

**Before the
National Telecommunications and Information Administration
Department of Commerce
Washington, DC 20230**

In the Matter of)	
)	
Infrastructure Investment)	Docket No. 220105–0002
And Jobs Act Implementation)	
)	
)	

COMMENTS OF THE UTILITIES TECHNOLOGY COUNCIL

The Utilities Technology Council (“UTC”) hereby responds to the Notice and Request for Comment by the National Telecommunications and Information Administration (“NTIA”) in the above-referenced docket.¹ UTC’s comments focus on the Broadband Equity, Access and Deployment program (“BEAD”) and the Middle-Mile Broadband Infrastructure Grant program (“MMBI”), and UTC supports NTIA’s implementation of these programs to promote investments in future-proof broadband technologies for broadband projects in unserved and underserved areas by electric utilities, including investor-owned utilities, electric cooperatives and public power utilities, as well as public utility districts. UTC also supports NTIA’s implementation of the Digital Equity Planning Grant program and the development of digital equity plans by states in coordination with local governments.

By providing state and local government grantees flexibility and ensuring that electric utilities are eligible to access broadband funding consistent with the express language in the Bipartisan Infrastructure Law (“BIL”), NTIA will accelerate broadband deployment. At the same time, by investing in broadband projects that use future-proof technologies, NTIA will

¹ *Infrastructure Investment and Jobs Act Implementation*, National Telecommunications and Information Administration, Docket No. 220105–0002, 87 Fed Reg. 1122 (hereinafter “Request for Comment”).

ensure that all Americans have access to broadband networks with sufficient capacity to meet increasing demands for faster speeds now and in the future. Broadband access is essential to our everyday lives, but it's just as important to ensure that broadband is affordable, reliable, and secure. Promoting middle-mile broadband deployment will help to reduce the cost of providing broadband services over last mile networks, which in turn should promote affordability. Moreover, by providing preferences for broadband networks that meet additional criteria -- including lower latency, greater reliability and stronger security -- NTIA will ensure that Americans enjoy access to high quality broadband services that are necessary to promote economic growth, improve health care, and enhance educational opportunities today and tomorrow.

I. Introduction and Overview

UTC is the international association for the telecommunications and information technology interests of electric, gas, and water utilities, pipeline companies and other critical infrastructure industries. Established in 1948 and based in Arlington, Virginia, UTC has independent operating units in Europe, Africa, and South America. UTC's members include large investor-owned utilities who may serve millions of customers across multi-state service territories, as well as smaller rural electric cooperative and public power utilities who may serve only a few thousand customers in remote areas or isolated communities. UTC has proudly advocated on behalf of utilities for almost 75 years, and it is the only trade association whose members include all kinds of utilities, pipeline companies, and other critical infrastructure industries.

All of UTC's members own and control extensive private internal communications networks that they use to support the safe, reliable, and secure delivery of essential energy and

water services. These private internal communications systems include wireless and wireline networks, and these networks are designed, built and maintained to extremely high standards for operational reliability and resiliency. These high standards for reliability and resiliency are necessary because utilities must communicate with personnel and remotely control and monitor equipment across all their operations, even in remote areas where commercial communications services may not be available and especially after hurricanes and other natural disasters when the power may go out and utilities are restoring service. Utility communications systems typically remain operational long after commercial communications systems are knocked out by storms, and they reach many areas where there is no signal from a commercial communications network or these commercial networks are otherwise rendered unavailable by congestion from high traffic during emergencies.

Any interruption of these communications systems can result in power outages and dangerous conditions that threaten the safety of personnel who are working on utility infrastructure and the public who depend on these essential services that utilities provide. These communications networks also support utility automation systems, which not only help crews to restore service faster but are capable of avoiding outages from occurring by rerouting power when there is a fault. They are also a key component in promoting clean energy and supporting new energy demands and resources, such as solar, wind, tidal, and geothermal distributed energy resources and electric vehicles. They provide critical communications pervasively across transmission and distribution networks that enable utilities to continuously balance the flow of electricity, gas, and water; otherwise, power quality and gas and water pressure may fall below or above acceptable levels, leading to brown outs or overloads that can place worker and public safety at risk.

