD awards considered preliminary after the sub granting process ends?**

The BEAD awards will not be official until the preliminary awarded subgrantees submit additional materials to fulfill the BEAD requirements. Further the WBO may make adjustments to preliminary awards to ensire sufficeint funds, to ensure universal service and maximum deployment, to better effectual the goals of the BEAD program and as required through the implementation of the extremely high cost per location threshold process. The preliminary awards must be approved by NTIA before they can be made final.

61. **Can applications that propose non-priority projects be preliminary awarded funding in round 1?**

No, non-priority projects (such as licensed fixed wireless projects) will be scored and evaluated in round 1, and for any project units that are won by that application (i.e. they have the highest decisive score after deconfliction), a hold will be placed on those project units and they will be forwarded to round 2 where they will be scored and deconflicted following the round 2 application window.

62. **Will applicants need to provide responses and documentation for all BEAD requirements when proposing projects during the subgrantee selection rounds?**

No, the application rounds during the sub granting process will not ask for details and documentation for all the BEAD requirements. The application in the subgrantee selection process will largely ask for details and documentation to questions that directly inform the scoring criteria. Additional details and documentation for BEAD requirements that were agreed to in the Letter of Intent process will be submitted following the preliminary subgrantee selection process.

63. **If a project connects to Tribal locations and/or traverses Tribal land and has not received formal consent from the Tribal government, can the project be awarded BEAD funding?**

A resolution of consent is required from the Tribal government before BEAD funding can be awarded to a project. If a Tribal Nation does not provide a resolution of consent,

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the project will not be eligible for award as proposed and the applicant may have the opportunity to resubmit the project in a subsequent round with adjustments to not include Tribal locations or traverse Tribal land.

The WBO understands that a resolution of consent from a Tribal government can take a considerable amount of time, potentially hindering Tribal Nations from effectively endorsing projects within the sub granting time frame. The WBO will consider preliminary awarding projects that include Tribal locations and/or that traverse Tribal land if the applicant can provide a detailed description of Tribal consultation that has happened to date, any approval steps that have been met, and an anticipated timeline for receipt of a Tribal consent for the application.

64. If an application is eliminated during the deconfliction process, can the applicant resubmit applications for areas that were not awarded during Round 1?

For project units with no priority applications, an applicant can submit a new application in round 2. For an application with a project unit that faces competition, and it is determined there is no decisive winner, the project unit is forwarded to round 2, and only the entities that submit applications resulting in the no decisive winner determination are allowed to resubmit an application for that specific project unit.

65. How will overlapping applications - applications that have included the same project unit in their proposed project - be resolved through the scoring process?

Project proposals may consist of multiple project units, thus it is inevitable that proposals will have partially or fully overlapping groupings of project units. The WBO will conduct what is called the deconfliction process based on scoring. The detailed steps for of the deconfliction process can be found on page 40-41 of the Initial Proposal Volume 2.

Grant agreement and Eligible Costs

66. Will this program be reimbursement based?

Yes. Applicants will be required to document costs incurred consistent with Commission reimbursement requirements, which specify costs must be allocable and directly attributable to the project. In addition to the actual costs along with supporting documentation, the subrecipient will be required to meet certain performance milestones to receive payment. Reimbursements will be available every six months for subrecipients with documented eligible costs who have also met their performance milestone(s).

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67. Will the grant funds be Fixed Amount Subawards?

Yes, Wisconsin will issue fixed amount subawards and will use the NTIA guidance from the Tailoring the Application of Uniform Guidance to the BEAD Program policy notice. Wisconsin will require documentation and certain performance milestones be met to receive reimbursement.

68. When will BEAD costs become eligible for reimbursement?

The Commission is waiting for further guidance from NTIA regarding eligible costs and the performance period. Until further determination is made, it is recommended that prospective applicants begin documenting allocable, reasonable BEAD expenses effective August 1, 2024, the date the letter of intent process opened.

Until a grant award is approved by NTIA and a grant agreement is executed between the applicant and the Commission, all costs incurred are at the risk of the applicant. Further, there is no guarantee costs are eligible for reimbursement until they have been reviewed and approved by Commission staff based on the federal guidance.

69. Will a draft grant agreement be made available before the sub granting process begins?

Yes, a draft grant agreement will be made available on the BEAD grant webpage before the first application round opens.

70. What is required from applicants to fulfill the Letter of Credit requirements and when do they need to be submitted?

There are two required components for the Letter of Credit:

(1) Following the subgrantee selection process preliminary awarded sub grantees need to submit a letter from a bank (meeting eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2)) committing to issue an irrevocable standby letter of credit to the prospective subgrantee, and must include at minimum the dollar amount of the letter of credit and the issuing bank's agreement to the terms and conditions in the provided model letter of credit.

(2) Before executing a grant agreement, the prospective subgrantee must provide an irrevocable standby letter of credit.

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Per the NTIA Letter of Credit conditional programmatic waiver and consistent with section 2.4, subgrantees will 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.