While utilities use communications primarily to support their core energy and water operations, increasingly utilities are using communications to support broadband access, particularly in otherwise unserved and underserved areas of the country. There is a success story of community service and leadership. Responding to desperate pleas for access to broadband from the communities they serve – including in many cases the very members who actually own the electric cooperative or the residents who support the municipal utility – utilities have deployed state-of-the-art fiber-to-the-home and middle-mile fiber networks in areas where commercial communications providers refused to go or were discontinuing service or simply letting their networks fall into disrepair resulting in *de facto* discontinuance of service.

Utilities realized that making a one-time investment in future-proof technologies ensured that their communities would have access to robust, reliable, and affordable broadband service. They also realized that these investments were good for the utility, not only by supporting smart grid and other improvements to energy and water services, but also for the economic growth of their communities which they are committed to serve. Utilities also understood that they were uniquely positioned to provide broadband to these communities, not only because of their existing infrastructure but also because many of these utilities were based locally, where they could effectively deploy networks and provide services in economically sustainable and affordable ways that the big commercial communications service providers could not. Moreover, the deployment of fiber networks was increasingly considered a natural extension of their core utility infrastructure.

What started with a handful of utilities in various parts of the country has now evolved into an industry-wide movement across the country, and the utilities who made the decision to deploy these networks pre-pandemic are now realizing how right they were to do it. They also

recognize that broadband is an essential service in much the same way that electricity, gas, and running water became essential services over a hundred years ago. All types of utilities – electric cooperatives, municipal utilities and most recently investor-owned utilities are deploying broadband networks.²

Moreover, the benefits of broadband to their communities have promoted economic growth, improved education, and revolutionized health care opportunities, stemming population declines in rural areas that were taking place all across the country for the first time in our nation’s history and improving the quality of life for people to live near the rest of their families and work and learn from home in suburban and urban communities, as well as rural areas. It also has led to entirely new business opportunities for utilities as well, related to precision agriculture, wireless collocation and data centers. In sum, broadband has been a win-win for everyone, and investing in future-proof technologies has paid off in a variety of ways, often faster than expected and many times with unanticipated benefits and wonderful human-interest stories along the way.³

With that as background, UTC is pleased to provide its comments in support of NTIA’s Notice and Request for Comment, and we applaud the NTIA for its outreach to utilities and others who want and need funding to provide broadband access and affordability as well as

² “Biden’s Infrastructure Plan Gets it Right, Electric utilities are key partners in solving the Digital Divide.”, T&D World, May 14, 2021, available at <https://www.tdworld.com/overhead-distribution/article/21164007/bidens-infrastructure-plan-gets-it-right-on-broadband>.

³ See “Unlocking the Value of Broadband for Electric Cooperative Consumer-Members” National Rural Electric Cooperative Association, Sept. 2018, available at https://www.electric.coop/wp-content/uploads/2018/09/Unlocking-the-Value-of-Broadband-for-Co-op-Consumer-Members_Sept_2018.pdf https://www.electric.coop/wp-content/uploads/2018/09/Unlocking-the-Value-of-Broadband-for-Co-op-Consumer-Members_Sept_2018.pdf (finding that “Over a 20-year period, the estimated loss in consumer-member value due to lack of broadband deployment to electric cooperative areas is more than \$68 billion. In contrast, the projected deployment cost of expanding broadband to these areas is approximately \$40 billion.”)

education and training to provide people with the skills to build and use broadband networks to their fullest benefits. As important as broadband has become to our everyday way of life, it is still challenging to deploy broadband in high-cost areas where customer density tends to be limited. So, funding to offset the high cost of deployment is necessary. Moreover, access is one thing, quality affordable broadband is another. So, it's also important to invest wisely in technologies that will scale to meet increasing demands for faster speeds without needing forklift changes to the network every time additional capacity is necessary. Finally, many times the cost of backhaul can render projects cost prohibitive, and so middle-mile infrastructure is key to connecting unserved areas with those areas that are served.

Congress recognized these factors, and when it provided funding for the BEAD program it required broadband subgrantees to adhere to quality-of-service standards (as established by the Assistant Secretary of NTIA) and comply with prudent cybersecurity and supply chain risk management practices, as well as incorporate best practices (as defined by the Assistant Secretary of NTIA) to ensure reliability and resilience of broadband infrastructure. Moreover, it directed NTIA to prioritize funding to projects based on, among other things, the speeds of the proposed broadband network, which must provide at least 100 megabits per second for downloads and 20 megabits for uploads (*i.e.*, 100/20 Mbps), meet low-latency requirements, and not exceed on average more than 48 hours of outage time per year.⁴ It also required broadband subgrantees to offer at least 1 low-cost broadband service option for eligible subscribers.⁵ Similarly, when it included funding for the MMBI, it explained that the purpose was to “reduce the cost of connecting unserved and underserved areas to the backbone of the internet

⁴ See *BIL* Section 60102(h)(1)(A)(iv) and (4)(A).

⁵ See *BIL* Section 60102(h)(4)(B).

(commonly referred to as the “last mile”); and to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.”⁶ Congress’s intent was unmistakably clear; promote the deployment of broadband infrastructure that would scale to meet increasing demands for capacity and speed, as well as meet other quality of service requirements, such as latency, reliability and affordability.

Utilities are already deploying broadband infrastructure to unserved and underserved areas, providing broadband services and middle-mile facilities to connect the communities they serve and provide people with robust, reliable, and affordable broadband they need to attract investment to their communities, create opportunities for economic growth and better paying jobs, as well as advancements in health care and education, including telemedicine and remote learning. Although they are leading the way to bridge the digital divide and fill the homework gap, utilities need government funding to accelerate broadband deployment so that more people can get access to better broadband services sooner, whether it is from a utility that provides broadband service itself or a third-party ISP that relies on utility middle-mile broadband infrastructure. Utilities can help NTIA achieve the goal of promoting broadband access to all Americans, including those in areas that are currently unserved and underserved with access to robust, reliable, and affordable broadband.

UTC urges NTIA to promote opportunities for utilities to be able to access funding through the BIL programs to achieve the goal of providing high quality affordable broadband access to all Americans. Given the progress they have already made and their potential to promote broadband access even further, UTC believes that utilities represent one of the most

⁶ See *BIL* Section 60401(b)(1)(A)-(B).

important single solutions to ensure that BIL broadband programs meet their goals with respect to access, adoption, affordability, digital equity and digital inclusion.⁷ In that regard, UTC supports NTIA’s efforts to ensure that all potential subrecipients including electric utilities have meaningful and robust opportunities to partner and compete for funding under the BIL broadband programs.⁸ Therefore, UTC looks forward to working with NTIA as it implements the BEAD and the MMBI programs, as well as the Digital Equity Planning Grant program and it is pleased to provide the following comments in response to NTIA’s questions posed in its Notice and Request for Comment.

II. Broadband Equity, Access and Deployment (BEAD) Program

In the Notice, NTIA requests comment on certain issues related to the Broadband Equity, Access and Deployment program. In four broad areas, it asks how to: 1) to ensure that publicly funded broadband networks are sustainable and able to scale;⁹ 2) allocate and use the funds to achieve universal, reliable, and affordable high-speed broadband;¹⁰ 3) ensure strong partnerships between state, local and Tribal governments;¹¹ and 4) address affordability, including requiring providers to offer a low-cost broadband service option.¹² Importantly, it asks specifically about the requirements and guidance it should provide and the criteria it should use to ensure certain

⁷ See Notice, 87 Fed. Reg. at 1123, ¶1 (asking “what are the most important steps NTIA can take to ensure that the Bipartisan Infrastructure Law’s broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion.

⁸ *Id.* at 1124, ¶7 (asking “[h]ow can NTIA ensure that all potential subrecipients, including ...electric utilities have meaningful and robust opportunities to partner and compete for funding under the [broadband] programs?”)

⁹ *Id.* at ¶¶13-15.

¹⁰ *Id.* at 1125, ¶¶16-18.

¹¹ *Id.* at ¶¶19-21.

¹² *Id.* at ¶¶22-24.

quality of service characteristics, such as reliability and availability, cybersecurity, resiliency, latency, sustainability, and upgradability.¹³ It also recognizes that the BIL provides that BEAD funding can be used in a variety of ways, and it asks what additional uses should NTIA deem eligible for BEAD.¹⁴

A. NTIA Should Promote the Deployment of Broadband Networks and Services That Are Sustainable, Scalable, Robust, Reliable, Secure and Affordable in Coordination with States and Local Communities.