71. **Are there examples or templates that applicants should use for fulfilling the Letter of Credit documentation requirements?**

Yes. The Commission is preparing a model (template) letter of credit that prospective subgrantees will utilize for their irrevocable standby letter of credit that must be submitted prior to the execution of the grant agreement. A draft of this model letter of credit will be made available. Prospective subgrantees should reference the terms and conditions of this model letter of credit when working with their bank or credit union to obtain the initial commitment letter for an irrevocable standby letter of credit.

72. **What is required from applicants if they decide to obtain a performance bond instead of a letter of credit and when does the documentation need to be submitted?**

Like the letter of credit process, there are two required components for the performance bond requirement:

(1) Following the subgrantee selection process preliminary awarded sub grantees need 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 must at minimum provide the dollar amount of the performance bond.

(2) Before executing a grant agreement, the prospective subgrantee must obtain and provide documentation of the performance bond that complies with BEAD program.

Per the NTIA Letter of Credit conditional programmatic waiver and consistent with section 2.4, subgrantees will 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 Commission that it has completed the buildout of 100 percent of locations to be served by the project and all program reporting requirement or until the period of performance of the subaward has ended, whichever occurs first.

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73. Are there examples or templates that applicants should use for fulfilling the Performance Bond documentation requirements?

No, the WBO will not be providing a model performance bond per NTIA guidance in the conditional programmatic waiver. If an entity is pursuing a performance bond to fulfill the BEAD requirement, we advise you work with your legal counsel to ensure the rules and requirements of BEAD are reflected, and reach out to the WBO with any questions: PSCBEADGrants@wisconsin.gov.

74. Will awardees be required to pay prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements?

No, per the approved Initial Proposal Volume 2, the WBO will not require awardees to pay federally-established prevailing wages and benefits or comply with "Davis-Bacon" requirements.

Awardees for projects over $5,000,000 (based on expected total cost) will need to provide a certification that, for the relevant Project, all laborers and mechanics employed by contractors and subcontractors in the performance of such Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). <u>If such certification is not provided, an awardee must provide a project employment and local impact report detailing:</u>

    a. The number of contractors and subcontractors working on the Project;
    b. The number of workers on the Project hired directly and those hired through a third party;
    c. The wages and benefits of workers on the Project by classification; and
    d. Whether any of the reported wages are at rates less than those prevailing.

75. How will awardees need to comply with Build America, Buy America (BABA) provisions?

A waiver was approved for recipients of BEAD funds. NTIA's BABA waiver for the

BEAD Program requires certain equipment be produced in the U.S., while waiving the domestic manufacturing requirement for other equipment. These BABA requirements will affect a range of stakeholders who will be responsible for demonstrating compliance and reporting. For more details see NTIA's Build America, Buy America webpage.

The Department of Commerce (DOC) hosts a BEAD BABA 'Self-Certification' list, which manufacturers can, at the risk of penalty, certify that certain equipment they produce meets the domestic manufacturing requirements described in the BEAD BABA waiver. More information on the Self-Certification list can be found at that Office of Acquisition Management Build America Buy America page.

76. How long is the Federal Interest Period for BEAD facilities?

Per the NTIA Policy Notice "Tailoring the Application of the Uniform Guidance to the BEAD Program", the Federal interest period will continue for 10 years after the year in which the subgrant for a project has been closed out in accordance with 2 CFR 200.344.

Permitting and National Environmental Policy Act (NEPA) Review

77. Do all permitting requirements need to be completed when an application is submitted?

No, but applicants should be evaluating potential environmental and historical impacts and permitting jurisdictions before submitting applications to ensure they adequately budget for such costs as part of their proposed project. After awards are finalized and approved by NTIA, a comprehensive analysis of environmental impacts as required by NEPA must be conducted, along with a description of how the applicant will comply with requirements and obtain all permits and approvals. NTIA may require surveys (as mentioned in the BEAD General Terms and Condition s as a pre-award expense) to occur prior to the project being deemed NEPA compliant. The NEPA process must be completed by the Commission and NTIA before a grant agreement is signed and any construction of the project begins.

78. What role do state, county and local government have in helping with permitting for BEAD projects?

For projects in your area, state agencies and county and local governments can assist applicants by providing information about what permits will be required. Government officials can provide information on sensitive resources (wetlands, streams, endangered species, etc.) to the applicant. Government officials can also share publicly available

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mapping information to inform applicant's decision making. While state government is responsible for much of the environmental permitting projects will require, applicants should also check with local and county governments about applicable permitting regulations.

79. NEPA review can be a time-consuming process. How are NTIA and the PSC working to address this known barrier?

NTIA has provided resources for potential applicants which can you find here: https://broadbandusa.ntia.gov/assistance/permitting

Particularly helpful for planning stages is the Permitting and Environmental Mapping Tool, designed to help federal broadband grant recipients and subgrantees identify and understand the types of permits they will need and plan routes for their potential broadband deployments.