In response to the four broad areas of inquiry identified in the Notice, UTC underscores the importance of ensuring sustainability and scalability; and it urges NTIA to allocate and use the funds for future-proof broadband infrastructure that is also reliable and secure; and ensure community engagement so that local perspectives are considered to select broadband providers who will offer high-quality services that are affordable. Scalability and sustainability are key factors when making investments in broadband networks, because consumer demand for broadband speeds is increasing exponentially, as the number of connected devices continues to increase and the bandwidth of the applications such as video also increases. The NTIA must ensure that the investments that are made in broadband under the BIL are allocated and used to support broadband projects with future-proof technologies. It does not make economic sense to invest in technologies that are quickly obsolete, too expensive to upgrade, unreliable or insecure. Finally, UTC supports community engagement when making broadband investments, because local communities are positioned to accurately identify where they lack broadband and determine what services they need.

¹³ *Id.* at 1124, ¶13.

¹⁴ *Id.* at 1125, ¶18.

As explained above, utilities typically deploy fiber based broadband networks that are easily scalable and sustainable to meet increasing bandwidth requirements. Speed matters and so does sustainability and scalability of broadband networks, which was recognized by Congress in the BIL, which requires that broadband providers offer speeds of 100/20 Mbps.¹⁵ By comparison, some utilities offer the fastest broadband services in the country, topping 10 gigabits/second, and almost all utilities offer gigabit services that are affordably priced below \$100/month.¹⁶ Other utilities who provide middle-mile infrastructure, also use fiber-based networks with ample capacity to scale and sustain third-party ISPs to provide broadband services with 100/20 Mbps to consumers. As such, utilities deploy broadband networks and provide broadband services that meet or exceed the speeds that Congress required and which are easily scalable to sustain increasing demand for higher speeds.

As also explained above, utilities design, build and maintain their communications networks to extremely high levels of reliability and security, and low levels of latency, and these characteristics are essential for broadband networks and services. Moreover, the importance of reliability of broadband services should also be underscored and it is recognized in the BIL, which requires broadband providers to maintain reliability of 48 hours or less network downtime over a 365-day period.¹⁷ By comparison, utility requirements for communication network reliability and availability are typically 99.999 percent or better, which means network outages are less than 5 minutes and 15 seconds of downtime per year. Similarly, the importance of latency of broadband services should also be underscored and is recognized in the BIL, which

¹⁵ See *BIL* at Section 60102(4)(A)(i)(I).

¹⁶ See e.g. EPB Fi-Speed Internet, available at <https://epb.com/>; and see Cedar Falls Utilities, available at <https://www.cfu.net/tv-internet/shop-plans/internet> (offering 10 GB speeds for approximately \$100/month).

¹⁷ See *BIL* at Section 60102(4)(A)(i)(III).

requires broadband providers to maintain low-latency service that will allow reasonably foreseeable, real-time interactive applications.¹⁸ Generally, 100 milliseconds of latency will ruin interactive applications. By comparison, utility requirements for latency are 40 milliseconds or less for mission critical communications applications, such as voice services, SCADA and protective relaying. Finally, security of broadband networks must be maintained, and utilities maintain their communications networks for high levels of security precisely because they acutely understand the importance of preventing cybersecurity vulnerabilities to critical infrastructure, which is reflected by and enforced through mandatory standards that electric utilities must follow for critical infrastructure protection. The numbers and the facts speak for themselves, and they reflect the fact that utilities deploy broadband networks and provide broadband services that will easily meet and exceed the requirements for reliability and latency Congress established in the BIL for BEAD broadband provider recipients, as well as provide the security that is needed to protect against cybersecurity vulnerabilities.

B. BEAD Requirements and Guidance and Criteria for Assessing Plans Should Promote the Deployment of Broadband Networks that Exceed Minimum Threshold Requirements for Speed, Reliability, and Latency, and Permit BEAD Funding for Middle-mile Broadband Infrastructure.

Accordingly, UTC provides the following recommendations in response to NTIA's specific questions regarding BEAD requirements, guidance and assessment criteria, as well as additional uses that NTIA should deem eligible for BEAD. NTIA should provide requirements and guidance and use criteria for assessing plans that should promote the deployment of broadband networks capable of providing speeds necessary five, ten and twenty years from now,

¹⁸ *Id.* at Section 60102(4)(A)(i)(II).

and provide levels of reliability, latency, and resiliency that exceed the Act’s requirements.¹⁹ One way that NTIA could promote these characteristics would be by giving greater weight or priority to projects that provide capabilities that exceed the thresholds required under the BIL. Second, NTIA should expressly determine that middle-mile infrastructure is eligible for BEAD funding because it is necessary to facilitate the goals of the program. This will provide clarity to state and local governments, and it is appropriate to fund middle-mile infrastructure using BEAD because it is essential for enabling “unserved service projects and underserved service projects” and it will help to reduce the cost of providing last mile broadband services, thereby promoting affordability of broadband services.²⁰ In areas that lack access to middle-mile broadband infrastructure, unserved or underserved areas may not be able to support the deployment of last mile broadband networks and services. Alternatively, if backhaul is available but too expensive to support sustainable last mile broadband networks and services, lack of alternative middle-mile broadband infrastructure may render last mile broadband projects cost prohibitive to operate. Finally, it makes sense to fund middle-mile infrastructure using BEAD; otherwise, investments in last mile networks will go to waste if the last mile network is orphaned without any interconnection point to the Internet.

III. Implementation of Middle Mile Broadband Infrastructure (MMBI) Grant Program

In the Notice, NTIA requests comment on certain issues related to the Middle Mile Broadband Infrastructure grant program. Specifically, NTIA asks how to ensure middle-mile investments are appropriately targeted to areas where middle-mile is nonexistent or relatively

¹⁹ See Notice at 1125, ¶15 (requesting comment on the speeds, throughput, latencies, or other metrics required to fully connect all Americans to meaningful use over the next five, ten or twenty years).

²⁰ See BIL Section 60102(f) (providing that grant funds may be used for unserved service projects and underserved service projects, as well as any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.)

expensive. Similarly, it invites comment on the extent middle-mile grants should be targeted to areas in which middle-mile facilities exist but cannot economically be utilized by providers that do not own them; and whether middle-mile funds should be targeted to areas where interconnection and backhaul costs are impacted by a lack of competition or other high-cost factors.

A. Middle-mile Funding Should Focus on Connecting Unserved and Underserved Areas Where Backhaul is Unavailable, Poor Quality or Too Expensive to Support Last Mile Broadband Networks and Sustainable and Affordable Services; and State and Local Governments Should be Provided Flexibility Regarding Whether and Where to Fund Middle-mile Infrastructure.

UTC recommends that NTIA focus middle-mile infrastructure on connecting unserved/underserved areas to served areas, and that it should also target funding for middle-mile infrastructure where existing backhaul is poor quality or too expensive. UTC also supports providing state and local governments with significant flexibility to determine whether and where to fund middle-mile broadband infrastructure. As explained above, state and local governments are positioned to know where broadband is available in their areas, and they are also positioned to know where middle-mile broadband infrastructure is available and whether it is sufficient to support quality broadband and/or too expensive for last mile broadband networks to provide services that are affordable. On that point, it makes perfect sense to target funding to areas where middle-mile facilities exist, but cannot economically be utilized by providers that do not own them and/or where interconnection and backhaul costs are impacted by a lack of competition or other high-cost factors. Again, UTC recommends providing state and local governments with flexibility to make determinations regarding these factors when deciding whether and where to fund middle-mile broadband infrastructure.

B. Middle-mile Infrastructure Should Leverage Existing Facilities, Rights of Way and Poles, Conduit and Other Infrastructure to Accelerate Broadband Access, But NTIA Should Not Impose Open Access Requirements or Shift Costs to Utilities.

NTIA also requests comment on its implementation of the provisions within the BIL which set out a range of considerations governing NTIAs assessment of proposals seeking middle-mile funding including improving affordability, redundancy, and resiliency in existing markets, leveraging existing rights of way, assets, and infrastructure, and facilitating the development of carrier-neutral interconnection points. It also asks for comment on whether and to what extent it should impose requirements on federally funded middle-mile projects with respect to placement of splice points and access to those splice points. Finally, it asks for comment on how the MMBI program should leverage existing middle-mile facilities, access to rights of way, poles, conduit, and other infrastructure and capabilities that are owned operated or maintained by traditional and non-traditional providers (public and investor-owned utilities, grid operators, co-ops, academic institutions, cloud service providers, and others) to accelerate the deployment of affordable, accessible, high-speed broadband service to all Americans.