NTIA has also announced a set of broadband-specific categorical exclusions that may apply to certain projects, which would result in a quicker review. There are 36 categorical exclusions that could be applied to a project. A categorical exclusion is an outcome of NEPA; projects deemed categorically excluded still undergo a NEPA Review. Furthermore—even if a project qualifies for a categorical exclusion—if it may impact a sensitive resource, NTIA and PSC may decide to conduct a more thorough review in the form of an Environmental Assessment. The BEAD Categorical Exclusions can be seen in the Appendix of the following document: Guidance on NTIA National Environmental Policy Act Compliance.

NTIA has made the Commission a joint lead agency for NEPA reviews, meaning that the Commission has hired dedicated staff to perform NEPA reviews, and prepare NEPA documents before submitting them to NTIA for review and approval. To more efficiently gather necessary information and documents, the Commission is developing an Environmental Impacts and Documentation Screening Packet that each awardee will be required to complete for each project. The packet is currently in development.

The Commission continues to seek guidance from NTIA as it works to further develop processes for federal NEPA reviews. If you have additional questions, please email: PSCBEADGrants@wisconsin.gov.

80. Does completing NEPA review exempt awardees from other federal, state or local-level permits or requirements?

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No, BEAD awardees should be prepared to correspond with all appropriate federal, state and local permitting agencies before beginning project implementation. Even though the Commission does not hold permit authority over wetlands, waterways, stormwater management, state/county highways, or coastal management zones, the Commission is working with other federal and state agencies to ensure that BEAD-funded projects are compliant with these regulations at the state and the federal level. The Commission is not responsible for ensuring other permits are received by awardees; the onus falls to the awardee.

There also may be county or municipality specific permits needed to complete BEAD projects. Check in early and often with the appropriate county and municipal officials to ensure permitting compliance.

81. What types of environmental impacts will be considered as part of the NEPA review process?

In addition to a detailed project description, ground-level and aerial images of the proposed project area, and plan drawings and maps, NTIA requires every project to consider:
- Floodplains
- Wetlands
- Waterways
- Historic Resources (including Tribal Historic Resources)
- Endangered Resources

This list may change depending on the scope of the project, location, and surrounding environmental occurrences. The BEAD NEPA requirements will be addressed in the Environmental Impacts and Documentation Screening Packet currently being drafted by Commission staff.

82. Where can I learn more about NEPA for BEAD?

Subgrantees can use the following links to learn more about the NEPA process for BEAD:
- NTIA BEAD Program Webpage
- National Environmental Policy Act—Council on Environmental Quality
- If you have additional questions, please email: PSCBEADGrants@wisconsin.gov

Other BEAD Requirements

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83. Does an applicant need to submit their required Cyber Security Risk Management Plan during the subgrantee selection process?

No. Following the subgrantee selection process, as a part of the Post-Preliminary Award Submission Requirements, entities that have received a preliminary award will have to attest that they either (1) have a cybersecurity risk management plan operational (if currently providing service), or (2) that they have a plan can be operationalized upon providing service to end users.

The plan must: (1) meet the National Institute of Standards and Technology (NIST) Framework 2.0 for Improving Critical Infrastructure Cybersecurity; (2) be reevaluated and updated on a periodic basis and as events warrant; and (3) submitted to the Commission prior to execution of a grant agreement.

See page 70 of the BEAD NOFO for further details.

84. Does an applicant need to submit their required Supply Chain Risk Management (SCRM) Plan during the subgrantee selection process?

No. Following the subgrantee selection process, as a part of the Post-Preliminary Award Submission Requirements, entities that have received a preliminary award will have to attest that they either (1) have a SCRM plan operational (if currently providing service), or (2) that they have a plan can be operationalized upon providing service to end users.

The plan must: (1) align with the NIST IR 8276 documentation, and NIST 800-161 documentation, and other related SCRM guidance from NIST; (2) be reevaluated and updated on a periodic basis and as events warrant; and (3) submitted to the Commission prior to execution of a grant agreement.

See page 70 of the BEAD NOFO for further details.

85. When does the proposed network plan that must be certified by a professional engineer need to be submitted?

The network design, diagram, project costs, build-out timeline and milestones for project implementation that are all certified by a professional engineer will be submitted following the close of the subgrantee selection as a part of the Post-Preliminary Award Submission Requirements.

See page 74 of the BEAD NOFO for details, as well as the conditional programmatic

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waiver issued by NTIA which waives the requirement that prospective subgrantees also submit 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".

86. **What are the requirements for the public awareness campaigns and marketing of low-cost service options?**

In the Letter of Intent process, eligible applicants attested to the requirements of the low-cost service option, which includes marketing the availability of service, the low-cost plan offering, and any federal subsidies for low-income households (i.e. the Lifeline Program). Entities will be required to submit their public awareness and marketing campaign plans as a part of the Post-Preliminary Award Submission Requirements following the subgrantee selection process. Subgrantees must utilize a variety of communications media (e.g., online, print, radio) and provide information in languages other than English when warranted based on the demographics of the community.