Consistent with the BIL, UTC recommends that NTIA provide priority to projects that leverage existing rights-of-way, assets and infrastructure to minimize financial, regulatory and permitting challenges. Utilities often have existing fiber and assets that can be used to support broadband and can be leveraged to promote broadband access to unserved and underserved areas. Moreover, utility communications infrastructure is designed, built and maintained to high standards for reliability and resiliency, including network redundancy, backup power, diverse routing and other forms of network hardening. Indeed, utility communications networks typically weather severe events or are more quickly restored to service than commercial communications networks.

Although UTC agrees that projects should leverage middle-mile broadband infrastructure, UTC does not support open access requirements on middle-mile broadband infrastructure and it opposes shifting costs to utilities, as described below. Leveraging utility infrastructure can promote broadband access by accelerating network deployment for last mile broadband services, which UTC supports. In addition, non-discriminatory access to middle-mile broadband infrastructure provides for carrier-neutral interconnection of different last-mile projects to the middle-mile, yet it allows the fiber owner to maintain control over the use of the fiber, which is important for utilities due to concerns about security and reliability.²¹ By contrast, UTC opposes open access requirements because they would potentially compromise security and reliability, although open access may be appropriate for some last-mile deployments (and indeed some utilities do operate broadband networks on an open access basis). Finally, the use of utility infrastructure cannot and should not impose costs on or shift costs to electric ratepayers or burden electric utility operations, including non-cost burdens that would require utilities to divert personnel and resources from supporting core utility operations. In that regard, it is important for NTIA to observe that Congress expressly recognized the need to protect utility ratepayers by stating that a regulated utility should use grant funds “as a supplement to the core utility capital investment plan of the regulated utility.”²²

²¹ See Notice at 1126, ¶26 (asking for comment whether NTIA should impose requirements on federally funded middle-mile projects with respect to placement of splice points and access to those splice points, or other requirements regarding the location or locations at which a middle-mile grantee must allow interconnection by other providers),

²² See *BIL* at Section 60401(b)(2)(B).

C. All Types of Utilities Are Deploying Middle-mile Broadband Infrastructure, Providing Benefits to the Communities they Serve.

Last but not least, NTIA asks for comment about examples of successful deployments and/or benefits provided by non-traditional providers, as well as whether NTIA should place scalability requirements on middle-mile grant recipients to ensure that capacity needs in the middle-mile network core grow to keep pace with network demands.²³ There are numerous examples of successful middle-mile deployments by utilities that have provided significant benefits. Major investor-owned utilities, including Alabama Power, Appalachian Power, and Dominion Resources have deployed middle-mile networks in unserved and underserved areas, and these networks have helped to provide broadband access through partnerships with unaffiliated ISPs and electric cooperatives.²⁴ Entergy has also partnered with C-spire to promote broadband in Mississippi.²⁵ Similarly, electric cooperatives and municipal utilities have deployed middle-mile networks in Georgia and Arkansas, which are also helping to promote broadband access into areas that would have been otherwise unserved or underserved.²⁶ These

²³ See Notice at 1126, ¶¶35-36 (asking “[a]re there examples of successful deployments and/or benefits provided by non-traditional providers to highlight?” and asking “[w]hat scalability requirements, if any, should NTIA place on middle-mile grant recipients?”)

²⁴ See Alabama Power Rural Programming, available at <https://www.alabamapower.com/smart-energy/evolving-communities/connectivity/rural-programming.html>. See also Alabama Power Fiber, available at <https://www.alabamapower.com/smart-energy/emerging-technology/fiber.html>. See David Kovalski, “Appalachian Power to provide broadband connectivity to rural Virginia” Daily Energy Insider (May 18, 2020), available at <https://dailyenergyinsider.com/news/25531-appalachian-power-to-provide-broadband-connectivity-to-rural-virginia/>. And see News Release, “Commission approves broadband infrastructure expansion project plan for Logan, Mingo counties” Appalachian Power, available at <https://www.appalachianpower.com/company/news/view?releaseID=6146>. See also Dominion Energy Rural Broadband Project, available at <https://www.dominionenergy.com/projects-and-facilities/electric-projects/rural-broadband-program#:~:text=Dominion%20Energy%20and%20All%20Points%20Broadband%20have%20announced,900%20currently%20unserved%20locations%20in%20King%20William%20County>

²⁵ “C Spire, Entergy build \$11M fiber project to serve rural Mississippi” Fierce Telecom, Dec, 19, 2019, available at <https://www.fiercetelecom.com/telecom/c-spire-entergy-build-11m-fiber-project-to-serve-rural-mississippi>.

²⁶ See Diamond State Networks, available at <https://www.diamondstatenetworks.com/>. See also North Georgia Network, available at <http://ngn.coop/>. See “Broadband: Co-op Case Studies” National Rural Electric Cooperative

are just some of the many examples where all types of utilities – investor-owned utilities, electric cooperatives, and public power utilities – are providing middle-mile broadband infrastructure to promote broadband access to the communities they serve, which provides economic growth, better health care and improved educational opportunities, just to list some of the many benefits of broadband.

IV. Implementation of the Digital Equity Act of 2021

In the Notice, NTIA asks for comment on certain issues specific to the Digital Equity Planning Grant Program. In particular, it asks what best practices NTIA should require of states in building Digital Equity Plans, and what are the most effective digital equity and adoption interventions states should include in their digital equity plans, as well as what evidence of outcomes exist for those solutions. It also asks what NTIA should provide to the states in terms of technical assistance, support, data, or programmatic requirements to produce State Digital Equity Plans that fully address gaps in broadband adoption, promote digital skills, advance equitable access to education, healthcare and government services and build information technology capacity to enable full participation in the economy for covered populations. Importantly, it recognizes that BEAD also includes equity as one of its goals, and it asks how NTIA should ensure that State Digital Equity Plans and the plans created by the states and territories for the BEAD program are complementary, sequenced, and integrated appropriately to address the goal of universal broadband access and adoption. Finally, NTIA invites comment broadly on digital equity coordination requirements between states and historically marginalized

Association, Feb. 19, 2020, available at <https://www.cooperative.com/programs-services/bts/Pages/Broadband-Co-op-Case-Studies.aspx>.

and disadvantaged groups, as well as coordination between states and territories with local governments and other political subdivision in developing State Digital Equity Plans.

A. UTC Supports the Development of Digital Equity Plans in Coordination with NTIA, State and Local Governments and Utilities.

UTC supports NTIA's efforts regarding the implementation of the Digital Equity Act of 2021 in general and regarding the implementation of the Digital Equity Planning Grant Program specifically. Many of the utility broadband deployments are located in areas with individuals in low-income households, as well as veterans, individuals with disabilities, individuals with a language barrier, individuals who are members of a racial or ethnic minority group, and individuals who primarily reside in rural areas. Moreover, utilities are interested in deploying broadband in those areas to help these individuals and improve their communities, which tend to be rural and persistently below the poverty line. As states and territories develop their digital equity plans, utilities are interested in engaging with them to support the goals of the BIL to promote broadband access that is affordable to these individuals and groups. UTC would welcome the opportunity to interface with NTIA, states and territories and local government to assist with coordination with utilities to promote the implementation of the Digital Equity Planning Grant Program.

V. CONCLUSION

UTC supports NTIA as it implements the BEAD and the MMBI, as well as the Digital Equity Planning Grant program. In order to support the BIL's goals of promoting broadband access and affordability to all Americans, UTC urges NTIA to provide eligibility for electric utilities, consistent with the express language within the BIL. Moreover, UTC urges NTIA to provide state and local governments with flexibility to determine whether and where broadband funding should be provided, both in terms of middle-mile infrastructure and last mile broadband

networks. It also supports allowing BEAD to provide funding for middle-mile as well as last mile broadband infrastructure. Finally, it supports leveraging existing infrastructure and rights of way to promote broadband access, but it opposes requirements that would impose open access or shift costs onto utilities that provide third parties to use their infrastructure. UTC looks forward to working with the NTIA, as well as state and local governments, particularly as they develop their Digital Equity Plans.

Respectfully,

UTILITIES TECHNOLOGY COUNCIL

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